

APPLICATION NO.	P13/V2428/FUL
APPLICATION TYPE	FULL
REGISTERED	8 November 2013
PARISH	North Hinksey
WARD MEMBER(S)	Debby Hallett Emily Smith
APPLICANT	Saxonville Ltd
SITE	34 North Hinksey Lane, Oxford, OX2 0LY
PROPOSAL	Demolition of existing dwelling; erection of seven dwellings comprising two x 3-bed dwellings (2 storey) and five x 2-bed flats (within 3 storey building); New access from North Hinksey Lane; 14 car parking spaces; cycle parking spaces; refuse storage; and landscaping (As amended by letter dated 17 November 2015 and accompanying plans - amendment to 26 August 2015 submission)
OFFICER	Cathie Scotting

SUMMARY

1.0 INTRODUCTION

- 1.1 The proposed development has undergone several amendments since the first application was submitted in November 2013. The current submission is described in detail below, together with a summary of the differences from the previous schemes. The report refers to all the responses received however the discussion on planning considerations in section 6 concentrates on the final revisions submitted November 2015.

2.0 PROPOSAL

- 2.1 The site is within North Hinksey, a village on the edge of Oxford. A location plan is **attached** at appendix 1. The site is a residential plot, comprising a detached property incorporating a single side extension to the boundary with 18 Yarnells Road, which also has a single storey side extension to the mutual boundary. The existing dwelling has been part demolished.
- 2.2 The existing site has a notable change in levels rising by approximately 5.5m from the North Hinksey Lane frontage to the rear of the site. There is also a change in levels across the site from south east to north west at around 0.5m. Within the site are a few trees particularly along the boundary with No 36 North Hinksey Lane. A close boarded fence lies along the boundary with No 32 North Hinksey Lane and 18 Yarnells Road. The rear boundary with No. 16 Yarnells Road has a close boarded fence and there are coniferous trees within the garden of No. 16 although this boundary is now fairly open.
- 2.3 The current proposal is for two 2 storey (3 bed) houses on the frontage of the plot and five 2 bed flats within a 3 storey building at the rear of the plot, a total of seven dwellings. The site is about 20.8 m wide x 78.6m long (taken midpoint). All of the buildings are to be sunk into the ground involving significant excavation works. The scheme is shown on drawings P21d, P22f, P23f, P24f and P26 **attached** at appendix 2.
- 2.4 The site is laid out so that access is taken midpoint on the North Hinksey Lane frontage. A proposed two storey house lies either side of the access, incorporating

front garden areas with planting. Enclosed rear gardens are situated to the rear of the dwellings. Further into the site and behind the rear gardens of the houses, 14 car

parking spaces are laid out either side of the driveway including two spaces at the head of the driveway. Either side of the rearmost car parking spaces are a bin store and cycle parking. The overall length of the car parking area is 26m and the extent of this area will rise by about 2.5m. It is not proposed to level the car parking spaces and therefore each space will have a rising slant of just under 20cm across the width of the space.

- 2.5 The proposed rear flats comprise five x 2 bed units, two units each at ground and first floor and one unit on the top floor. The entrance to the building is from the front to a recessed glazed stairwell. The ground floor entrance is accessed from downward steps as the building will be lower than the parking area. The houses are accessed from the front facing North Hinksey Lane.
- 2.6 The buildings have a contemporary design, encompassing flat roofs. The finish is in brick except the top floor of the flats which is pre-finished weatherboard. The roofs of the houses have shallow sloped features on top which are elevated by a standing seam and are of a matt metal appearance. Balconies are proposed to the front of each dwelling (flats and houses) and each are solidly encased at the sides with brick. No solar panels are proposed.
- 2.7 All buildings would be sunk down from existing ground levels. The extent that the buildings would be sunk varies from front to rear as the land slopes up away from the frontage. The height of the respective buildings is described in terms of overall height, ground floor finished floor level (GF FFL) and height above ground level (GL) together with the amount of excavation required:

House 1: Overall height 6.37m from GF FFL
Distance excavated below ground level front: 0.65m
Distance excavated ground level rear: 0.53m
Height above ground level front: Height above existing GL 101.90 = 5.915m
Height above ground level rear: Height above existing GL 102.41 = 5.405m

House 2: Overall height 6.37m from GF FFL
Distance excavated below ground level front: 0.57m
Distance excavated ground level rear: 0.95m
Height above ground level front: Height above existing GL 101.55 = 5.82m
Height above ground level rear: Height above existing GL 102.47 = 4.9m

Flats 3 - 7: Overall height 8.28m from GF FFL
Distance excavated below ground level front 1.33m (midpoint in elevation)
Distance excavated ground level rear: 0.42m
Height above ground level front: Height above existing GL 105.40 = 7.2m
Height above ground level rear: Height above existing GL 101.60 = 6.97m

- 2.8 Due to the degree of excavation there will need to be retaining walls and embankments which are illustrated on the drawings. The house gardens and front amenity area to the flats will have retaining walls and the dwellings themselves will act as retaining walls. Steps are also proposed at the eastern side of the flats so that residents can access the rear of the building. It is estimated that 1088 cubic metres of solid material would need to be excavated, this bulks up to 1512m when excavated. As one lorry can carry 12 cubic metres, there will be 126 lorry movements. Assuming 5 lorry movements a day this will take 6.5 days to remove surplus material from the site (Letter dated from agent dated 26 August 2015). These matters are discussed

further under Construction Management

- 2.9 The main differences in the amended scheme is the reduction in the number and type of dwellings (ten flats to five flats and two houses) a reduction in mass of built form plus other changes in layout and design. The two front buildings having altered from four flats to two houses and each frontage building has reduced in overall depth by 1.6m from 14m to 12.4m. The entrance to the houses would be from the front facing North Hinksey Lane whereas the flats were accessed from the side off the driveway. The rear building is still 3 storey however the third storey element has reduced in width from 16m to 11m. All the parking and bin storage is to the rear of the houses to allow more frontage planting and the car parking spaces have reduced from fifteen to fourteen.
- 2.10 The merits of the scheme including the relationship to adjoining properties are discussed in Section 6.

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATION**

3.1 Below is a summary of the responses received to both the original plans and the amendments. The comments summarised below relate to the merits of the proposal and not procedural or process matters. A full copy of all the comments made can be viewed online at www.whitehorsedc.gov.uk.

3.2

<p>North Hinksey Parish Council: Current scheme</p>	<p>Object: Councillors believed that the change from flats to houses did little to address their early concerns about this application. Councillors again unanimously agreed to OPPOSE the application as they considered that the following objections raised previously have not been addressed and are therefore still applicable.</p> <p>a) The height of the proposed buildings would overlook 18 Yarnells Road and also restrict its natural light.</p> <p>b) The proposals are considered to be an over-development of the site and have an adverse impact on nearby local properties.</p> <p>c) The proposals are considered to be out of character with the local neighbourhood as they would not fit in with existing local buildings.</p> <p>d) There are inadequate onsite parking arrangements, which would inevitably mean that excess parking would have to be in North Hinksey Lane, a narrow road in regular use or Yarnells Road, a narrow private road. The Planning Committee further regrets the unwillingness of the County Council to provide further double yellow lines in North Hinksey Lane.</p> <p>e) The additional significant traffic volumes that would be created on what is already a well-used narrow road.</p> <p>j) There is insufficient on-site community space.</p> <p>g) There would be a loss of amenity, usage to the owners of 18 Yarnells Road if it was still proposed to use of the/small alleyway at the top of the site to put refuse bins out in Yarnells Road!</p> <p>h) It is understood that the previous building on-site had to be underpinned as a result of the effects of local streams in the area. It is strongly recommended that a hydro-geological survey is undertaken on-site to ensure that the works will not result in any possible damage to 18 Yarnells Road and 36 North Hinksey Lane.</p> <p>i) The grounds of the proposed development was left by the</p>
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Vale of White Horse District Council – Planning Committee – 23 March 2016

	previous owner as a well-known local wildlife area. With this in mind councillors could not understand why the developer had not undertaken a wildlife survey and would ask that the VWHDC requires that this survey is undertaken.
Parish Council – previous schemes	The parish council has objected to all previous schemes and full comments are on the website.
Neighbours	Eighty-one letters of objection have been received from 31 properties and a petition with 170 signatures.
Neighbours Nov 15 Revision - Objections	
Amendments: Little has changed-	
<p>Impact on Neighbours: Intensive use of the site and its impact on proposed residents and residents in neighbouring properties, issues of overlooking, noise, light, disturbance. Loss of light and privacy to 32 New Hinksey Lane. Overshadowing from mass of building to 18 Yarnells Road, despite reduction of the width of the top storey.</p> <p>Out of Character The flat roof constructions are completely out of character for the area, which has been repeatedly stated and there is no justification as required by the Design Guide.</p> <p>Overdevelopment: Density, size and number of dwellings is a gross overdevelopment of the single house site in large, mature gardens in an area that is characterized by similar houses.</p> <p>Design: The size and style of the proposed buildings are entirely out of keeping with the architecture of the neighbourhood. The proposed flat-roofed, modern buildings, are uncharacteristic in an area of traditional detached and semi-detached houses.</p> <p>Inaccuracy of Plans: The plans are still inaccurate – heights are inconsistent.</p>	
Neighbour Comments – Previous schemes	
<p>Unsustainable location This is not part of Botley and the application overstates proximity to local bus stops and facilities and the frequency of the bus services in the area.</p> <p>Impact on Neighbours: Loss of privacy, loss of light, overshadowing and noise disturbance. Adjacent two storey flat roofed building will reduce sunlight and daylight, dominate living space and result in overlooking and lack of privacy to 32 North Hinksey Lane. The enormous size of the top block of flats relative to 18 Yarnells Road is 2.3 times larger by volume and will overshadow 18 Yarnells Road.</p> <p>Out of Character: The development is completely out of character with the neighbourhood and surrounding dwellings The development is markedly different in density, scale, mass, height and layout to all the existing homes in the locality. Existing character is low density, semi-rural village, almost all two storey pitch roofed family homes, generous gardens and has good ratio of green space to hard surfaces. Inappropriate location for apartment buildings.</p>	

	<p>Overdevelopment: It is a vast overdevelopment of the site in terms of height, scale, mass and density.</p> <p>Insufficient provision for landscaping, community space or parking for residents and guests.</p> <p>Visual Impact/Landscape: The development will be highly visible and be a dominant visual feature to the detriment of the existing landscape. The proposals will have a negative impact on the appreciation of the openness of the Green Belt. Loss of trees.</p> <p>Design: The size and style of the proposed buildings are entirely out of keeping with the architecture of the neighbourhood. The top block is even more massive now that the balconies are encased. Apartments are inappropriate in this location</p> <p>Flat Roofs: The flat roofs are out of character and contravene the Design Guide where roofs should be pitched unless a strong justification is provided. There are no other flat-roofed dwellings within 500 metres of the application site. Impact of solar panels is not clear and will exacerbate height of scheme</p> <p>Traffic and Parking: Will create parking problems and traffic safety issues in the vicinity of the school. Access is unsafe. Proposal will lead to unacceptable increase in traffic on local roads Onsite parking provision is inadequate and will lead to parking on highway.</p> <p>Drainage: Proposal will increase runoff, and burden the drainage and foul sewer system.</p> <p>Housing: Fails to address the current housing need which is for good sized family homes in the area.</p> <p>Other Development: The two houses currently under construction on the land at 30 North Hinksey Lane show that development can be in keeping with the character of the area and of an appropriate scale.</p> <p>Contrary to Local Plan Policies and Design Guide: Proposal is contrary to DC1 and DC9 and contrary to Design Guide principles: DG51, DG 52, DG 57, DG69, DG76, DG79, DG81, DG86. There is no character study as required by the Design Guide.</p>
<p>Cllr Debby Hallett Dec15</p>	<p>This version of the application is still an over development of the site, is still not in sympathy with the character of the area, and still doesn't offer enough amenities to those who will live there nor preserve those of the near neighbours.</p> <p>In the Botley area, we've tried to preserve the character of the area by resisting inappropriate development, and are failing. Developments of high density and low quality design have set precedents for even more cheap and ugly flats to be built. Too many applications try to cram too much in a site, taking little consideration of the context and quality of life for those who will</p>

Vale of White Horse District Council – Planning Committee – 23 March 2016

	<p>live there.</p> <p>The areas that are still rural-ish and remain low density are the upper Hurst Rise Road, Harcourt Hill, and North Hinksey Lane. In North Hinksey Lane, recent applications have been approved and built without much objection, because they are sympathetic to the character of the area; they fit right in. This high-density development with its boxy look and flat roofs does not. Density in North Hinksey Lane has been about 9 dwellings per hectare. This development is more like 52 dph. North Hinksey Lane is full of family homes with gabled roofs on large plots with mature landscaping. This is a development of ugly boxy flats. I simply cannot see how this is in harmony with the context or character of the area.</p> <p>We need a vision of what we want for our communities, and preserve what is beautiful about our area. The Planning Authority should review development and visit the final result of sites where permission was granted over many objections.</p>
Cllr Debby Hallett Previous schemes	<p>Difficult to assess proposed scheme and what it will look like, and the height of the solar panels.</p> <p>Recent approvals have brought varied design to North Hinksey, not all to our benefit.</p> <p>This is not high quality design, demanded by the NPPF</p> <p>This is a low density, semi-rural area with semi-detached and detached homes with pitched tile roofs. A flatted development should harmonise with those characteristics. The fact that the existing property has been allowed to deteriorate is not a reason to grant any planning permission.</p> <p>There will be massive soil removal, there have been problems with underground water. The proposals could threaten adjoining properties</p> <p>There is no amenity space for residents</p> <p>Boundaries do not seem correct – need to be resolved now</p> <p>Resident have no right to use Yarnells Road or the access way behind 18 Yarnells Road</p> <p>There is no reference to the Design Guide.</p>
Oxfordshire Highway Authority	<p>Recommends conditions in respect of access, parking and construction management. Funding for strategic transport £12,250 (to be index linked from 2006) (This agreement has already been secured).</p>
County Archaeologist	<p>There are no archaeological constraints to this application</p>
Oxford Badger Group	<p>There is evidence that there is a badger sett on the site and badgers paths are noticeable. Neighbours have seen badger activity in their gardens and are concerned It is possible that badgers could have lived in the garden, before it was cleared by developers some time ago. In the light of this, I would ask that the Vale demand that the developer conduct a full badger survey of the site immediately in line with legislation and that any proposed work on the site is suspended.</p>
Countryside Officer	<p>Following my previous site visit and discovery of badger activity on the site the applicant has commissioned a badger survey and</p>

Vale of White Horse District Council – Planning Committee – 23 March 2016

	<p>the results have been submitted in a Badger Survey Report. The surveys were conducted over a 4 week period to try and determine if the sett was in active use. The findings of the surveys have shown that the sett is not in active use although badgers do clearly use the site for commuting to other areas and possibly for foraging. Although the sett is currently inactive badgers do re-use setts at various times of year and are liable to open up new excavations in a relatively short period of time. I therefore recommend that if planning permission is to be granted a condition requiring a mitigation strategy including a recent survey and protection measures if necessary are implemented.</p>
Urban Design Officer Dec 15	<p>The scheme has been amended following my last comments. The reduction in the built form and overall numbers from 9 units to 7 has reduced the overall density and is supported. The change from flats at the front to two detached houses is more in-keeping with the character of the local area. The amendments to the top floor of the rear block breaks up the visual massing resulting in a better visual relationship with the adjoining properties. The revised plans have responded to my suggestions and have sought to overcome many of the issues that I raised.</p>
Urban Design Officer Previous	<p>I support the more efficient use of this site through its redevelopment for a greater number dwellings. New development must however acknowledge and respect the surrounding context and should not cause harm to an established character. In this case, I consider that the proposal has not been informed by a proper understanding of the character of the area because the design of the new development does not relate to it or help to maintain it. Furthermore, the number of units proposed would result in an overdevelopment of the plot to the detriment of the character and appearance of the area, contrary to policies DC1 and DC9 of the Local Plan, guidance in the NPPF and the adopted Vale Design Guide which require new development to respond to the site, its setting and character.</p>
Forestry Officer	<p>The most recent amendments to the layout do not increase the impact on the trees to be retained. The previously submitted arboricultural information relates to a different layout. Consequently, provision of an updated tree protection plan (to include clear guidance and a specification setting out how all of the retained trees will be protected) should be requested and agreed prior to the commencement of on-site works. This could readily be required by condition.</p>
Landscape – Dec 2015	<p>No additional landscape comments except the amended scheme provides a better frontage onto the road. However the car park tree species and associated planting pit has not been revised.</p>
Landscape – Previous	<p>Landscape Character: North Hinksey Lane forms the interface between the residential edge and the rural edge of the floodplain and greenbelt to the east. Currently the majority of the properties are situated in large</p>

Vale of White Horse District Council – Planning Committee – 23 March 2016

	<p>mature gardens away from North Hinksey Lane, the proposals would extend the built line closer to North Hinksey Lane. Roadside vegetation which forms some of the character of North Hinksey Lane would be lost to create visibility splays into the site, and due to the proposed level changes within the site. The parking, bin/ cycle store at the site frontage would have an urbanising and detracting feature on this sensitive interface.</p> <p>Visual Impact: The site can be viewed from the adjacent North Hinksey Lane and from the Greenbelt land to the north, Hinksey Meadows owned by Oxford Preservation Trust and which is open access. The development site is clearly visible south east of the allotments. The difference in character of the proposal and the surrounding development form will be clearly visible and the proposed southern buildings would be viewed as larger in scale and mass than the adjacent properties due to the proposed three stories, compared to the two stories of adjacent properties. While the difference in design and form would be conspicuous from the Greenbelt, the proposed development site is seen from the Greenbelt as an element of the residential development to the south of North Hinksey Lane and therefore would not detract from the open nature of the surrounding countryside. Views are obtainable from the Greenbelt to the development site but views from public accessible areas to the Greenbelt are not blocked by the proposed development.</p> <p>Site proposals The proposed choice of planting species is an improvement on the previous scheme, however overall landscaping including species and tree pit design will need to be conditioned.</p>
Building Control	<p>There will be sections of the ground which will need to be retained in parts and the height of the retaining wall will be over 1.0m. Where the retaining walls form part of the new buildings they should be controlled by the inspecting body. All the other retaining walls are not covered under the Building Regulations and as such would not be inspected.</p> <p>There are may be means of escape issues with the internal layouts of the flats however this should be resolved when a building regs application is made.</p> <p>Note: The proposed tree planting scheme, given the ground in the area is in moderately shrinkable clay, and as this planting may be undertaken after the building works are completed and may affect the foundations in the future.</p>
Health and Housing (Env Protection / Contaminated land)	No comments
Drainage Engineer	No objections subject to conditions.
Sport England	No comments
Architects Panel	No objection (to previous schemes)

4.0 **RELEVANT PLANNING HISTORY**

4.1 The application originally submitted in November 2013 was for ten 2 bed flats in three apartment blocks. Following an amendment to nine 2 bed flats, further consultations followed in Dec 13, Feb 14 and Aug 15 on various revisions. In Nov 15 the scheme was amended to two houses and five flats, the current scheme.

4.2 Other relevant planning history in the area to note is:
 P13/V2441/O 16 Yarnells Road - bungalow within garden area – not built.
 P14/V2186/FUL 30 Yarnells Road – principle established for two extra dwellings, subsequently amended - buildings under construction.

5.0 **POLICY & GUIDANCE**

5.1 **Vale of White Horse District Council Local Plan 2011**

The development plan for this area comprises the adopted Vale of White Horse Local Plan 2011. The following local plan policies relevant to this application were ‘saved’ by direction on 1 July 2009 and need to be considered alongside the National Planning Policy Framework.

Policy No.	Policy Title
GS1	Developments in Existing Settlements (Part)
GS3	Green Belt (Part)
DC1	Design
DC3	Design against crime
DC4	Public Art
DC5	Access
DC6	Landscaping
DC7	Waste Collection and Recycling
DC8	The Provision of Infrastructure and Services
DC9	The Impact of Development on Neighbouring Uses (Env Protection)
DC12	Water quality and resources
H15	Housing Densities
H16	Size of Dwelling and Lifetime Homes
NE5	Protection of species

5.2 North Hinksey is a smaller village as defined in the Vale Local Plan 2011. Policy GS1 permits small scale development within the built up areas of smaller villages provided that important areas of open land and their rural character are protected. Policy H12 (not saved) relating to smaller villages is not consistent with paragraphs 47 and 49 of the National Planning Policy Framework, as the policy caps development and does not provide the basis for establishing a five year housing land supply. It will be a matter of planning judgement whether housing development for more than 4 homes would be appropriate and ‘sustainable development’ on any given site within a smaller village.

5.3 **Emerging Local Plan 2031 – Part 1**

Under the emerging new Local Plan, North Hinksey is within the Abingdon and Oxford Fringe sub area and remains a smaller village. However the draft Local Plan is not currently adopted policy. Paragraph 216 of the NPPF allows for weight to be given to relevant policies in emerging plans, unless other material considerations indicate otherwise, and only subject to the stage of preparation of the plan, the extent of unresolved objections and the degree of consistency of the relevant emerging policies with the NPPF. The Local Plan has been subject to examination and the inspector’s report is awaited. At present it is officers’ opinion that the emerging Local Plan housing policies carry limited weight for decision making. The relevant policies are as follows:-

Policy No.	Policy Title
Core Policy 1	Presumption in favour of sustainable development
Core Policy 2	Co-operation on unmet housing need for Oxfordshire
Core Policy 3	Settlement hierarchy
Core Policy 4	Meeting our housing needs
Core Policy 7	Providing supporting infrastructure and services
Core Policy 8	Spatial Strategy for Abingdon & Oxford Fringe sub-area
Core Policy 22	Housing mix
Core Policy 23	Housing density
Core Policy 24	Affordable housing
Core Policy 33	Promoting sustainable transport and accessibility
Core Policy 35	Promoting public transport, cycling and walking
Core Policy 36	Electronic communications
Core Policy 37	Design and local distinctiveness
Core Policy 42	Flood risk
Core Policy 43	Natural resources
Core Policy 44	Landscape
Core Policy 45	Green infrastructure
Core Policy 46	Conservation and improvement of biodiversity

5.4 Supplementary Planning Guidance

Design Guide – March 2015

The following sections of the Design Guide are relevant to this application:-

Responding to Site and Setting

- *Character Study (DG6) and Site appraisal (DG9)*

Establishing the Framework

- *Natural resources(DG10), Reducing Energy Consumption (DG11)and Site Orientation (DG12)*
- *Water features and SUDs (DG14) and Landscape Structure (DG16)*
- *Ecology and Biodiversity (DG19) , Topography and Strategic Views (DG20)*

Movement Framework

- *Reduce reliance on the car (DG22)*

Density (DG 26), Urban Structure (DG27), Enclosure (DG28)

Streets and Spaces

- *Parking (DG44) and Cycle Parking (DG50)*

Built Form

- *Scale (DG51)*
- *Form and massing and position (DG52)*
- *Overlooking the Street (DG54)*
- *Boundary treatments (DG55)*
- *Entrances (DG56)*
- *Roofscapes (DG57)*
- *Windows (DG60)*
- *Façade and Elevations (DG61)*
- *Materials (DG62)*
- *Amenity (DG63) and Privacy DG64)*
- *Refuse and services (DG67-68)*
- *Apartments and massing/massing (DG69/71)*

Buildings in lower density residential areas

- *Landscape character and setting (DG76)*
- *Landscape (DG77)*

- *Scale, form and massing (DG79)*
- *Boundary treatments (DG81)*

Other Supplementary Design Guidance

- Open space, sport and recreation future provision – July 2008
- Sustainable Design and Construction – December 2009
- Affordable Housing – July 2006
- Flood Maps and Flood Risk – July 2006
- Planning and Public Art – July 2006

5.5 National Planning Policy Framework (NPPF) – March 2012

The NPPF identifies three roles for the planning system: economic, social and environmental that are mutually dependant. In taking decisions local planning authorities should approve development proposals that accord with the development plan and where the development plan is absent, silent or relevant policies are out of date, grant permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or

- specific policies in this Framework indicate development should be restricted.

Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. Until the new Local Plan can be given material weight, the Vale of White Horse district is in this position.

5.6 National Planning Practice Guidance 2014 (NPPG)

5.7 Neighbourhood Plan

Paragraph 216 of the NPPF allows for weight to be given to relevant policies in emerging plans, unless other material considerations indicate otherwise, and only subject to the stage of preparation of the plan, the extent of unresolved objections and the degree of consistency of the relevant emerging policies with the NPPF.

North Hinksey Neighbourhood Plan: The neighbourhood plan designation area was made 20 December 2014 and incorporates the whole parish of North Hinksey. To date a neighbourhood plan has not been submitted to the Council. Consequently no weight can be given to any policies that may be emerging in the draft neighbourhood plan.

5.8 Environmental Impact

This proposal does not exceed 150 dwellings and the site area is under 5ha.

Consequently the proposal is beneath the thresholds set in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015 and this proposal is not EIA development and there is no requirement under the Regulations to provide a screening opinion.

5.9 Other Relevant Legislation

- Planning (Listed Buildings and Conservation Areas Act) 1990
- Community & Infrastructure Levy Legislation
- Equality Act 2010
- Section 17 of the Crime and Disorder Act 1998
- Natural Environment and Rural Communities (NERC) Act 2006
- The Conservation of Habitats and Species Regulations 2010
- Localism Act (including New Homes Bonus)

5.10 Human Rights Act

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.

5.11 Equalities

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

6.0 PLANNING CONSIDERATIONS

The relevant planning considerations in the determination of this application are:

1. Principle of the development
2. Locational Credentials
3. Housing Mix
4. Density
5. Design and Layout
6. Residential Amenity
7. High Quality Living Environment
8. Landscape and Visual Impact
9. Flood Risk and Surface/Foul Drainage
10. Traffic, Parking and Highway Safety
11. Ecology, Protected Species and Biodiversity
12. Construction

1. The Principle of Development

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the local planning authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. The development plan currently comprises the saved policies of Vale of White Horse Local Plan 2011. Paragraph 215 of the NPPF provides that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given).
- 6.2 Other material planning considerations include national planning guidance within the NPPF and NPPG and the emerging Vale of White Horse Local Plan: Part 1 - Strategic Sites and Policies and its supporting evidence base.
- 6.3 Paragraph 47 of the NPPF expects local planning authorities to *"use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area"*... The authority has undertaken this assessment through the April 2014 SHMA which is the most up to date objectively assessed need for housing. In agreeing to submit the emerging Local Plan for examination, the Council has agreed a housing target of at least 20,560 dwellings for the plan period to 2031. Set against this target the Council does not currently have a five year housing land supply.
- 6.4 Paragraph 49 of the NPPF states *"Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local*

planning authority cannot demonstrate a five-year supply of deliverable housing sites". This means that the relevant housing policies in the adopted Local Plan are not considered up to date and the adverse impacts of a development would need to significantly and demonstrably outweigh the benefits if the proposal is refused. In order to judge whether a development is sustainable it must be assessed against the economic, social and environmental roles.

- 6.5 Policy GS1 of the adopted Local Plan provides a strategy for locating development concentrated at the five major towns but with small scale development within the built up areas of villages provided that important areas of open land and their rural character are protected. In terms of a hierarchy for allocating development this strategy is consistent with the NPPF, as is the intention to protect the character of villages. North Hinksey is a smaller village.
- 6.6 The relevant housing policies of the adopted and emerging local plan hold very limited material planning weight in light of the lack of a 5 year housing supply. Consequently the proposal should be assessed under the NPPF where there is a presumption in favour of sustainable development. Sustainable development is seen as the golden thread running through the decision making process. Having a deliverable 5 year housing supply is considered sustainable under the 3 strands. Therefore, with the lack of a 5 year housing supply, the proposal is acceptable in principle unless any adverse impacts can be identified that would significantly and demonstrably outweigh the benefits of meeting this objective.
- 6.7 In terms of this site, North Hinksey is a smaller village, but the cap of development in Policy H12 is not consistent with the NPPF and it is a matter of planning judgement whether housing development for more than 4 homes would be appropriate and sustainable development.

2. Locational Credentials

- 6.8 The NPPF requires the need to travel to be minimised and the use of sustainable transport modes to be maximised (paragraph 34). North Hinksey has a primary school, pub, church, allotments and rugby club. The site is 550m from Botley Road and about 800m from the Botley Centre where there are a number of shops and services. From the village there are good footpath / cycle links to the nearest secondary school and other parts of Botley and Oxford. The village is served by twice daily from bus service No.44 from Oxford to Abingdon from the bus stop opposite St Lawrences church. Other bus services (35A, NU1, U1) can be caught from stops on the western (other) side of the A34 via an underpass. Whilst the public transport is not good, the site is reasonably close to facilities and in a sustainable location.

1. Housing mix

- 6.9 With reference to Policy H17 of the adopted local plan, the scheme does not need to provide affordable housing. Policy H16 of the Adopted Local Plan requires 50% of houses to have two beds or less. However, as stipulated at paragraph 47 of the NPPF this policy is out of date as it is not based on recent assessments of housing need. The Oxfordshire Strategic Housing Market Assessment 2014 (SHMA) is the most recent assessment and estimates the following open market dwelling requirement by number of bedrooms (2011 to 2031) for the District to be:

1 bed: 5.9%
2 bed: 21.7%
3 bed: 42.6%

4 bed: 29.8%

- 6.10 The proposed mix incorporates 5 x 2 (71%) and 2 x 3 (29%) bedroom dwellings. Whilst this does not reflect the SMHA guidance, this mix does provide a more balanced mix than the original scheme and is not an unreasonable mix for the site and for the number of dwellings proposed.

2. Density

- 6.11 Policy H15 criteria iii) advises that in other locations (e.g. smaller villages) development must provide for net residential densities of at least 30 dwellings per hectare provided that high quality living environments can be created and there would be no harm to the character of the surrounding area or the amenities of adjoining properties. Development that does not make efficient use of land will not be permitted. Policy DG26 in the Residential Design Guide states that: “Density should be appropriate to the location, respond to and/or enhance the character of the existing settlement”.
- 6.12 The proposed development will have a density of approximately 42 dwellings per hectare. The proposal therefore meets the minimum density requirements but also needs to be considered in relation to the other policy criteria, referred to above. Objections have been raised on the grounds of density and it is fair to say that the proposal has a significantly higher density than surrounding properties. As an example the newly developed site at No. 30 North Hinksey Lane has a density of 20 dwellings per hectare and the proposed bungalow and existing dwelling at No.16 Yarnells Road has a density of 16 per hectare. The adjoining curtilages of 18 Yarnells Road and No. 36 North Hinksey Lane are respectively 10 and 7 dwellings per hectare and No.32 has a density of 16 dwellings per hectare. Whilst density can be an indicator of character the overriding factor is the design and layout, discussed below.

3. Design and Layout

- 6.13 The NPPF states that planning policies and decisions should not attempt to impose architectural styles or particular tastes, however it is proper to seek to promote or reinforce local distinctiveness (para 60) and planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment (para 61). It gives considerable weight to good design and acknowledges it is a key component of sustainable development. A number of local plan policies seek to ensure high quality developments and to protect the amenities of neighbouring properties (Policies DC1, DC6, and DC9). In March 2015 the council adopted its design guide, which aims to raise the standard of design across the district. The assessment below is set out in sections similar to those in the design guide.
- 6.14 Framework
Design and policy guidance advises of the need for design and access statement and a character study (DG6) including an examination of the settlement structure, historic and landscape considerations and a site appraisal (DG9). The current proposal is not accompanied by a site appraisal or character study. The landscape and urban design officer comments provide some context and I discuss these matters further below.
- 6.15 The village of North Hinksey is on the urban fringe of Oxford and Botley. The historic village has been dated back to Saxon times and grew rapidly from the 1930's, producing more modern development particularly in the inter war years.

Part of the village is conservation area and there are a number of listed buildings. This part of North Hinksey is dominated by linear inter war residential development on the western side of North Hinksey Lane and the land opposite is allotments and open Green Belt further east. Land. The area can be described as urban fringe or semi-rural. In recent years there has been a small amount of sub-division and infill development but in the main, the dwellings are typically low density and in spacious plots with generous planting and amenity space. The road frontage of North Hinksey is generally open and wide verges are a characteristic of the village.

6.16 Site and Setting

The site and nearby development is characterised by detached dwellings in spacious plots; the site and the dwellings either side are detached inter-war houses. Unusually these dwellings sit far back in their plots with long front gardens and small or negligible rear gardens. Both the site and No. 18 Yarnells Road are prominent in views due to the higher land levels. No. 36 is less visible due to dense tree coverage. There has been some sub-division of plots, including No. 32 North Hinksey Lane (within 18 Yarnells Road) in the 1980's which establishes a building on the frontage of the Lane. The frontage of this part of North Hinksey Lane is open, traditionally verdant and provides an interface and transition from the residential form to the open area opposite. More recently permission has been granted for a dwelling forward of the dwelling at No.30 North Hinksey Lane and for car parking on the Lane frontage, introducing a further characteristic of frontage building to this part of the village.

6.17 Spatial Layout

The proposed development follows the existing building lines in that the rear building sits between the dwellings on No. 36 North Hinksey Lane and 18 Yarnells Road (where the existing dwelling is) and the frontage houses are on a similar building line to No. 32 North Hinksey Lane. The significant difference from the surrounding character is the development within the body of the plot for car parking. Other plots subject to development /sub-division maintain open amenity space between front and rear dwellings. The current proposal has reduced the hard surfaced area by one car parking space and enabled space for more planting by reducing the depth of the front buildings and providing rear gardens. However overall the space for planting is limited particularly within the site and there are likely to be issues with levels, retaining walls and soil as cited by the building control officer. The parking area will be visible from North Hinksey Lane and due to the amount of hard surfaced area and hard structures including retaining walls, the site will appear different in character from the more open and spacious surrounding plots.

6.18 Built form, scale and massing

The policy framework in the NPPF and Policy DC 1 states that local distinctiveness and character should be taken into account either in a modern or traditional interpretation. The site is not within a designated conservation area or landscape which might encourage a more traditional approach, and an alternative approach would not necessarily cause planning harm. Design guide principle DG 51 states the development should respect the scale of the existing settlement. Principle DG 52 states that new development should adopt a simple form with a rectangular floor plan and pitched roof unless a strong justification can be provided. It also states that new development should adopt this simple form but good contemporary design that respects context will also be welcomed. The design guide specifically addresses apartment buildings (DG69) stating that the height and location of apartment buildings should respond to its context and aid legibility within the settlement. Apartment buildings may be deeper in floorplan than houses and as such care should be taken to avoid the building appearing bulky.

- 6.19 In terms of height the proposed development is slightly lower but comparable with surrounding development. This is achieved by sinking the buildings so that roof heights are similar to the surrounding dwellings. It is essential that the proposed buildings are sunk so as to respect the height of surrounding development. However height is one element of scale and the mass of the buildings is quite different being flat roofed structures and therefore creating more mass at roof level than a pitched roof. There is significant objection to the form of the development which is flat roofed. It is accepted there are no examples of flat roof buildings in the vicinity. The majority of dwellings in the locality are traditional two storey dwellings incorporating tiled pitched roofs however No. 32 North Hinksey Lane, built in the 1980's, differs being a bungalow and has a series of 3 apex roofs, creating a more modern design.
- 6.20 The sections and elevations on drawing P24f show the proposed buildings alongside the outline of adjoining dwellings. The larger mass or volume of the proposed buildings can be seen. This current proposal does significantly reduce the mass at roof level on the block of flats and now provides a spacious gap at roof height to the respective neighbouring boundaries. When seen from North Hinksey Lane or Yarnells Road this reduced mass at roof level will allow views through the site and surrounding landscape, whereas previously this was limited. Along the frontage the mass of the two houses remains the same as previously proposed however the proposed depth has reduced, improving the degree of spaciousness within the body on the site.
- 6.21 The footprint of the rear block flats is 11.19 x 18.6 wide, with an approximate footprint of 225 sq m. The adjoining properties have lesser footprints No.18 Yarnells Road is approximately 149 sq m with a width of 18m and a depth of 8.3m but the bulk is at ground floor level. No 36 North Hinksey Lane is 11.8m wide and projects 18.3m to the rear however the overall footprint is also around 150 sq m. The footprints / areas of the adjoining buildings are therefore substantially less than the proposed block of flats and due to the mass at first and second floors the appearance is markedly more bulky. To provide a setting for apartments so as not to appear cramped there should be space maintained around the building. The rear block of flats is situated 1m from the boundary with 18 Yarnells Road and 1.4m from the boundary with 36 North Hinksey Lane, as scaled from the drawings. The gap to the boundaries is limited in respect of providing a setting for a three storey building, however the reduced bulk and mass at roof height has improved this relationship (in terms of wider setting) and nearby dwellings do have a comparable gaps to the boundaries, albeit they are of reduced mass. The reduction in mass to second floor rear block will significantly reduce the overdominant impact as viewed from Yarnells Road. The footprints of the two storey houses are approximately 73 sq m each. The adjoining bungalow is approx. 132 sq m, less than the combined floor area. The bungalow sits on plot of 21.8m as opposed to a 20.8m width of the application site but because the mass is less and is combined as one building the proposed buildings will have more of a visual impact in terms of mass occupying the plot.
- 6.22 Architectural Detailing
The buildings are mainly in brick. There are lightweight sloping roof features to the frontage houses which provide some relief to the flat mass. On the rear block there is a recessed glazed stairwell which divides the building into compartments providing a modular design. The top floor sits abreast the two compartments and is treated in cladding. Both the recessed glazed stairwell and weather-boarded top floor break up the brick mass of the building and these features do provide some interest and relief to the flat roofed mass. In all of the blocks the amendments show

an increased emphasis on vertical alignment with the proposed fenestration to reduce the impact of the mass of the built form, including the rear of the block of flats which will be visible from Yarnells Road.

6.23 The first and second floor balconies were previously denoted as light structures projecting from the flats however due to concerns of overlooking the balconies are now encased in a brick structure and only open to the front. Whilst these now appear more solid there is no opportunity for overlooking and the longevity of the materials will provide a more robust appearance. The alteration from four flats to two houses on the frontage has resulted in changes to the fenestration and front doors have been introduced facing North Hinksey Lane, whereas previously the entrances were from two doors to each block on the side facing the driveway. The changed perspective now permits interaction to the Lane which improves design, safety and surveillance, better meeting DG 56.

6.24 Overall Character

It is the character, design and form of the development which has invited the majority of objections to the development. Taking into account all the above factors and the Design Guide principles referred to above and in several representations by local residents, I conclude that the development is not in keeping with the local character. This is due particularly to the flat roofs and the mass of buildings which will be prominent in the site and wider setting. It is also a more intensively developed site and higher density than surrounding properties including recent infill developments, which will appear noticeably more urban than surrounding development. Whilst the latest revision does reduce the amount and appearance of mass and allows for some more planting which will soften the impact of these buildings and help assimilate the development, I consider that there will be a negative impact on the character of the area and the proposals is contrary to policy design objectives. The extent of this planning harm, when considered against other material considerations is discussed in the Conclusion.

6. Residential Amenity

6.25 Adopted local plan policy DC9 seeks to prevent development that would result in a loss of privacy, daylight or sunlight for neighbouring properties or that would cause dominance or visual intrusion for neighbouring properties and the wider environment. Protecting amenity is a core principle of the NPPF. Design principles DG63-64 of the Design Guide pertain to amenity, privacy and overlooking. Below I consider the impact on each of the adjoining properties and to provide context for the discussion below it is useful to refer to Site Plan drawing P21d attached.

6.26 18 Yarnells Road

This is a detached dwelling accessed from Yarnells Road and has been extended at ground floor to the boundary with the application site. The facing side elevation of the flats would be 1m from the boundary, hence the gap between elevations would only be 1m at ground floor. The existing house on No.34 however also extended to the boundary at ground floor so there was in effect no gap. The flats would project further forward from No.18 Yarnells Road. From the main building line of No.18 Yarnells Road the nearside compartment of the flats projects 3.2m forward from this building line and the balconies a further 1.4m, however these elements step away from the boundary with No.18 Yarnells Road. There is a front bay window the corner of which is 2m from the side boundary which projects forward of the main building line and serves a living room. It is my view that the proposed building although obliquely visible from this window, will not breach a 45 degree angle and will not have a material impact in terms of shadow or loss of light. There is also a bedroom window at first floor on the nearside and similarly I do not consider there

will be a material loss of light or shade, although the proposed building will be obliquely visible. There will be a very small amount of increased shade in the morning to the front of No.18 due to the forward projection of the flats. The area immediately to the front is hard surfaced and the main garden area lies further forward. This should not be unduly affected by shade.

- 6.27 Concerns for privacy have been raised by No.18 Yarnells Road. No. 18 is unusual as the garden area is all to the front of the dwelling house. The balconies at first and second floor have been designed to prevent any overlooking to the side as they will be encased by brick walls. However views forward from the balconies and windows from the higher floors will be possible to the front half of the plot. Whilst there was always some overlooking from the existing house upstairs bedrooms the introduction of living areas in flats will cause an increased loss of privacy to the garden. The garden area immediately to the front of No.18 will not be overlooked, however this area comprises a pathway and a banked area of shrubs, not the main sitting out area. There are side kitchen, bathroom and bedroom windows facing towards No.18, all to be obscure glazed and limited opening and as such will not cause any overlooking. There will also be the potential to overlook the garden area from the parking area. There is an existing close boarded fence and the plans indicate hedgerow along this boundary adjacent to the parking area. It will be important to reinforce this boundary and maintain a screen to ensure privacy.
- 6.28 Lastly the use of the site by residents from seven dwellings will be more intensive than a single dwelling and will bring more traffic movements and residential noise to the site. Because of the slope of the site there may be some light intrusion of headlights entering the site. These concerns and those cited above regarding privacy in particular, will diminish the residential amenity of No, 18 Yarnells Road. However it is not considered that the diminished level of amenity will be such so as to cause material harm. It will however be important to ensure mitigation in the form of boundary treatments and to control external lighting.

No. 32 North Hinksey Lane

- 6.29 This is a detached bungalow built in the 1980's and sits on a plot forward and subdivided from 18 Yarnells Road. The side elevation of proposed house No. 2 is situated 1.2m from the mutual boundary. The gap to the boundary from the side elevation of No. 32 is wider at the front than the rear ranging from 2.85m to 2.35m. There are 2 side windows serving a bedroom and the lounge. The lounge incorporates a rear conservatory which provides large side and roof glazing to the main living area.
- 6.30 During the consideration of the various proposals on this site, the buildings fronting North Hinksey Lane have moved back and forth in an attempt to minimise the impact on the open frontage important for the local character but also to reduce the impact on No. 32. Although two storey the proposed dwelling is a comparable height to No. 32 as it is proposed to excavate and sink the dwelling. As the house is flat roofed there will be a mass to the building at second floor level that is not reflective of the existing bungalow. On previous schemes this mass and bulk would have caused an over-dominating impact and loss of light particularly to the living area of the conservatory. The current scheme has brought forward the dwelling and reduced the depth of the building by 1.6m so that the rear of the building no longer projects beyond the rear of No.32. Provided the proposed house is constructed below ground level as proposed, it is no longer considered there will be a materially detrimental impact on the living conditions of No.32. To avoid any detriment to amenity in the future permitted development rights would need to be removed.

- 6.31 36 North Hinksey Lane

This is a detached dwelling that sits adjacent to the proposed rear block of flats (and existing dwelling) and is 0.8m from the boundary. The proposed Flats would be 1.4m from the boundary (midpoint). This dwelling has a deeper plot than the application site extending over 20m beyond the rear boundary of the application site. No. 36 projects further to the rear and a single storey extension incorporating a first floor sun terrace lies along the boundary. This plot has many trees and cannot easily be seen from North Hinksey Lane and the front of the plot is screened from the application site. The facing side elevation is exposed to the application site although there are no facing windows.

6.32 Due to the degree of existing tree planting and the juxtaposition of the existing house and the proposed flats it is not considered that there would be any overlooking of private garden area. The only factor to consider is the sun terrace to the rear of the main house. The proposed flats will project closer to No.36 than the existing house and whilst being more prominent than the existing dwelling house will not increase the shade being north west of No.36. There are proposed side windows facing No.36 comprising a kitchen, ensuite bathroom and bedroom window, all to be obscure glazed and limited opening except the ground floor kitchen. There would be no undue overlooking from the obscure glazed/ limited opening windows however the kitchen window has the propensity to overlook the proposed garden area of the bungalow (not yet built) although there is screening on the boundary so it will be partial.

6.33 16 Yarnells Road

This semi-detached property lies to the rear and south east of the application site. The existing property sits 19m away from the rear boundary, however within the garden of No. 16 on the nearside to the application site there is extant permission for a bungalow. The bungalow (not built) would be situated 4.9 m from the rear boundary and 10.2 from the rear elevation of the proposed flats.

6.34 The rear elevation of the proposed flats therefore has the propensity to overlook the garden area of the proposed bungalow, and if not built, the garden of the existing dwelling house. In respect of the existing dwelling house it is a large garden and the most private area rear of the dwelling would not be visible and would be over 25m away. The flats could overlook the proposed bungalow garden although there are mature coniferous trees along the boundary mitigating this aspect. The flats have been designed to discourage overlooking by providing limited fenestration in the rear elevations serving bedrooms (first floor) and a bedroom and kitchen (second floor). To limit further the fenestration in this elevation, either by amount or to substitute with obscure glazing would undermine the living conditions of the proposed residents.

6.35 The reduction in mass at second floor will reduce the overbearing impact the flats would have on this proposed plot.

6.36 Landownership issues

Two adjoining properties have raised concern regarding land ownership. There is concern that the boundary with No.36 is not accurate, this has been raised with the agent and applicant and the applicant considers the boundaries denoted on the plans are correct. The gate and alleyway to the rear of 18 Yarnells Road is shown as part of the application site. No. 18 Yarnells Road say that this is in their ownership. In respect of both cases, the grant of planning permission does not convey any rights over land not within the control of the applicant. The resolution of this matter is not a planning consideration.

6.37 **7. High Quality Living Environment**

The proposal should also provide good standards of amenity for proposed residents (Principle DG63). It is recommended that dwellings with 3 bedrooms have 100 sq m of amenity space and apartments should have communal gardens, patio / balconies. The proposed dwellings do have private amenity space and whilst it does fall short of the standard it is not considered unreasonable (60 sq m rear garden area including space for a shed) plus front garden. Due to the limited garden area and the overall landscape impacts, permitted development rights should be removed. There is very limited communal amenity space for the residents of the flats as the majority of the open area will be embankments however this will be able to be planted. Each apartment has a patio and balcony area so amenity space is afforded to each dwelling.

6.38 The amendments to dwellings from flats to houses have improved the entrances as access is no longer gained from the driveway, but from the front of the house. Previously residents of the front buildings would have been exiting from their dwellings straight on to the driveway. This creates a safer and more convenient entrance to the dwellings.

6.39 The area of most concern with regard to living environment is light to and aspect from windows. The rear bedroom windows of the first and second floor block of flats are 0.70 m x 1.95m. Because of potential overlooking the width of these windows are relatively narrow and light will be limited to these rooms. All side windows at first and second floor are to be obscure glazed/limited opening to prevent overlooking. The lounge /kitchen areas of the ground floor flats will be below ground level and due to the encased balconies, and well area to the front of the dwellings the light will also be restricted. The living environment of the flats will be somewhat compromised by limited light and aspect however this is not a specific design principle and not a reason to reject to the design.

6.40 **8. Landscape and Visual Impact**

The NPPF seeks to enhance the natural and local environment by protecting and enhancing valued landscapes (paragraph109). This site is not within a designated landscape however the local landscape character has been described above. It has been identified that there would be some negative impact on the local character of the area but this is not material in terms of nationally important landscapes. The scheme does identify new planting and further details of this would be required by condition.

6.41 **9. Flood Risk and Surface/Foul Drainage**

The NPPF provides that development should not increase flood risk elsewhere and should be appropriately flood resilient and resistant (paragraph 103). It states that the planning system should contribute to and enhance the natural and local environment by, amongst other things, preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution (Paragraph 109).

6.42 Adopted local plan policy DC9 provides that new development will not be permitted if it would unacceptably harm the amenities of neighbouring properties or the wider environment in terms of, amongst other things, pollution and contamination. Policy DC12 provides that development will not be permitted if it would adversely affect the quality of water resources as a result of, amongst other things, waste water discharge. Policies DC13 and 14 are not considered to be consistent with the

NPPF, because they do not comply with paragraphs 100 to 104 which require a sequential approach to locating development and provide that flood risk should not be increased elsewhere.

6.43 The drainage engineer does not identify any particular concerns for this site although the parish has mentioned the existence of local streams. Drainage for foul and surface water can be secured by condition.

6.44 **10. Traffic, Parking and Highway Safety**

Adopted local plan policy DC5 requires safe access for developments and that the road network can accommodate the traffic arising from the development safely. The NPPF (Paragraph 32) requires plans and decision to take account of whether:-

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development.

6.45 There are several objections to the development on the grounds of insufficient parking and traffic congestion, from on street parking in the vicinity, particularly near the school. The scheme has always complied with the council's parking standards and the Highway authority has no objection to the scheme, subject to conditions. This latest scheme proposes one less parking space but has two fewer dwellings. Fourteen spaces will serve 7 dwellings. This meets the county's maximum standards for allocated spaces and is over the standard for unallocated spaces. The current scheme represents an improvement on parking availability. Whilst at times there may be insufficient parking for visitors and parking has to be found elsewhere, this is the case with the average domestic property and accordingly the proposal is considered acceptable on parking and traffic grounds.

6.46 The proposal does incorporate cycle parking and the access is considered safe by the highway authority. Financial contributions (index linked) towards the provision of highway network improvements in the local area have already been secured. The proposals therefore meet highway policy requirements.

6.47 **11. Ecology, Wildlife and Biodiversity**

Paragraph 117 of the NPPF refers to the preservation, restoration and re-creation of priority habitats, whilst Paragraph 118 sets out the basis for determination of planning applications. Paragraph 118 states that *"...if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused..."*

6.48 Following the observations of the Oxfordshire Badger Society, the council's ecologist visited the site. The agent submitted a badger survey report in October 2015. Badgers do clearly use the site for commuting to other areas and possibly for foraging. Although the sett is currently inactive badgers do re-use setts at various times of year and are liable to open up new excavations in a relatively short period of time. A condition is therefore necessary to require a recent survey and protection and mitigation measures to be implemented if necessary.

6.49 **12. Construction**

The extent of excavation works on the site will have the potential to have significant environmental impacts on the site, neighbouring properties and road. It is therefore necessary to have a construction management plan and limit the hours of working. The excavation works themselves could have the potential to undermine the stability of adjoining land and it will be necessary to ensure that retaining structures are implemented during construction, and appropriate permanent features are implemented. Building control advise that retaining walls and structures are not covered by building regulations unless they are part of the building, therefore structural engineer drawings will be required for the other structures to ensure they are sufficiently safe and protect the stability of the land. It will be necessary to closely monitor construction to ensure the development is implemented properly.

7.0 **CONCLUSION**

7.1 In view of the council's housing land supply shortfall, the presumption in favour of sustainable development applies and permission should be granted unless "any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole" (NPPF paragraph 14). Paragraph 7 of NPPF identifies three mutually dependant dimensions to sustainable development; it should fulfil an economic role, a social role and an environmental role.

7.2 Through increasing the housing stock, it would contribute to an expansion of the local housing market and have a social role as it will provide additional housing that the District needs. The proposed development would perform a limited economic role in the short term, in that it would provide employment during the construction phase. It would also create limited investment in the local and wider economy through the construction stage and new residents and their spending.

7.3 Above I have discussed the environmental implications and concluded that subject to conditions there would not be any that there would be any material detriment on the amenity of neighbouring residents. The site is in a sustainable location and there are not concerns in this regard. There would be some negative impacts on the residential amenity of adjoining neighbours No 32 New Hinksey Lane and to a lesser extent 18 Yarnells Road and No. 36 New Hinksey Lane, but not sufficiently adverse to warrant a reason for refusal.

7.4 I have also discussed character and due to the scale and mass of the development and the extent of development on the site, the design would be out of character with the surrounding area and have some negative local landscape character impacts. The front dwellings although similar in height to the adjoining bungalow will have a larger mass due to the flat roofs and this will create a noticeably larger built form on the frontage of North Hinksey Lane. The rear block has reduced in mass at the sides, yet the modulation and articulation of the building does reduce the appearance of the bulk. The current scheme does marginally increase the scope for planting which will assist in assimilating the development, into the semi-rural residential area of this part of New Hinksey. However as the site is not protected by any area designations I conclude that the harm is not significant and demonstrable when assessed against the NPPF tests.

7.6 There will be some adverse impacts during construction, more so than normal on a site of this size due to the degree of excavation and traffic movements and the site mitigation that will be necessary. It will be necessary to monitor the works

particularly at an early stage to ensure that impacts are minimised. It will also be necessary to carry out further badger surveys and ensure that mitigation, if necessary, is implemented. However these impacts are temporary, and with proper mitigation are not unacceptable.

- 7.7 Overall, in terms of the planning balance, this development will provide a positive contribution to the housing supply and there are minimal economic benefits. The design, in terms of mass, scale and extent of development is out of character with the surrounding area and is not considered to meet design policy objectives. However when weighed in the balance against the need for housing and the council's 5 year land supply shortfall, and the NPPF tests for the development to cause significant and demonstrable harm I do not consider that the harm to the local character from the current scheme would be of that weight and therefore the application is recommended for approval.

8.0 RECOMMENDATION

- 8.1 It is recommended that planning permission is granted subject to the following conditions:

1. Commencement three years.
2. Approved plans.
3. Wildlife survey and protection measures.
4. Engineering drawings layout and form.
5. Excavation depths and slab heights to be agreed and inspected on site.
6. Construction management plan.
7. Construction traffic management plan.
8. Samples of materials and panel sample.
9. Landscaping scheme including boundary treatments to be agreed.
10. Implementation of landscaping scheme to be agreed.
11. Tree protection to be agreed.
12. Surface and foul water drainage strategy to be agreed.
13. Sustainable drainage scheme to be agreed.
14. Samples of all materials to be agreed.
15. Details of external lighting.
16. Details of cycle parking / refuse areas.
17. Access as approved.
18. Car parking to be retained.
19. First / second floor windows to be obscure glazed and limited opening.
20. Withdrawal of permitted development - no extensions, outbuildings etc.
21. Hours of working.

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