
APPLICATION NO.	P20/V2298/FUL
SITE	Land at Yarnells Hill, Oxford
PARISH	NORTH HINKSEY
PROPOSAL	Erection of three detached dwellings, including access and landscaping (As amended by drawings and information received 27 July 2021)
WARD MEMBER(S)	Debby Hallett Emily Smith
APPLICANT OFFICER	J Banfield Martin Deans

RECOMMENDATION

Planning Permission subject to the following conditions:

Standard

- 1. Commencement in three years**
- 2. Approved plans**

Pre-commencement

- 3. Landscaping Scheme - Submission**
- 4. Details of Materials**
- 5. Foul Water Drainage Details**
- 6. Surface Water Drainage and Maintenance**
- 7. Slab Levels of Dwellings**
- 8. Construction Environment Management Plan**
- 9. Construction Water Quality Management Plan**
- 10. Landscape and Ecology Management Plan**
- 11. Tree Protection During Construction**

Prior to occupation

- 12. Landscaping Scheme - Implementation**
- 13. General**

Boundary Details

- 14. Boundary Detail with the Neighbouring Dwelling at Yarnells**
- 15. Driveway Improvements and Access to the Development**
- 16. Visibility Splays**
- 17. Car Parking**
- 18. Turning Space**
- 19. Bicycle Parking**
- 20. Electric Vehicle Charging Points**

Compliance

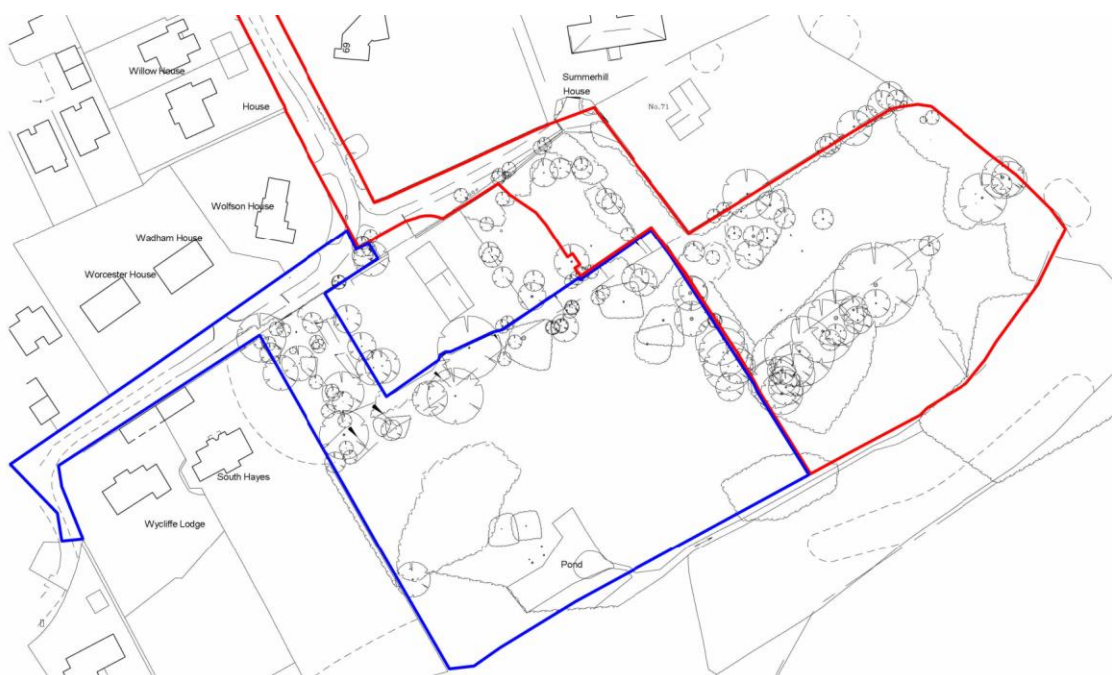
21. Removal of Permitted Development Rights for Extensions

22. Garages and Car Ports Retained for Parking

23: Curtilages to Remain as Defined on Site Layout Plan

1.0 INTRODUCTION AND PROPOSAL

- 1.1 This application comes before committee at the request of one of the local ward councillors, Debby Hallett. The application site is approximately 0.8 hectare in area and lies to the south-east of the private section of Yarnells Hill.
- 1.2 The site consists of two co-joined parcels of land. The smaller parcel lies to the east of a dwelling called Yarnells. The other, larger parcel lies to the south of Sweetmans Cottage and to the west of Raleigh Park. Raleigh Park is a public park held in trust by Oxford City Council and is 11 hectares in area. An accredited Local Wildlife Site, the Park is managed in conjunction with BBOWT and local groups, and contains important grassland and fen habitats
- 1.3 The site lies next to an existing unmade access road of single width, running from Yarnells Hill, and which serves three dwellings, Yarnells, Summerhill House and Sweetmans Cottage. Local slopes fall markedly to the south and east and both parcels slope down in these directions. There are a significant number of mature trees on and around the site, some of which are subject to two tree preservation orders. Three badger setts lie to the west of the larger parcel within land also owned by the applicant.
- 1.4 The site lies within the local plan boundary of Botley. It is bounded to the south and east by the Green Belt, but it is not in the Green Belt. The site location plan is below with the application site edged in red and adjacent land in the ownership of the applicant edged in blue. Extracts from the application drawings are **attached** at Appendix 1



- 1.5 The proposal is to build three detached, contemporary-style houses on the site. House 1 will occupy the smaller parcel next to Yarnells. Houses 2 and 3 will occupy the northern half of the larger parcel. House 3 will lie approximately 35m from the boundary with Raleigh Park. The southern half of the larger parcel will be undeveloped apart from a surface water drainage swale. The unmade access road will be widened to 4.1m and will be surfaced in permeable materials for drainage. An extract from the site layout with the proposed houses marked 1, 2 and 3 is below.



- 1.6 The application has been amended, and the amended proposal has been the subject of re-consultation.

2.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS

- 2.1 The following is a summary of representations that have been received. The representations are contained in full on the planning application page of the council's website www.whitehorsedc.gov.uk.

North Hinksey Parish Council	<p>Object for the following reasons:</p> <ul style="list-style-type: none"> • Harm to sensitive, irreplaceable ecology in Raleigh Park and to badgers on the site • Overdevelopment of the site • Inappropriate design • Loss of light to neighbours
Neighbours and Interested Parties	<p>36 representations of objection on the following grounds:</p> <ul style="list-style-type: none"> • Overdevelopment • The designs are out of keeping • Overlooking

	<ul style="list-style-type: none"> • Loss of light • It is inappropriate to develop the site given the variety of wildlife it supports • Hydrologically damaging impact on spring-fed alkaline fen in Raleigh Park, an irreplaceable habitat, from construction, and over time. • Assessments of impact on the fen are incorrect • Harm to existing badgers through proposed relocation of an existing sett, the likely failure of the relocated sett and loss of foraging area. • Likely loss of further trees to provide the relocated sett • Submitted biodiversity metric is flawed and inaccurate • Loss of trees and other wildlife in general • Future pressure on trees from residents • Impacts on trees and wildlife have been underestimated • Additional traffic onto a narrow, unsuitable road • Lack of adequate vision at the junction of the access and at the junction with Lime Road to the detriment of safety • Increased potential for traffic conflict with pedestrians/cyclists, and with larger delivery and waste vehicles • Inadequate means of collecting refuse/recycling • Inadequate access for refuse vehicle, emergency vehicles and construction traffic • Lights from vehicles will cause glare in windows • The representation of Sweetmans Cottage is inaccurate • Surface water flooding • Impact on existing foul water drainage • Material to be removed from construction of drainage basin • Damage to the road and to a neighbouring septic tank • The site is not within the established settlement • Inaccurate information has been submitted • The information on land ownerships is incorrect
Oxford City Council	Object on the grounds of damaging impact on the spring-fed alkaline fen in Raleigh Park
BBOWT	Object on the grounds of excessive risk to the spring-fed alkaline fen in Raleigh Park
CPRE	Object on the grounds of impact on the spring-fed alkaline fen in Raleigh Park

Countryside Officer	<p>The Countryside Officer has assessed the three main ecological issues as follows:</p> <p><u>Biodiversity impact</u> – a net gain can be achieved with suitably worded planning conditions</p> <p><u>Impact on badger</u> – on the basis that the need for the development outweighs the harm, that there is no reasonable alternative layout that would avoid harm, and that Natural England are likely to grant a derogation license for sett closure, then the proposed mitigation measures are acceptable</p> <p><u>Impact on the Alkaline Fen</u> – the risk to the fen is acknowledged - on the basis that the amended surface water drainage scheme should replicate the greenfield drainage scenario, and that effectiveness of the drainage infrastructure can be maintained in the future, then no objections subject to conditions</p>
Drainage Engineer	No objection to surface water and foul water details subject to conditions
County Highways Officer	No objection subject to conditions
Forestry Officer	No objections but concerned that the proposed boundary treatment for Yarnells is likely to constrain the adjacent Walnut tree from achieving full maturity
Landscape Architect	No objection subject to landscaping plan
Waste Management Officer	No objections

3.0 **RELEVANT PLANNING HISTORY**

3.1 [P20/V1392/FUL](#) - Other Outcome (12/08/2020)

Replacement of a single dwelling house with five dwelling houses. (as amended by plans received 7 July 2020)

[P19/V1259/FUL](#) - Approved (31/07/2019)

Demolition of an existing dwelling and erection of new detached dwelling, separate double garage and associated landscaping
(As per amended plans received 17 June 2019)

[P18/V2740/PEM](#) - Advice provided (10/04/2019)

Outline permission for the erection of 4 x detached family dwellings.

[P17/V1862/O](#) - Other Outcome (22/06/2018)

Erection of 4 x detached family dwellings including access

[P18/V0239/FUL](#) - Approved (22/03/2018)

Variation of condition 2 (approved plans) of planning permission

P16/V0651/FUL

Demolition of existing dwelling, erection of replacement five bedroomed eco house with separate garage structure.

[P17/V0756/DIS](#) - Approved (23/08/2017)

Discharge of conditions 4 - wildlife protection, 5 - landscaping and 6 - drainage details on application ref. P16/V0651/FUL

Demolition of existing dwelling, erection of replacement five bedroomed eco house with separate garage structure.

[P16/V2093/PEM](#) - Advice provided (06/09/2016)

This pre-app is solely for Ecological appraisal

[P16/V0651/FUL](#) - Approved (27/05/2016)

Demolition of existing dwelling, erection of replacement five bedroomed eco house with separate garage structure.

[P15/V1711/PEM](#) - Advice provided (02/10/2015)

Residential development of up to 6 dwellings.

Site Meeting

[P15/V1043/PEM](#) - Advice provided (07/07/2015)

Erection of detached house with garage.

4.0 **ENVIRONMENTAL IMPACT ASSESSMENT**

4.1 The scale of development is too small to require an EIA.

5.0 **MAIN ISSUES**

5.1 **The Principle of Development**

The site lies within the Local Plan boundary of Botley and is not in the Green Belt. Policies CP3 and CP4 of LPP1 form the Spatial Strategy of the council for achieving its housing supply target. Policy CP3 and CP4 support sustainable housing development within the boundary of Botley. Botley is defined as a Local Service Centre and is seen as a sustainable location for housing.

5.2 Housing development on the site accords with the Spatial Strategy. Therefore, there is a presumption in favour of sustainable housing development on the site.

5.3 **Design and Impact on the Area**

The proposed houses are of contemporary design, each using split levels across three storeys to accommodate the local slopes. Walls will be of timber

and brick, and roofs will be of metal. Some roofs will be used for solar panels and green planting. Taking into account levels, the houses will be between 9m and 12m high. This accords with the height limits for new housing in policy HS2 of the Neighbourhood Plan.

- 5.4 Objectors are concerned that the designs are modern and out of keeping. Members are aware that contemporary design approaches cannot be dismissed in principle. The designs have significant articulation and a domestic scale. Overall, they are considered to exhibit a good quality of design, and an appropriate split-level approach to the sloping nature of the site which minimises the use of retaining walls.
- 5.5 Objectors consider that House 1 represents overdevelopment. The house will have a private garden of over 100sq.m, which complies with the minimum standard in the design guide. It will have further garden space of over 200sq.m, a large balcony of approximately 20sq.m, and parking for 4 cars. Using these measures, officers do not agree that it represents overdevelopment.
- 5.6 House 2 and House 3 will each have private gardens in excess of 200sq.m as well as large balconies. With a total site area of 0.8ha, the density of the whole development is just less than four dwellings per hectare. This is directly comparable to surrounding plot densities and, again, does not indicate overdevelopment of the site.
- 5.7 The proposal involves the removal of a small number of trees. The Forestry Officer considers the trees to be removed have limited impact on the wider landscape setting and has no objection subject to replacement planting. He is also satisfied that the impact of the development on the significant trees to be kept is acceptable. This is subject to the tree protection details and construction methods shown for the access road and the houses themselves. Daylight and sunlight studies show that acceptable levels of light should reach each house.
- 5.8 One remaining concern of the Forestry Officer is about the effect of the proposed boundary wall between House 1 and Yarnells on the growth potential of an existing adjacent Walnut tree. The wall will be built using a specialist bridging foundation to protect the roots, and its line will be deflected around and away from the trunk. In view of the measures to avoid the loss of the tree, officers consider the impact of the wall as specified is acceptable.
- 5.9 The Landscape Officer has assessed the wider landscape impact, principally from Raleigh Park, which is crossed by formal and informal paths. The impacts of potential concern are considered to be from House 2 and House 3. House 3 will be closest to the Park, set back 35m from it. The visual impact of both houses will benefit from existing and proposed tree screening, although less so in Winter. The Landscape Officer notes that the houses will be three storeys, but nevertheless considers that the landscape impact of House 2 and 3 will be localised. Important views of Oxford from Raleigh Park will not be affected, in accordance with policy GS3 of the Neighbourhood Plan. Subject to a landscaping plan to secure suitable planting, the wider impact of the development is considered to be acceptable.

5.10 Impact on Neighbours

The neighbouring houses potentially most affected will be Yarnells and Sweetmans Cottage. The rear elevation of Yarnells will face the west elevation of House 1. There will be no windows in this elevation of House 1, and the balcony will be completely screened. Consequently, no harm from overlooking will occur. House 1 will lie over 31m from the rear of Yarnells, and to the east. Therefore, it is likely that any additional overshadowing of the garden from the development will be too limited to qualify as harm.

- 5.11 Sweetmans Cottage is currently surrounded to the west and south by a tall coniferous and deciduous tree screen, generally 4 – 5m in height. Planning permission exists to replace the existing house with a larger contemporary design. This replacement house has been shown on the application drawings, and the applicants argue this is because it will be closer to the development site, and so the impact can be better assessed.

- 5.12 The nearest upper floor window of House 1 will be 15m from the boundary with Sweetmans Cottage, and over 25m from the existing or approved house. The respective distances for House 2 will be 11m and 30m, while for House 3 they will be 15m and 30m. Officers consider that, even if the existing tree screen is lost, these distances are sufficient to protect the privacy of the occupants of Sweetmans Cottage, and to avoid harm from loss of light.

5.13 Biodiversity and Drainage

These two material considerations are closely linked and will be considered together. The majority of objections to the proposal concern impact on biodiversity, specifically biodiversity loss, impact on the local badger population, and impact on the spring-fed alkaline fen in Raleigh Park. The Countryside Officer has carefully assessed all three.

5.14 Biodiversity Loss

A biodiversity metric has been submitted to demonstrate the net effect on existing biodiversity. Objectors consider the metric to be flawed, but officers consider it complies with national guidance. Officers consider that a net gain in biodiversity can be achieved subject to the submission of a Landscape and Ecology Management Plan to secure future improvements.

5.15 Impact on the Badger Population

Three badger setts exist to the west of the site in land owned by the applicant. There is a main sett and two outlier setts. The main sett lies close to the site of House 1 and the proposed access, and there is clear potential to damage the sett with risk to badger.

- 5.16 With regard to the impact on the existing sett, the relevant cascade mechanism in policy CP46 of LPP1 has been applied. The presumption in favour of housing development on the site, in accordance with policies CP3 and CP4 of LPP1, mean there is a need for the development to achieve housing supply. The site cannot be reasonably developed in any other way given the need to obtain vehicular access. In terms of available mitigation, the applicants propose

that a replacement sett is constructed in the land to the west of the site owned by the applicant.

- 5.17 To authorise the closure of a sett, a derogation license from Natural England is necessary. In the circumstances, officers consider this is likely to be granted. Therefore, it is considered that the proposed replacement sett is an acceptable form of mitigation. The details will be controlled as part of a Construction Environment Management Plan.
- 5.18 Objectors believe the replacement sett is unlikely to be successful, and that the process of achieving it is likely to damage more significant trees through excavation. The applicants argue that significant excavation is not the only method of sett construction and that new setts have been successfully constructed elsewhere in the country, with Natural England support, involving little or no excavation. Officers consider that the suggested Construction Environment Management Plan will give sufficient control over this process.
- 5.19 Objectors are also concerned over loss of foraging for badger. Officers accept that some existing foraging area will be lost, but officers consider there will be sufficient foraging potential remaining, as well as suitable connectivity, to give acceptable potential for foraging and finding food supplies.
- 5.20 Impact on the Alkaline Fen in Raleigh Park
The spring-fed alkaline fen and associated “tufa” on Raleigh Park is an extremely rare habitat in the UK. The NPPF defines lowland fen as irreplaceable habitat, and paragraph 80 c) makes it clear that development resulting on the loss or deterioration of irreplaceable habitat should be refused.
- 5.21 Objectors argue that the sensitivity of the fen to a particular water quality, alkaline composition, and amount, is critical to its survival. There are significant areas of fen to the south and east of the site, within the Park. These are fed by groundwater seepage and springs that exist due to specific local geology. There are concerns that the development will affect the quality, composition and amount of water entering the fen and cause deterioration. The concerns include the fact that the fen to the south of the site is aligned along a stream, which is the watercourse that surface water drainage from the proposal will enter.
- 5.22 The applicants argue they have carefully designed the surface water drainage system to counter the concerns. Evidence shows groundwater lies several metres below ground level, so they argue the house foundations should not affect groundwater flows. The sustainable surface water drainage system is designed with permeable road and other surfaces, and pollutant interceptors. Storm water from larger events will be collected underground and flows will be attenuated to the greenfield rate by storage when necessary in a shallow, basin, 1m deep, to the east of House 3. From there, water will be piped at a slow rate to a stepped, planted swale, 30m long. The swale is designed to further slow water flows, and to reduce pollutants, and will terminate 12m from the stream to allow water to disperse and run overland into the stream.

- 5.23 The applicants argue that the combined features of this system, with pollutants removed at every stage through sustainable drainage design, and the run-off no worse than the greenfield rate, will prevent harm to the fen. Objectors disagree, believing the system will disrupt existing natural flows, and also point to the potential for the effectiveness of the system to decline over time due to issues such as silting. The applicants have countered this by agreeing to a maintenance programme for the drainage system to ensure it is regularly cleaned.
- 5.24 Foul drainage will be dealt with by pumping from the site to the existing system on the main road. Objectors are concerned that the potential for deterioration in the pipework over time will release groundwater pollutants that can harm the fen. The applicants argue that this argument is based on too much assumption to be valid in planning terms.
- 5.25 Officers have carefully assessed this issue. The presumption in favour of sustainable housing development sets a relatively high threshold of evidence necessary to outweigh the presumption and to refuse permission. The potential risk to the fen has been well articulated and is clearly understood. However, with measures in place such as the maintenance of the surface water drainage system, and the requirement for a water quality construction statement to control potential effects during construction, the degree of certainty of the development leading to harm is not considered sufficient to outweigh the presumption.
- 5.26 In view of the concern over the impact of development on local hydrology, officers consider it is reasonable and necessary to remove permitted development rights to extend the houses in the future without planning permission. This is to ensure that the drainage implications of any extension are understood before a decision is made.
- 5.27 **Traffic, parking and highway safety**
The existing unmade, single width access road will be widened to 4.1m, which is wide enough to enable two cars to pass. A passing bay will be constructed near to the junction with the main road to enable larger vehicles to wait without obstructing this section of the road. The new section of road leading to the houses will be 4.8m wide. The whole road will be surfaced in permeable materials to help with drainage and will be connected to the surface water drainage system for the site. No-dig methods will be used to minimise risk to trees, along with protective fencing. The Forestry Officer is content with this. Vehicle tracking shows that the road is large enough to enable a refuse vehicle to access the houses and to turn to leave in forward gear.
- 5.28 Using well-established traffic data sources, it is anticipated that the houses as a whole will generate two trips in each of the peak hours, and 18 movements in total over a 12-hour day. Vision splays suitable for a relatively low speed road can be achieved at the junction of the access with the main road. Each house will have cycle parking and an electric vehicle charging point.

- 5.29 Objectors are concerned that the additional traffic will be dangerous given the nature of the road network. However, the County Highways Officer has assessed the proposal and considers the relatively low level of likely additional traffic, combined with the improvements to the road, mean that the development is safe. He knows the locality very well and considers the vision available at the junction of the access and at the junction with Lime Road to meet the appropriate safety standards. Parking for each of the houses meets adopted standards, subject to the retention of the garages/car ports for parking, which can be secured by condition.

5.30 **Other Issues**

Several objections have been made that are not material planning considerations. One is disputed land ownerships. The applicants have confirmed they believe the ownership details are correct, and ownership disputes are properly resolved via the appropriate legal processes rather than through the planning system. Some objections relate to potential damage to the private road and to other privately owned infrastructure. Members will be aware that there are alternative legal remedies for these issues which means they should not be the subject of planning control.

6.0 **CONCLUSION**

- 6.1 The site lies within the Local Plan boundary of Botley and there is a presumption in favour of sustainable housing development. As the relevant Local Plan policies are up-to-date, officers consider this should be given significant weight. The design and scale of the houses, their impact on the wider landscape, and the impact on neighbours is considered to be acceptable. The impact on important trees is acceptable. The concern about the constraint to full growth of the Walnut tree is given limited weight in the wider context of the amount of tree cover. Officers consider there will be a biodiversity net gain and that the impacts on badger can be mitigated. The concerns regarding the potential impact on the spring-fed alkaline fen in Raleigh Park are given moderate weight in the balance, in full knowledge of its status as irreplaceable habitat. Surface and foul water drainage strategies are considered to be acceptable. Traffic generation and highways impacts are also considered to be safe.
- 6.2 Overall, the objections to the proposal are not considered sufficient to outweigh the significant weight given to the presumption in favour of sustainable housing development and the recommendation is to grant planning permission with conditions.

The following planning policies and legislation have been taken into account:

Vale of White Horse Local Plan 2031 Part 1:

- CP03 - Settlement Hierarchy
- CP04 - Meeting Our Housing Needs
- CP23 - Housing Density

CP35 - Promoting Public Transport, Cycling and Walking
CP37 - Design and Local Distinctiveness
CP42 - Flood Risk
CP44 - Landscape
CP46 - Conservation and Improvement of Biodiversity

Vale of White Horse Local Plan 2031 Part 2:

DP16 - Access
DP23 - Impact of Development on Amenity

North Hinksey Neighbourhood Plan, 2031:

HS1 – Characteristics of New Housing
HS2 – Low-rise Housing Design
HS4 – Flexibility, Future Proofing and Sustainable Design
TR2 – Parking, Access and Electric Vehicle Charging
GS2 – Biodiversity, Wildlife Corridors, TPO's and Tree Canopy Cover
GS3 – Locally Important Views

Vale of White Horse Design Guide, 2015

National Planning Policy Framework, 2021

Planning Practise Guidance

Equalities Act 2010

Officers have paid due regard to the duties under Section 149 of the Equalities Act. It is considered that no recognised group will suffer discrimination as a result of the development.

Human Rights Act 1998

The application has been assessed against the European Convention on Human Rights, particularly Article 1 and Article 8. The individual objections have been balanced against the public interest and the recommendation is considered to be proportionate.

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