

APPLICATION NO.	P22/V1309/FUL
SITE	Thickets Hinksey Hill Oxford, OX1 5BQ
PARISH	SOUTH HINKSEY
PROPOSAL	S73 application to vary condition 2 (approved plans) on application P21/V2852/FUL-change car lift to vehicular ramp. (As amended by additional information received 22 June 2022, as amplified by additional plan received 11 July 2022 and as amended by plan received 21 December 2022)
WARD MEMBER(S)	(Application for full planning permission for demolition and construction of a replacement dwelling. Amendments to previously approved permission P18/V3111/FUL). Debby Hallett Emily Smith Bob Johnston Diana Lugova
APPLICANT OFFICER	Mr & Mrs Ballard Nathaniel Bamsey

RECOMMENDATION

Officers recommend that planning permission is granted subject to the following conditions:

Standard

- 1. Time Limit - Variation of Condition**
- 2. Approved plans**

Prior to commencement

- 3. Tree protection (implementation as approved)**
- 4. Drainage Details (Surface Water)**
- 5. Drainage Details (Foul Water)**
- 6. Landscaping Scheme (trees and shrubs only)**

Prior to occupation

- 7. Car Parking (Full)**

Compliance

- 8. Materials in Accordance with Application**
- 9. PD Restriction on Single Dwelling Extensions**
- 10. No basement conversion**

Informatives

- 11. CIL**

1.0 **INTRODUCTION AND PROPOSAL**

- 1.1 This application is referred to planning committee at the discretion of the head of development management.
- 1.2 The application site is Thickets, a detached dwelling in the parish of South Hinksey. The dwelling sits within a broadly linear group of houses along the northern side of Hinksey Hill and Foxcombe Road. Neighbouring residential dwellings are to the east and west whilst open fields are to the north. The dwelling is set well back from the road within a wooded site. Several trees on the site are protected by a Tree Preservation Order (TPO). The dwelling is currently vacant. Vehicular access is gained via Foxcombe Road to the south. The site is wholly within the Oxford Green Belt.
- 1.3 This application is made under Section 73 of the Town and Country Planning Act 1990 (as amended) and it seeks to make minor material amendments to the replacement dwelling approved under application reference P21/V2852/FUL. The amendment proposed is the replacement of the previously approved car-lift, used to access the basement garage, with a ramp and an associated increase in the size of the permitted basement.

A site location plan is provided below, and the plans are **attached** at Appendix 1.



2.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

2.1 A summary of the responses received is set out below. Comments made can be viewed in full online at www.whitehorsedc.gov.uk.

<p>South Hinksey Parish Council</p>	<p>Objection</p> <ul style="list-style-type: none"> • The proposals are inappropriate development in the Green Belt for which very special circumstances do not exist • Concerns that the amendment would be inconsistent with previous decisions on the site • Concerns about the impact of the amendment on trees • Questions the need for nine car parking spaces
<p>Countryside Officer (South and Vale)</p>	<p>No objection <i>'The proposed variation is unlikely to have any greater ecological impact than the previously consented scheme.'</i></p>
<p>Drainage - (South & Vale)</p>	<p>No objection <i>'From a flood risk and drainage perspective – I would have no objections to the variation of condition 2 (approved plans) on application P21/V2852/FUL.'</i></p>
<p>Forestry Officer (South and Vale)</p>	<p><u>First consultation</u> No objection, subject to condition <i>'The amended plans will require the removal of additional trees to facilitate the alternative access driveway etc. The trees marked for removal are not protected by a TPO and are of insufficient arboricultural value to be considered as a constraint. In principle I would have no objections to the changes subject to suitable mitigation planting being secured.</i></p> <p><i>If permission is to be granted, please attach a landscaping condition to secure replacement tree planting to help maintain the sylvan character of the area and secure the needed environmental benefits. In addition, the detailed tree protection condition will also be needed, as the previously approved tree protection measures addressed under P22/V0957/DIS relate to the old site design.'</i></p> <p><u>Second consultation</u> No objection, subject to condition <i>'I have no objections to the proposed works. If permission is to be granted,</i></p>

Vale of White Horse District Council – Planning Committee - 25 January 2023

	<i>please attach a compliance condition to secure the implementation of the tree protection measures shown on Tree Protection Plan 71-THI_Access-DRW-TPP BEFORE any works start on site.'</i>
Vale - Highways Liaison Officer (Oxfordshire County Council)	No objection
Neighbours	No responses received

3.0 **RELEVANT PLANNING HISTORY**

3.1 [P22/V0957/DIS](#) - Approved (17/10/2022)

Discharge of conditions 4(Tree Protection), 5 (Drainage Details (Foul Water), 6 (Soakaways) & 7 (Protected Species) on planning application P21/V2852/FUL

(Application for full planning permission for demolition and construction of a replacement dwelling. Amendments to previously approved permission P18/V3111/FUL)

(As amended by additional information received 15 June 2022 and as amended and amplified by information received 11 July 2022, 13 July 2022, 01 & 02 August 2022, 20 September 2022)

[P21/V2852/FUL](#) - Approved (31/03/2022)

Application for full planning permission for demolition and construction of a replacement dwelling. Amendments to previously approved permission P18/V3111/FUL.

(Amended plans received 10 February 2022- Addition of a car lift)

[P22/V0362/DIS](#) - Other Outcome (14/03/2022)

Discharge of conditions 4(Tree Protection) 5(Drainage Details) 7(Soakaways) 8(Unique General) on planning application P18/V3111/FUL

Application for full planning permission for demolition and construction of a replacement dwelling at Thickets, Hinksey Hill, Oxford OX1 5BQ

[P18/V3111/FUL](#) - Approved (13/03/2019)

Application for full planning permission for demolition and construction of a replacement dwelling at Thickets, Hinksey Hill, Oxford OX1 5BQ.(as amended and amplified by drawings and Design & Access Statement received 13 February 2019). (As amended by plan numbers ELEVREVB, FPREVB received 5 March 2019- screening of side balcony with overhang roof)

[P19/V0021/PDH](#) - Approved (12/02/2019)

Single storey rear extension with glazed sliding doors to rear and side elevations.

Depth 8m
Height 4m
Height to eaves 3m

4.0 ENVIRONMENTAL IMPACT ASSESSMENT

4.1 The proposed development is not Schedule 1 or 2 development as defined by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, so an Environmental Impact Assessment is not required.

5.0 MAIN ISSUES

5.1 The main material planning considerations are the following:

- Green Belt policy and the principle of development
- Design and character
- Residential amenity
- Access and parking
- Flood risk and drainage
- Ecology

5.2 Green Belt policy and the principle of development

The principle of the development proposed in the current application has been agreed by the extant planning permission it seeks to amend. The proposed changes to the approved scheme must be assessed against Green Belt policy.

5.3 Policy CP13 of LPP1 states that the construction of new buildings in the Green Belt will be considered inappropriate development unless it meets one of the exceptions listed in the policy. Inappropriate development will not be approved except in very special circumstances, and very special circumstances will not exist unless the potential harm is clearly outweighed by other considerations.

5.4 The approved replacement dwelling was considered to be materially larger than the dwelling that exists, so it qualified as inappropriate development in the Green Belt. It was considered that permitted development extensions that can be added to the existing dwelling constituted very special circumstances which outweighed the harm from the inappropriate nature of the development. This is because the above-ground volume of the permitted dwelling would be less than the fallback volume of the existing house combined with its permitted development extensions, and the included basement garage did not contain primary accommodation, meaning the additional below-ground space did not affect the openness of the Green Belt.

5.5 This current application does not propose any change to the size or design of the approved house. It proposes the replacement of the approved car lift that had been designed to access the basement garage with a ramp, as well as an extension of the basement as the new ramp will go to the side of the house where no basement was previously proposed. As the ramp would be fully below the existing ground level it would have no impact on the openness of the Green Belt either spatially or visually. Likewise, the additional basement area would be fully subterranean so again there would be no impact on the openness of the Green Belt from the basement structure.

- 5.6 The activity generated by development can also affect the openness of the Green Belt and bring the development into conflict with the purposes of including land within it. In this instance, as no primary living accommodation is proposed in the extended basement, just parking, officers consider that the additional activity generated would not materially affect the openness of the Green Belt. A condition is recommended preventing the conversion of the basement to primary living accommodation or for any other use to protect the openness of the Green Belt and to ensure there is no conflict with including the land within it.
- 5.7 As the amendments to the approved scheme do not affect the openness of the Green Belt, officers consider that the harm to the Green Belt from inappropriate development is clearly outweighed by the permitted development fallback and these continue to constitute very special circumstances. As it is considered that very special circumstances have been demonstrated the application accords with policy CP13.
- 5.8 Permitted development rights for extensions to the new dwelling were restricted by condition on the extant permission. Given the dwelling is materially larger than the one it replaces, a similar condition is also recommended to prevent harm to the openness of the Green Belt from future excessive extensions to the new dwelling.
- 5.9 **Design and character**
Policy CP37 of LPP1 requires development to be of high quality, visually attractive design that responds positively to the site and its surroundings with appropriate scale, height, details and materials.
- 5.10 The impact of development on the landscape is assessed against policy CP44. This policy requires key features of the landscape to be protected or enhanced including (but not limited to) trees, hedgerows, landscape settings of settlements, important views and sensitive skylines. Development is also required to incorporate appropriate landscape proposals that reflect the character of the area.
- 5.11 The visual impact of the dwelling has previously been found to be acceptable so the consideration of this application can only be based on the impact of the ramp and the extended basement. Given the ramp and basement will be below ground it is considered that they will cause little visual change and no harm compared with the approved scheme.
- 5.12 As with openness of the Green Belt, the activity generated by development can harm visual amenity and local character. In this instance the extension to the basement will provide two additional car parking spaces. These two extra spaces are not considered to generate activity above and beyond the approved scheme such that there would be harm.

Vale of White Horse District Council – Planning Committee - 25 January 2023

- 5.13 There are several TPO trees within the curtilage of the dwelling. The changes to the basement access and driveway have the potential to harm these trees given the excavation needed and some non-TPO trees will be removed. The council's forestry officer does not object to the removal of the non-TPO trees, but they requested an updated tree protection plan than that approved under P22/V0957/DIS. This has been submitted and the forestry officer is satisfied that the retained TPO trees would be unharmed subject to a condition requiring the tree protection measures to be implemented. This is recommended.
- 5.14 Given some non-TPO trees are to be removed the forestry officer has requested a landscaping scheme to secure replacement planting. A condition to this effect is recommended.
- 5.15 Subject to the recommended conditions it is held that visual amenity will be unharmed by the amendment and the application accords with policies CP37 and 44.
- 5.16 **Residential amenity**
The impact of development on neighbouring properties is controlled by policy DP23 of LPP2. This policy requires development proposals to demonstrate that they will not result in significant adverse impacts on the amenity of neighbouring uses arising through loss of privacy, daylight or sunlight, from dominance or visual intrusion, noise or vibration, dust, heat, odour, gases or other emissions, pollution, contamination or the use of / or storage of hazardous substances and external lighting.
- 5.17 The replacement of the car lift with a ramp will not harm neighbours through overshadowing, overdominance or visual intrusion
- 5.18 **Access and parking**
Policies CP33, CP35, CP37 and DP16 of LPP1 and LPP2 require development to provide safe and convenient access, sufficient car and cycle parking in line with Oxfordshire County Council standards and adequate provision for loading, unloading, circulation, servicing and vehicle turning. Development must also minimise the impact on the highway network and promote more sustainable modes of transport where appropriate.
- 5.19 The amendment to the approved scheme does not increase the number of bedrooms albeit two additional car parking spaces are proposed in the basement. However, two additional spaces are not considered to materially intensify the use of the development such that there would be harm to the local highway network.
- 5.20 The parking, access and turning area all accord with standards and the highways officer is satisfied that the amendment will have no highway impact.
- 5.21 **Flood risk and drainage**
Policy CP42 of LPP1 seeks to minimise the risk and impact of flooding by directing new development to areas with the lowest probability of flooding, ensuring that all new development addresses the effective management of all

Vale of White Horse District Council – Planning Committee - 25 January 2023

sources of flood risk and does not increase the risk of flooding elsewhere. The policy also requires a Flood Risk Assessment (FRA) for all developments of 1 hectare and greater in Flood Zone 1 and, for all proposals for new development, including minor development and change of use in Flood Zone 2 and 3 and, in Critical Drainage Areas in accordance with footnote 50 of the NPPF.

- 5.22 The site is within Flood Zone 1. The council's drainage engineer was consulted on the application, and they have no objections to the replacement of the car lift with a ramp and the extension of the basement.
- 5.23 Surface and foul water drainage details have been agreed for the approved scheme. Revised details will need to be provided which includes the ramp and extended basement and such conditions are recommended. With these conditions attached it is held that the development would not be at risk from flooding or would it increase the risk elsewhere, in accordance with policy CP42.
- 5.24 **Ecology**
Policy CP46 of LPP1 states that development that conserves, restores and enhances biodiversity will be permitted whilst net loss of biodiversity will be avoided. The highest level of protection is given to sites and species of international nature conservation importance (Special Areas of Conservation and European Protected Species).
- 5.25 The previous application was approved subject to the submission of evidence that a licence for the works had been obtained from Natural England. This was submitted and approved under a discharge of conditions application, P22/V0957/DIS. This confirmed that the roof of the building has been removed under licence and that bat boxes have been installed on trees within the site.
- 5.26 The council's ecology officer was consulted on the application, and they have no objection as they are satisfied that the changes proposed do not increase the ecological impacts of the development.
- 5.27 As a licence has already been obtained and the amendment does not increase the ecological impacts of the development officers consider that the application accords with policy CP46.
- 5.28 **Conditions**
The roof of the house has been stripped under the licence granted by Natural England. Given the minor nature of the works and the fact the existing house is still intact otherwise, officers do not consider that a material commencement of the approved development has occurred. Therefore, a time limit condition for commencement must be imposed and it is possible to request details prior to commencement, such as the drainage details and the implementation of the tree protection measures.

5.29 Community Infrastructure Levy (CIL)

The development is CIL liable. A self-build exemption may be sought but this must be agreed prior to commencement.

5.30 Pre-commencement conditions

The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 made under the provision of section 100ZA of the Act as inserted by the Neighbourhood Planning Act 2017 requires agreement of applicants/agents to pre-commencement conditions.

5.31 Several pre-commencement conditions are recommended. Agreement to these conditions were received via email on 10 January 2023.

6.0 CONCLUSION

6.1 The principle of the development is given by the extant permission it seeks to amend. Subject to the recommended conditions the amendments are unharmed and whilst the development is inappropriate development in the Green Belt officers consider that very special circumstances have been demonstrated which clearly outweigh this harm. Therefore, it is considered that the application accords with the development plan and the NPPF and therefore officers recommend that planning permission should be granted.

The following planning policies have been taken into account:

Vale of White Horse Local Plan 2031 Part 1 (LPP1):

- CP01 - Presumption in Favour of Sustainable Development
- CP03 - Settlement Hierarchy
- CP04 - Meeting Our Housing Needs
- CP13 - The Oxford Green Belt
- CP33 - Promoting Sustainable Transport and Accessibility
- CP35 - Promoting Public Transport, Cycling and Walking
- CP37 - Design and Local Distinctiveness
- CP40 - Sustainable Design and Construction
- CP42 - Flood Risk
- CP43 - Natural Resources
- CP44 - Landscape
- CP46 - Conservation and Improvement of Biodiversity

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

- DP05 - Replacement Dwellings in the Open Countryside
- DP16 - Access
- DP23 - Impact of Development on Amenity
- DP28 - Waste Collection and Recycling

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

Joint Design Guide SPD (2022)

Equalities Act 2010

The proposal has been assessed against section 149 of the Equalities Act. It is considered that no identified group will suffer discrimination as a result of this proposal.

Human Rights Act, 1998

The application has been assessed against Schedule 1, Part 1, Article 8, and against Schedule 1, Part 2, Article 1 of the Human Rights Act, 1998. The harm to individuals has been balanced against the public interest and the officer recommendation is considered to be proportionate.

Author: Nathaniel Bamsey

Contact No: 01235 422600

Email: planning@whitehorsedc.gov.uk