

Themis Avraamides, LLB, MBA

12 High Street, Woodstock, OX20 1TF
Tel: +44 7768 068600 E-mail: themis@avraamides.net

Planning Committee
Vale of White Horse

15th April 2021

Dear Planning Committee Member,

LAND AT HID'S COPSE (PLANNING APPLICATION REFERENCE P20/V3322/FUL)

I write together with my wife, Emma Avraamides, as the applicants of planning application reference P20/V3322/FUL for the erection of a 'Tree House' dwelling on Land at Hid's Copse, which is due to be considered at Planning Committee on 21st April 2021. The site has been owned by my wife's family all her life.

I understand that officer's recommendation that Planning Committee refuse the planning application for the following two reasons:

- 1) *The proposed development would be detrimental to the visual amenities of the locality and would lead to a progressive detracting from the character of the area due to the likely pressure on the protected trees, for removal and lopping due to overshadowing, public safety and debris following any residential occupation on this site. It is considered that this would cause substantial harm to the character and appearance of the area and wider landscape, contrary to policies CP37 and CP44 of Vale of White Horse Local Plan 2031 part 1 and relevant paragraphs of the NPPF.*
- 2) *The proposal has failed to sufficiently demonstrate that the priority habitat can be protected and that any biodiversity impacts as a result of the development can be sufficiently mitigated against or offset. As such the proposal is considered contrary to policy CP46 of the Local Plan 2031 Part 1 and paragraphs 170 and 175a of the NPPF.*

To assist you in your assessment of the proposal, and in advance of your consideration at Planning Committee, I wish to make the following rebuttal, which I trust will enable you to vote in favour of my planning application:

I attach a copy of the Design and Access Statement for your information.

Response to proposed reason for refusal 1

(detriment to the visual amenities of the locality which lead to a progressive detracting from the character of the area due to the likely pressure on the protected trees, for removal and lopping due to overshadowing, public safety and debris following any residential occupation on this site).

Appeal Decision, 2014

In the past, the application site was subject to an appeal for a two-storey, flat roofed house with a detached garage (reference APP/V3120/A/13/2199574) which was dismissed in January 2014. As identified by the Appeal Inspector, the main issue in the appeal was *the effect of the proposed development on the character and appearance of the local area*. However, the appeal decision does not rule out the possibility of a different scheme being approved i.e. it does not go against the principle of development on this site.

The Inspector's conclusion was that **on balance** the development proposed in that case [a two-storey, flat roofed house with a detached garage] *would result in the appeal site having a suburban character and appearance and would result in the loss of a small piece of woodland with a distinctive character and appearance which adds significant diversity of character and visual interest to the local area.*

The requirement therefore, in so far as any new application is concerned, is to come up with a scheme that takes its cue from its surroundings; has a more organic form; and works with and retains the existing trees, while at the same time providing occupants of the new dwelling with an appropriate level of amenity. It follows, that any new scheme should also facilitate and encourage ecological enhancement and future [positive] management of the trees.

It is also important to address paragraph 11 in the appeal decision. That paragraph reads as follows:

Whilst the proposed dwelling would have a generally contemporary design with flat roofs and terracing on different levels, use of a variety of external cladding materials and extensive glass, it has not been demonstrated that the proposed development would be unduly innovative or if it would raise the standards of design in the area. Consequently, the design of the proposed buildings fails to outweigh the harms the development would do to the copse.

It is considered that this paragraph leaves the door open for a proposal to come forward, that is able to demonstrate a design which is sufficiently innovative and of such quality as to raise the general standard of design in the area, thereby outweighing any residual harm. It is precisely this, that our new proposal seeks to achieve.

In order to achieve this goal, we appointed Architects experienced in constructing houses in sensitive wooded locations.

Current Planning application and Local Policies

The planning application before you demonstrates that the site can deliver a tree house dwelling, without adversely impacting on the character of the area. We wish to draw your attention to the following pertinent points:

- Consistent with the requirements of **Local Plan** Part 1 Core Policy 37 (Design and Local Distinctiveness) the layout of the proposed development has been carefully considered and takes into account the scale and form of surrounding development, access and amenity of both existing and future residents.
- The proposal is landscape-led and the landscape character of the area has been integrated into the proposal through appropriate design and management, which is in accordance with Local Plan Part 1 Core Policy 44 (Landscape).



(birds eye view of proposed Tree House, WDA)



(another view of proposed Tree House, WDA)

Recent Local Precedents

- Similar to the now built Maggies Cancer Centre at the Churchill Hospital, which was granted planning permission by Oxford City Council in August 2009 (planning application reference 09/00088/FUL), the concept for the new building is a single storey timber frame raised 'tree house' nestled in among the trees.



Maggies Cancer Centre Oxford (*Wilkinson Eyre Architects*)

- A 'tree house' concept was recently accepted by South Oxfordshire District Council (6th November 2020) (Vale of White Horse District Council's joint authority) on Land opposite Whitecross House, Wallingford (planning application reference P20/S0912/FUL)



(*BHP Hardwood Architects*)

- I wish to make the following observations:
 - A number of trees onsite were protected by a Tree Preservation Order (TPO) and the development was considered acceptable by the authority's Forestry Officer.
 - The Forestry Officer accepted the removal of some trees on the basis they were of poor quality. Approximately half of the trees on our site are Category C and below (see Arboricultural Impact Assessment report).

- The Forestry officer agreed to the development subject to standard conditions PLC 4203 – Tree protection (no dig foundations) and PLC 4101 – landscaping scheme. I am happy for these conditions to apply here.
- The Forestry officer made no objections here on the basis of *anxiety caused by high winds*: there is no reason to consider this as a factor on my site.

Relevance of these precedents to this Application:

- Officers concluded that the proposal would maintain the character of the site and will not appear prominent or out of keeping with the surrounding area even though it is in highly visible and prominent location. In contrast, our site at Hid's Copse is situated in a discreet cul de sac and is almost totally obscured from public view by a 2m high hedge. The only public view into the site is a glimpse from the access gate at Hid's Copse Road, which will be further obscured by the proposed screen planting between the parking area and the house.
- The innovative and bespoke design would seamlessly integrate within the local setting and the proposal **will not result in any tree removal**.

Effect on local Character

It is important to stress that the **perceived** effect on the character of the area is just that, a perception. Crucially:

- The tree house and amenity areas have been carefully positioned and designed to fit within the existing setting so as not to harm the character of the copse.
- The tree house will be supported above ground by a series of tree like stilts sitting on bored 'Heli Piles', which gives the appearance of the building hovering above ground, with views of the copse floor extending beneath the building. The existing and shade tolerant understorey vegetation will be maintained under the house. This vegetation will be provided with rainwater collected from the roof drainage system.
- Car parking and private amenity spaces have also been carefully considered so as not to impact the local setting and is largely concealed from view for passers-by, using the existing mature planting to screen domestic paraphernalia.
- The careful and sensitive design ensures that the tree house integrates successfully into the local setting whilst maintaining the integrity of the protected trees.
- There are a large number of open parks and public amenities within a few hundred yards of the site

Planning Consultation

The proposal was subject to pre-application advice (reference P17/V1874/PEM) at which point, Officers **accepted that the design of the dwelling is of a high and innovative quality**. Furthermore, Officers recognised through this pre-application enquiry that the dwelling could blend into the woodland setting from a visual perspective.

Tree Considerations

Sylva Arboricultural Consultants have played a central role in design development from project inception and have completed an Arboricultural Impact Assessment (AIA), which has been submitted in support of the planning application. The AIA clearly illustrates the large number of trees considered to be Category C and below. The AIA is clear that **no trees will be removed as a result of the development**. Indeed, the proposed development has been carefully designed to remove any potential damage to the trees and or any possible future pressure on trees by the proposed construction methods used, as explained below.

Techniques for protecting Trees and their Roots

- **Use of CellWeb Technology for Driveway:** the use of well established 'cellular confinement' techniques for the drive/car parking area - this method of protecting trees has been used for many years and has been accepted by tree officers throughout the UK, as a means of avoiding damage to tree roots in Root Protection Areas (RPAs). My intention is to protect trees, not to harm them.

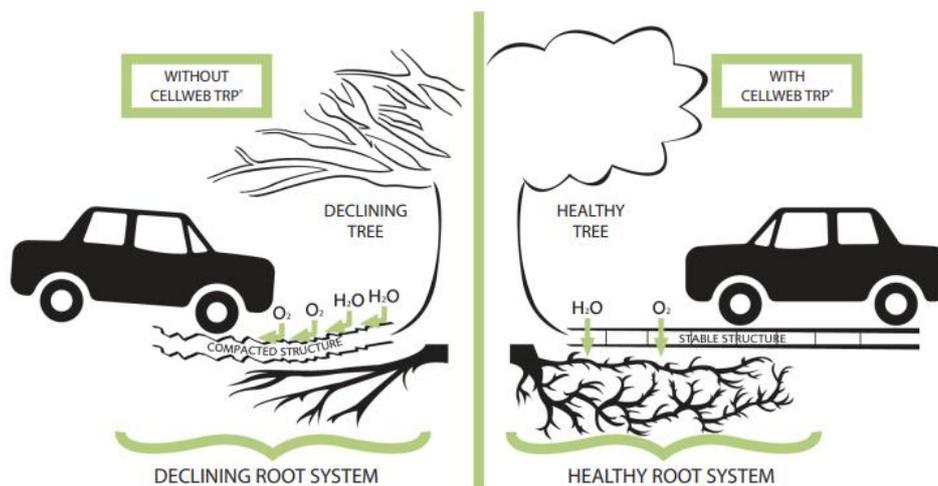


Diagram Demonstrating Use of CellWeb Technology
(Cellweb® Tree Root Protection – geosyn.co.uk)

- **Helical Pile System for Dwelling Construction:** The proposed dwelling will use a helical pile system. This system of bored pile foundations is a commonly accepted methodology of working within this environment.



Award Winning Design and Build at Clay Lane, Beaminster using Helical Pile System
(Western Design Architects)(quadrabuild.com)

- **Trenchless Hand Moling Technique for Drainage and Utilities:** To connect into existing drainage runs and utilities it is proposed to use hand dug sections for access pits only together with trenchless moling techniques. This approach is recommended by BS5837:2012 and is a widely accepted technique of laying services and drains below tree roots without causing any damage.

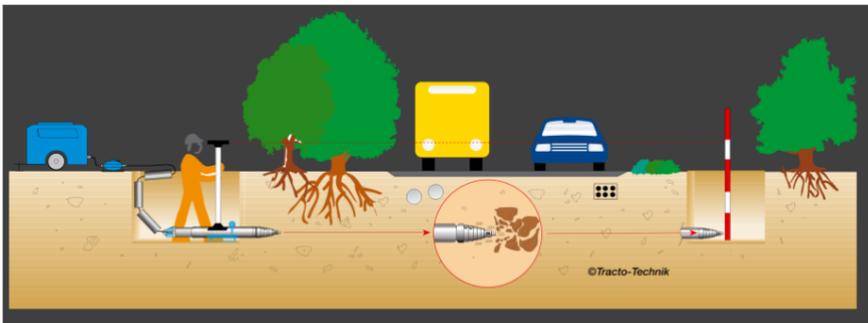


Diagram Demonstrating Trenchless Hand Moling Technique
(Khuduyane Quigley Moling Technique)

The council's flood risk and drainage engineer has agreed the architect's drainage and utility strategy using moling technology.

The Forestry Officer has not explained how damage to the roots would occur using these methods and it appears the overall aim of the design, as a tree house, rather than a conventional house, may have been missed. I have detailed that the above methodologies are widely accepted specifically on sites with RPZs.

Officers consider that regardless of the methods proposed to carry out the works, allowing a residential use on this site is likely to result in unintended damage to trees on the site. There are many examples of tree houses constructed in sensitive locations, demonstrating it is entirely possible to build a tree house on this site without causing damage to the trees above and below ground. A Construction Method Statement, detailing how building work can be carried out to avoid any harm to the fabric of the trees, is a common method often used in these case, and one which I am happy to accept as a condition.

It's this level of work by designers, and specialist consultants that led to **our design**, and **others** such as **Maggie's Centre in Oxford**, the **award winning** house in Clay Lane, Beaminster, and all the other tree houses that have been successfully built, with **established** root protection and utility services techniques

Daylight

Our proposal has been guided by a **daylight report** to avoid assumptions about the perceived amount of light. The report, which forms part of the current planning application, clearly states that there is sufficient light in accordance with BRE Guidelines, which means there will be enough light and no need to prune or remove trees, which are in any case covered by TPOs.

TPOs are subject to the Council's control so the trees are at **no future risk, whoever occupies** the tree house.



Real World Sunlight on Site (Themis Avraamides)

It should also be recognised that someone who is choosing to live in a tree house, is making a choice to live within and amongst the trees and close to nature - this may not be the lifestyle some people can envisage but there are many who would love to live so close to nature. The need to deliver a wide choice of high-quality homes is supported by the National Planning Policy Framework.

Response to proposed reason for refusal 2

(failure to sufficiently demonstrate that the priority habitat can be protected, and that any biodiversity impacts as a result of the development can be sufficiently mitigated against or offset).

Ecology and Biodiversity of the Site

KP Ecology Consultants have completed an ecological assessment of the site, which has been submitted in support of the planning application. As no trees on the site will be removed as a result of the development, the trees and shrubs will continue to provide suitable habitats for nesting birds, common amphibians, hedgehogs and foraging bats.

The submitted Ecology Report is explicit that there is no evidence of any protected species on site - and far from losing any biodiversity, the proposal will enhance the ecological value of the site. The proposal includes the provision of bird/bat boxes and we will reinforce the rear boundaries of the site with a mix of native species, to provide additional screening and to enhance the wildlife habitat. We will work with the Council to add any further enhancement measures: this can be facilitated using following:

- standard condition PLC 4203 – Tree protection (no dig foundations)
- standard condition PLC 4101 – Landscaping scheme
- Arboricultural Method Statement
- BMES Biodiversity Mitigation enhancement strategy & external lighting scheme.

The proposal is therefore fully consistent with Local Plan Part 1 Core Policy 46 (Conservation and Improvement of Biodiversity) as the development will protect and enhance biodiversity on site.

Cumnor Parish Council Support

Having first presented the planning application to Cumnor Parish Council on 7th December 2020, I recently attended the Cumnor Parish Council meeting held on 8th February 2021 to specifically address the objections raised by the Forestry and Countryside Officers, as well as neighbours' objections.

It should be noted that of the three immediately adjacent neighbours, only one has objected (No14); No 11 has been supportive (email in support shown to Ward Councillor). No12b has not objected following agreement to plant a holly tree as additional screening.

At the meeting, I made the points on the accepted methodologies for RPZs detailed above, and my Architect further explained in detail the design rationale and proposed constructions techniques.

A detailed debate was held after which the Parish Council **voted to support** this application for a tree house dwelling.

Conclusion

Thank you for taking the time to read this letter. I hope the above is helpful in your assessment of the proposal, which I trust will persuade you to vote in favour of our planning application at Planning Committee.

Yours sincerely

Themis and Emma Avraamides