
APPLICATION NO.	P22/S3152/S73
APPLICATION TYPE	SECTION 73
REGISTERED	31.8.2022
PARISH	ROTHERFIELD PEPPARD
WARD MEMBERS	Jo Robb & James Norman
APPLICANT	Newgate (Sonning) Ltd
SITE	Greylands, Gravel Hill, Peppard Common, RG9 5HD
PROPOSAL	s73 application to vary condition 2 (approved plans) on application ref. P20/S3876/FUL (Demolition of existing house and erection of 6 houses)
	<ol style="list-style-type: none"> 1. Additional windows to all plots; 2. Alterations to roof profile of Plots 1 & 2; 3. Alterations to first floor rear windows of Plots 1 & 2; 4. Alterations to footprint of Plot 1; 5. Alterations to ridge heights of all plots; and 6. Installation of solar PV panels to roof slopes of all plots. <p>(position of Plot 1 altered to reflect surveyed distances to boundary, ridge heights of all plots altered to reflect surveyed heights, solar PV panels added to all plots, overlays of approved and proposed footprint and elevations of Plot 1 and details of hard and soft landscaping including boundary wall treatment provided, as shown on amended plans received 6th July 2023).</p>
OFFICER	Paul Lucas

1.0 INTRODUCTION AND PROPOSAL

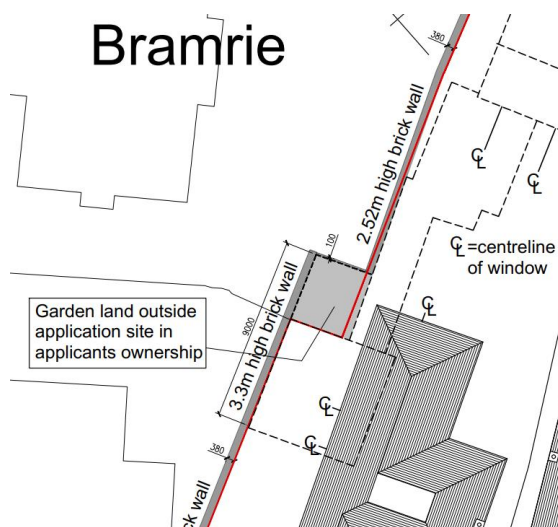
- 1.1 This report sets out the justification for officers' recommendation to grant planning permission having regard to the development plan and any other material planning considerations. The applications are referred to the planning committee due to being called in by one of the District Ward Councillors, Jo Robb, for the following reasons: "because the application deviates from the original in some key areas: new windows which were not included in the original application and which would have led the Parish Council to object to the application in the first instance on the grounds of overlooking."
- 1.2 The application site is shown at **Appendix A** and comprises a residential plot, located within the built-up area of Peppard Common, which formerly contained a detached two-storey dwelling known as Greylands, taking vehicular access from Gravel Hill. Planning permission was granted in October 2021 for the demolition of that dwelling and the erection of six two-storey dwellings fronting onto and taking vehicular access from Shiplake Bottom. The site slopes down slightly from Shiplake Bottom then upwards more steeply towards Gravel Hill. The site is bordered by No.2 Shiplake Bottom (a bungalow) to the south-east and by No.12 Shiplake Bottom and Bramrie to the north-west (both two storey dwellings with first floor accommodation in the roof space).

1.3 Aside from the adjoining roads, the site is visible in the approach from Newfield Road to the south-west due to the rising land on the western side of Shiplake Bottom. The boundary with Shiplake Bottom has historically consisted of a close-boarded fence that would be removed by the development. The boundary with Gravel Hill consists of a brick and flint wall and close board fencing. A brick and flint wall ranging from 2.1 metres to 3.3 metres in height spans most of the entire north-western site boundary with No.12 and Bramrie. Close boarded fencing remains on the south-eastern site boundary with No.2. The south-western part of the site is susceptible to surface water flooding due to dropping below road level. There are also records of a previous land use on the site that could give rise to contamination.

1.4 This Section 73 application seeks to vary the approved plans under planning permission [P20/S3876/FUL](#). Due to the development having already commenced including the proposed changes, the application is retrospective. The proposal would continue to comprise two detached 4-bedroom dwellings, a pair of 3-bedroom semi-detached dwellings and another pair of 2/3-bedroom dwellings. The dwellings would continue to front onto and take vehicular access from Shiplake Bottom. The application differs from the original application in the following ways:

1. Additional windows to all plots; 2. Alterations to roof profile of Plots 1 & 2; 3. Alterations to first floor rear windows of Plots 1 & 2; 4. Alterations to footprint of Plot 1; 5. Alterations to ridge heights of all plots; and 6. Installation of solar PV panels to roof slopes of all plots. The application has been amended since originally submitted to include additional elements and to reduce the size and/or alter the position and specify obscure glazing/non-opening of some of the windows on Plot 1. Additional information was also submitted to provide details of landscaping and treatment of the boundary wall. The current plans can be found at **Appendix B** whilst other documentation associated with the application can be viewed on the council's [website](#).

1.5 It also came to light during the application process that the original planning permission had an incorrectly drawn site boundary with Bramrie. This was because it excluded an area of land of about 9 square metres belonging to Greylands, instead showing it as being within the garden of Bramrie. The land in question was covered by part of an outbuilding that has since been demolished, so the error was not apparent in the assessment of the original application. Consequently, the red line site area and site ownership do not tally exactly. The land in question is identified on the extract below shaded grey, with the red line representing the application site boundary line and the black dashed line the actual on the ground site boundary.



- 1.6 The council commissioned a surveyor to carry out an independent survey with a comparison of the approved plans and the as built layout. The plans produced by the surveyor are included at **Appendix C**.

2.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS

2.1 Rotherfield Peppard Parish Council – Objection:

Adverse Residential Amenity Impact contrary to SOLP 2035 Policy DES6 in that the level of separation between the development and neighbouring properties especially Bramrie (incorrectly shown on plans accompanying the original application P20/S3876/FUL) and alterations to the roof profiles of Plots 1 & 2; 3 and in particular Plot 1 result in significant adverse impacts on neighbouring properties and in particular to the privacy, dominance and visual intrusion of the development in relation to those properties.

Third Parties – 3 households raising objections/concerns to the original plans and sustain their objections/concerns to the current plans, summarised as follows:

- Inaccurate plans invalidate the original planning permission
- Original planning permission plans gave a misleading view of the impact on Bramrie and No.12
- Plot 1 closer to boundary than shown on plans
- Plot 1 First floor rear windows overlook Bramrie's kitchen, living room and rear garden
- Plot 1 is overly dominant and creates visual intrusion to Bramrie and No.12
- Loss of privacy to Bramrie and No.12 from side windows in Plot 1
- If the amendments are to be approved, then a covenant must be imposed on all future occupiers to ensure the side windows are fully glazed in frosted glass
- A covenant preventing further windows in the north-west facing side wall of Plot 1 should also be imposed
- Loss of privacy to Bramrie from reduction in height of boundary wall
- Pleached trees would be ineffective in providing meaningful screening
- Roof heights considerably higher than other properties fronting onto Shiplake Bottom
- Developer should not be rewarded for continuing to build without the necessary approvals

These representations can be viewed in full on the council's [website](#).

3.0 RELEVANT PLANNING HISTORY

3.1 [SE22/256](#) - (live enforcement investigation)

Commencement prior to conditions discharge and breach of condition 2 on application P20/S3876/FUL

[P22/S3017/DIS](#) – Partially Approved

Discharge of conditions 5 (Materials), 7 (Energy Statement), 8 (Refuse & Recycling), 13 (Landscaping), 14 (Tree Pit Design), 15 (Biodiversity), 16 (Risk Assessment), 18 (Surface Water) & 19 (Foul Water) on application ref. P20/S3876/FUL

[P20/S3876/FUL](#) - Approved (22/10/2021)

Demolition of existing house and erection of 6 houses.

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 POLICY & GUIDANCE

5.1 Development Plan Policies

South Oxfordshire Local Plan 2035 (SOLP) Policies:

DES1 - Delivering High Quality Development

DES2 - Enhancing Local Character

DES5 - Outdoor Amenity Space

DES6 - Residential Amenity

DES7 - Efficient Use of Resources

DES8 - Promoting Sustainable Design

DES10 - Carbon Reduction

ENV1 - Landscape and Countryside

ENV2 - Biodiversity - Designated sites, Priority Habitats and Species

ENV3 - Biodiversity

EP3 - Waste collection and Recycling

EP4 - Flood Risk

H1 - Delivering New Homes

H11 – Housing Mix

H16 - Backland and Infill Development and Redevelopment

INF4 - Water Resources

STRAT1 - The Overall Strategy

STRAT5 - Residential Densities

TRANS5 - Consideration of Development Proposals

5.2 Neighbourhood Plan – Not applicable

5.3 Supplementary Planning Guidance/Documents

South Oxfordshire and Vale of White Horse Joint Design Guide 2022

5.4 National Planning Policy Framework and Planning Practice Guidance

5.5 Other Relevant Legislation

Human Rights Act 1998

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.

Equality Act 2010

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

6.1 The relevant planning considerations are the following:

- **Principle of development**
- **Design and character**
- **Residential amenity**
- **Access and parking**
- **Other material planning considerations**

- 6.2 **Principle of development – Is the original planning permission valid:**
Government guidance at Paragraph: 024 Reference ID: 14-024-20140306 states:
“The application site should be edged clearly with a red line on the location plan. It should include all land necessary to carry out the proposed development (eg land required for access to the site from a public highway, visibility splays, landscaping, car parking and open areas around buildings). A blue line should be drawn around any other land owned by the applicant, close to or adjoining the application site.”
- 6.3 Planning permission [P20/S3876/FUL](#) fails to identify all of the land in the applicant's ownership through the omission of the parcel of land identified as the 'grey land' at paragraph 1.5 above. However, the omission of the grey land would not go to the heart of the permission, because it would have been possible to implement the development as approved without the grey land, because planning permission is not required to demolish the domestic outbuildings that previously covered it and none of the new built form intrudes upon the grey land. The grey land belonged to the domestic curtilage of Greylands and would continue to belong to a domestic curtilage, therefore no material change of use of the grey land has taken place that would require planning permission. The application site area was only on land owned by the applicant and as such the correct Certificate A was completed. As such, officers conclude that the inclusion of the grey land would not have been necessary to carry out the proposed development and, on that basis, the original planning permission remains valid.
- 6.4 **Principle of development – Is a Section 73 application appropriate:**
Government guidance at Paragraph: 013 Reference ID: 17a-013-20230726 states:
“There is no statutory limit on the degree of change permissible to conditions under s73, but the change must only relate to conditions and not to the operative part of the permission.”
Government guidance at Paragraph: 014 Reference ID: 17a-014-20140306 explains:
“Section 73 cannot be used to change the description of the development.”
- 6.5 Although the description of the current Section 73 application differs from the original planning permission, this is only in so far as to list the changes to the approved plans. The changes all fit within the umbrella of the original planning permission description, namely “Demolition of existing house and erection of 6 houses.” The grey land cannot be included within the red line, as this would change the site area, which is not possible under a Section 73 application. However, as explained above, there is no material change of use of this land, so there is no requirement for it to be included within the site to implement the development. Although not edged in blue, the land is clearly identified as being within the applicant's ownership on the current plans and would form part of Plot 1 moving forward, therefore any planning conditions related to it would be enforceable.
- 6.6 Otherwise, the extent of the proposed changes, dealing with matters related to footprint, openings, ridge and eaves heights and landscaping/boundary treatment are matters that are typically covered in Section 73 applications. As such, the principle of residential development on this site remains acceptable, in accordance with the SOLP 2035 Policies STRAT1 and H16.
- 6.7 **Design and character**
The SOLP 2035 Policy DES1 seeks to ensure that all new development is of a high-quality design subject to a series of criteria. The SOLP 2035 Policy DES2 states that all new development must be designed to reflect the positive features that make up the character of the local area and should both physically and visually enhance and complement the surroundings. These policies are supplemented by advice contained within Section 5 of the JDG 2022.

6.8 Officers acknowledge that the development has led to a significant increase in built form across the site, compared with the single dwelling that existed previously. However, officers are satisfied that the density of the development would remain in keeping with the local grain. The six dwellings to the north-east (No's 12-22) occupy a similar amount of street frontage. Those dwellings have a density of 46 dph, whereas the development has a density of about 31.5dph.

6.9 The main frontage ridge heights of the dwellings themselves have not increased. The front gables of Plots 1 & 2 have increased by about 0.3 metres. Plots 1 & 2 are 7.67 metres (0.18 metre lower) and Plots 3/4 and 5/6 remain at 8 metres and 7.2 metres, respectively. These heights continue to be typical of most modern dwellings. However, due to changes in site levels, there is an increase in the eaves and ridge heights of the dwellings, relative to existing properties. The ridge heights shown on the proposed street scene plans are consistent with the council's surveyor plans. The approved main ridge heights and the proposed main ridge heights are compared against No.12's ridge height in the table below:

	Approved	Proposed/As built	Increase
Plot 1	+0.52 metres	+0.59 metres	+0.07 metres
Plot 2	+0.16 metres	+0.47 metres	+0.31 metres
Plots 3 & 4	+0.23 metres	+0.69 metres	+0.46 metres
Plots 4 & 5	-0.44 metres	-0.02 metres	+0.42 metres

6.10 The ridge lines are set back about 11 to 14 metres from the public highway along Shiplake Bottom. There is a minimum 8 metre separation between the side wall of Plot 1 and No.12 and 5.75 metres between the side wall of Plot 6 and No.2. Under these circumstances, in officers' opinion, the dwellings as built do not appear unduly prominent or intrusive in the street scene along Shiplake Bottom. The dwellings would provide active frontages and introduce further variety to the varied forms and design of dwellings along Shiplake Bottom. Although much of the frontage would be taken up by hardsurfacing to provide access and parking, the application is accompanied by a detailed landscaping scheme, that includes tree (with tree pit details), hedge, and shrub planting around the frontages to help soften the visual impact of the built form. This frontage planting is the same as the scheme submitted under discharge of condition application [P22/S3017/DIS](#), which met with the approval of the council's Tree Officer and could be secured through a planning condition requiring implementation prior to occupation.

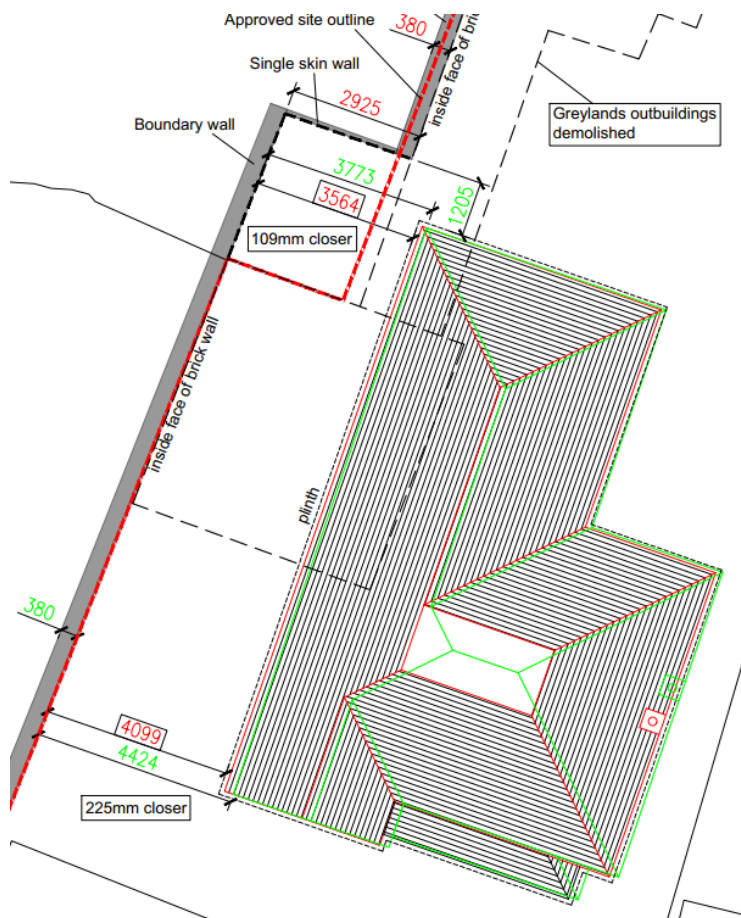
6.11 The visual impact of the dwellings from Gravel Hill would be less due to the higher level of the highway and the greater separation to the rear of the dwellings. The boundary would also comprise a solid wall or fencing, with no vehicular or pedestrian access and the landscaping scheme allows for the planting of seven trees and a continuous hedge on the inside of the boundary. The tree planting would provide mitigation for the loss of tree cover that existed prior to the development taking place, albeit that the previous trees had no statutory protection. The introduction of solar panels onto the side roof slopes would have no significant visual impact, given that such features could be installed under householder permitted development rights.

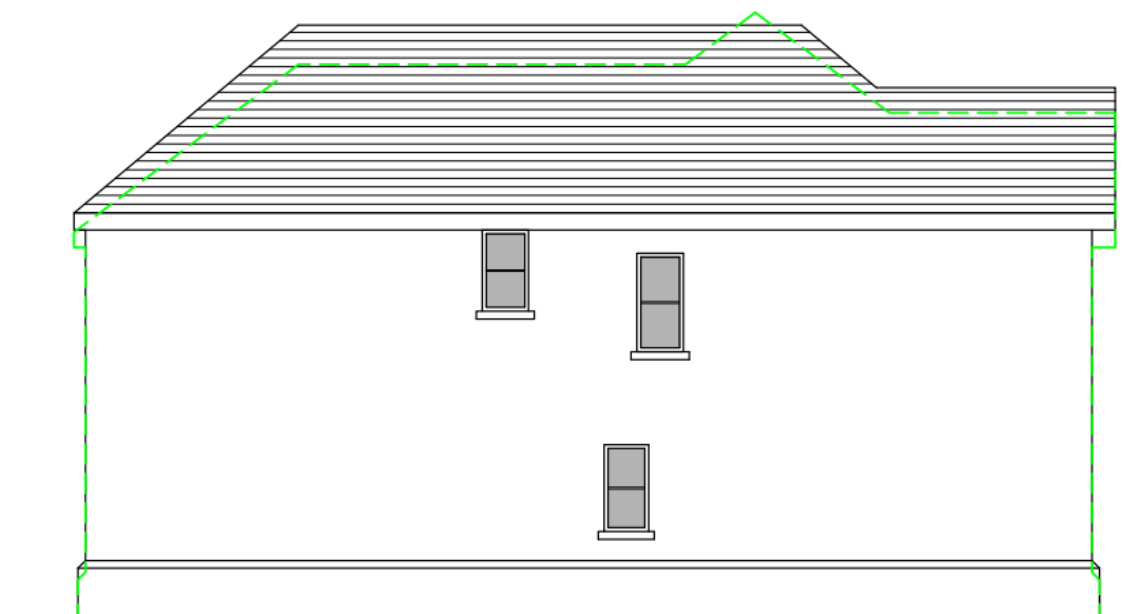
6.12 In the light of the above assessment, officers consider that the proposed development is in keeping with its surroundings and in accordance with the above policies and guidance.

6.13 **Residential amenity**

The SOLP 2035 Policy DES6 requires that development proposals should demonstrate that they will not result in significant adverse impacts on the amenity of neighbouring residential uses, when considering both individual and cumulative impacts in relation to loss of privacy, daylight and sunlight, dominance or visual intrusion, noise or vibration, smell dust, heat, odour or other emissions, pollution, and external lighting. The SOLP 2035 Policy DES5 requires satisfactory outdoor amenity space in line with the guidance under Section 4 of the JDG 2022.

- 6.14 The primary impact of the development is on Bramrie and No.12 Shiplake Bottom. The changes in the footprint and ridge height of Plot 1 are material in that it has been built closer to the north-west boundary with these properties and as such the changes are appreciable from those properties. The first-floor windows on the north-west side elevations face towards No.12 and are visible from that property and Bramrie. The applicant has submitted a plan that compares the approved and as built footprint of Plot 1. This is consistent with the council's surveyors plan 3649/AS-03 and an extract from this is set out below. This reveals that the as built northern rear corner is 0.209 metres closer to the boundary and the as built western front corner is 0.325 metres closer to the boundary (the annotations on the plan are incorrect). As referred to in paragraph 6.9, the front ridges of Plots 1 & 2 have been lowered by 0.18 metres when compared with the approved plan. However, the approved rear ridge section was to be set down from the front ridge by 0.7 metres, whereas it has been built at the same height as the existing ridge. This means that the height of this section has increased to 7.67 metres from the approved 7.15 metres, an increase of 0.52 metres. The eaves have also been raised by about 0.2 metres. These differences are shown on the submitted Plot 1 overlay plan, which is consistent with the council's survey elevations 3649/AS-02 of which an extract is shown below.





Unit 1
Side elevation

- 6.15 Officers have had the opportunity to assess the impact of the as built development from No.12 and Bramrie. Plot 1 is visible from the rear facing windows and garden of No.12. The side wall is 3.5 metres, and the rear ridge line is 7 metres from the garden boundary with No.12. From the closest rear-facing windows of No.12 the built form of Plot 1 lies outside a horizontal 45-degree line of sight, as recommended in BRE guidance and the council's JDG 2022. A ground floor side window at No.12 serves the same room as the rear ground floor window and the built form of Plot 1 lies outside a vertical perpendicular 25-degree line of sight from that window, as recommended in BRE guidance. The outlook from the other ground floor openings in the side elevation is dominated by their proximity to the boundary wall. There is a first-floor side window at No.12 serving a bedroom/study. Plot 1 intrudes partially on the outlook from this window, which was the case for the approved plans. However, the built form of Plot 1 also lies outside a vertical 25-degree line of sight, perpendicular from that window. Whilst there is some impact, with this level of separation, officers are satisfied that the development as built does not result in a significant loss of light or outlook to the occupiers of No.12.
- 6.16 Plot 1 lies to the south of Bramrie. There is a stagger in the boundary wall, so that the north-west facing side elevation is positioned about 3.5 metres from the boundary wall and the north-east facing side elevation is positioned 1.2 metres from the boundary wall. The rear ridge line is around 5.5 metres from the closest part of the boundary wall and is approximately 15 metres from the closest ground floor rear-facing lounge window and 16 metres from the closest first floor rear-facing bedroom window at Bramrie. As Plot 1 is located at an angle from these windows it continues to lie outside a vertical perpendicular 25-degree line of sight from those windows. As with the assessment for planning permission [P20/S3876/FUL](#), officers are also mindful that the two-storey end gable of Greylands was previously sited within two metres of the boundary of Bramrie, directly in front of the kitchen and bedroom/study windows. Whilst the increase in roof height of Plot 1 has some additional impact on the rear garden, given the level of separation and orientation, officers consider that the development as built does not result in a significant loss of light or outlook to the occupiers of Bramrie.

- 6.17 The first-floor bathroom window and stairwell window in the north-west facing elevation of Plot 1 are visible from No.12 and to a lesser extent from Bramrie. Although planning permission [P20/S3876/FUL](#) did not contain any first floor windows, householder permitted development rights exist to add upper floor windows, provided they are obscure-glazed and fixed shut. The windows have been amended to reduce the size of the stairwell window and to incorporate frosted glass on both first-floor windows and the ground floor toilet window. A planning condition can be imposed to ensure that the upper floor windows are installed as such and fixed shut (except for a top-hung fanlight) prior to first occupation. This is a typical arrangement when agreeing to upper floor windows on side elevations on new housing. Given that the 3.3 metres high retained section of boundary wall partially screens these windows from the rear garden of No.12 and the windows are only visible from a more oblique angle from the first-floor side window of No.12 and from the rear garden of Bramrie, officers consider that this would be sufficient to maintain an adequate level of privacy for the adjacent occupiers.
- 6.18 The occupiers of Bramrie have raised a strong objection to loss of privacy from the north-east facing window of Plot 1, serving 'bed 1'. The application initially sought to install a larger 3-pane window to serve bed 1. However, officers considered that this would bring the window closer to the boundary and thereby increase the perception of overlooking to an unacceptable degree. The window is now shown to be a 2-pane window. Although the footprint of the rear corner of Plot 1 has been built 0.209 metres closer to the north-western boundary with Bramrie, the centre-line of the window has been moved 0.45 metres further south-east, meaning that it is located 0.24 metres further from the boundary than the approved window, a total distance of 3.3 metres.
- 6.19 Section 4 of the JDG sets out a recommended minimum window to window distance of 21 metres for back-to-back relationships. The distance from the centre of the window serving bed 1 to the rear of Bramrie is about 14 metres to the lounge window, 15 metres to the first-floor bedroom window, 16 metres to the dining room patio doors, 20 metres to the kitchen window and 21 metres to the bedroom/study window. Although all but one of these distances are below that guidance, the 21 metres is intended to cater for situations where windows directly face each other, whereas in this situation the respective rear elevations are orientated more than 90-degrees apart. Therefore, the angle of view from the Plot 1 window ranges from around 15-degrees to 40-degrees. On this basis, officers consider the distances to be sufficient to prevent an undue level of overlooking.
- 6.20 Officers recognise that overlooking of the rear garden of Bramrie would be possible from this first-floor window, but maintain an opinion that, on balance, this would occur at a sufficiently oblique angle to prevent significant loss of privacy from occurring, also having regard to the times of day that the bedroom is most likely to be in use. Officers are also mindful that the previous dwelling at Greylands contained first floor windows in its south-west facing elevation (as highlighted on the current block plan), the closest of which was 3.2 metres from the north-western site boundary from which views towards Bramrie's rear windows and garden would have been possible.
- 6.21 Due to the omission of the 'grey land' from the original application, the stagger on the boundary was shown as being 3.4 metres further north on the original plans than where it is positioned. Consequently, the occupiers of Bramrie were under the impression that Plot 1 would be built 3.4 metres further to the north-east. As a result, the window is more noticeable from their rear facing windows and garden than they were expecting.

- 6.22 The demolition of the outbuilding has revealed the position of the stagger to be different than on officers' original assessment of planning application [P20/S3876/FUL](#). However, other reference points, such as the position and orientation of Bramrie (the council's survey plan has revealed this is about 0.9 metres further from the boundary than depicted on the approved plans) and the position of the remainder of the north-west boundary wall to the rear of the plot, represented clearer reference points against which the position of the proposed development relative to Bramrie was previously assessed. Officers expected Plot 1 to be positioned adjacent to the far corner of the garden of Bramrie and therefore the impact of the window serving bed 1 was previously assessed on that basis.
- 6.23 Officers found the distance between part of the north-west facing side wall of Plot 1 and a section of 2.5-metre-high boundary wall, shown to be 1.1 metres on the approved plans, to be acceptable and this distance is now shown to be increased to over 3.5 metres from a 3.3-metre-high section of boundary wall. In this respect, the current plans show a reduced impact than the approved plans. Officers also consider that if the development had been built 3.4 metres further north, as expected by the neighbours, then the two-storey side wall of Plot 1 would project further along the north-west boundary, 2 metres of which would be within 1 metre of the boundary wall. Officers consider that whilst the potential for overlooking would have been reduced, the potential impact on light and outlook would have been increased.
- 6.24 The occupiers of Bramrie are also concerned about the reduction in the height of a section of boundary wall. The section in question is some brickwork that appears to be a later addition to the original 2.5 metres high boundary wall, potentially remnants of the previous outbuildings. This brickwork appears to be poor quality and its removal would reduce the height of the wall by between 0.5 and 0.78 metres. However, the boundary wall would then be sandblasted and repointed and would remain at 2.5 metres height, taller than most residential boundaries. The plans show that four pleached evergreen trees (*Elaeagnus ebbingei*) would be planted alongside this section of the boundary. The council's Tree Officer is satisfied that this would be an appropriate form of boundary planting in this location, which over time would provide some softening close to the rear of Plot 1. The 3.3-metre-high section of wall would be retained with coping stone added and rendering applied, but a single skin section would be taken down and rebuilt to that height. The works to the wall would achieve its retention, as required by the original planning permission and could be secured through a landscaping condition, requiring the works to take place prior to first occupation. Officers note that the identification of the 'grey land' within the applicant's ownership allows more scope for boundary planting in this part of the site than was possible to achieve under the original landscaping condition. The planting could be secured through a landscaping condition, requiring planting to take place prior to first occupation.
- 6.25 In relation to Plots 2-6, the hatched areas as built, plotted by the council's survey, closely mirror the dashed line representing the approved layout. Where there are some differences, officers consider that these are to a limited extent that there would be no discernible additional impact on the mutual residential amenity between the plots and to No.2 in terms of light, outlook, and privacy. In relation to Plot 2, the rear ridge section of roof sits alongside the side elevations of Plots 1 and 3. Although the change would be visible from the closest north-east facing windows of Plot 1 (serving a utility and bed 2), the ridge increase would be outside of a horizontal 45-degree line of sight from these windows and so would not result in a significant loss of light or outlook to this adjoining plot.

- 6.26 The south-east facing first floor side window of Plot 1 and the north-west facing first floor side windows of Plot 2 would face each other. The south-east facing first floor side window of Plot 2 and the north-west facing first floor side window of Plot 3 would face each other. These windows serve either bathrooms, wardrobes, or a stairwell, which are not habitable rooms. As such, they could also be subject to an obscure-glazing and fixed shut condition to prevent any loss of privacy from occurring. In relation to the rooflights on Plots 5 & 6, these are shown to be high level and can be subject to a condition to ensure that their cill level is retained as such. Officers consider that the proposed development continues to have an acceptable relationship with properties on the opposite side of Shiplake Bottom.
- 6.27 The proposal would continue to provide garden sizes that would comply with the guidance provided in Section 4 of the JDG, except for Plot 5. However, as found previously, the 10 square metre shortfall would be acceptable, given the relatively sustainable location of the proposal.
- 6.28 In the light of the above assessment, officers consider that the proposed development has an acceptable relationship with adjoining residential occupiers and would provide acceptable living conditions for future occupiers of the proposed units, in accordance with the above policies and guidance.
- 6.29 **Access and parking**
The SOLP 2035 Policy TRANS5 seeks to ensure that development would not be prejudicial to highway and pedestrian safety. The access and parking arrangements remain the same as previously proposed, which received no objections from the Highway Liaison Officer (HLO), subject to the imposition of standard access and parking planning conditions. These conditions are updated to refer to any revised plans submitted under the current application. As such the requirements of the above policy would be met.
- 6.30 **Other material planning considerations**
The development provides predominantly 2- and 3-bedroom units and so would continue to be in accordance with the market housing mix element of the SOLP 2035 Policy H11. The SOLP 2035 Policies DES8 & DES10 seek to ensure that all new development minimises the carbon and energy impacts of their design and construction and should be designed to improve resilience to the anticipated effects of climate change. An energy statement was submitted and found to be acceptable under discharge of condition application [P22/S3017/DIS](#). A verification planning condition can be imposed to require implementation details prior to first occupation. A planning condition to secure EV charge points prior to first occupation is also recommended in accordance with the SOLP 2035 Policy TRANS5 ix).
- 6.31 Matters relating to surface water and foul water drainage, evidence of contaminated land remediation and the provision of bat and bird boxes can be dealt with through pre-occupation planning conditions. Exceptionally, a condition removing permitted development rights for various forms of householder development is considered necessary to allow the council to exercise control over any future additions or alterations to the dwellings that might otherwise result in visual or neighbour harm, or damage/loss of agreed landscaping, or reduction in off-street parking capacity.

6.32 Officers understand why third parties are aggrieved that the development has continued without securing planning permission for the proposed changes. However, Section 73A of the Town and Country Planning Act 1990 (as amended) allows local planning authorities to grant planning permission retrospectively. The fact that the application is retrospective does not influence the assessment that has been carried out with reference to the relevant development plan policies and guidance.

6.33 Community Infrastructure Levy

The development was CIL liable under the original planning permission.

7.0 CONCLUSION

7.1 The proposed development would be acceptable in principle. The proposed development would accord with the Development Plan Policies, Supplementary Planning Guidance and Government Guidance, because, subject to the following planning conditions, it would be in keeping with the character and appearance of the locality, would safeguard the residential amenity of adjoining occupiers and future occupiers of the proposed development and would not be prejudicial to highway safety.

8.0 RECOMMENDATION

Grant Planning Permission subject to the following conditions:

1 : Development to be carried out in accordance with the approved plans

2 : Materials as agreed

3 : Obscure glazing to side facing windows

4 : Rooflights (Plots 5 and 6) to be at least 1.7m above floor level

5 : Withdrawal of permitted development for extensions/outbuildings/hardsurfacing

6 : Energy Statement Verification Report to be agreed prior to occupation

7 : Refuse & Recycling Storage to be implemented as agreed prior to occupation

8 : New vehicular access to be formed prior to occupation

9 : Vision splays to be provided prior to occupation

10 : Vision splays as approved to be retained

11 : Parking and Manoeuvring Areas Retained as shown on approved plan

12 : Landscaping implementation prior to occupation

13 : Biodiversity Mitigation and Enhancement Measures to be provided prior to occupation

14 : Contaminated Land - Remediation Report to be agreed prior to occupation

15 : Surface Water Drainage details to be agreed prior to occupation

16 : Foul Water Drainage details to be agreed prior to occupation

17 : Electric charging points to be provided prior to occupation

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