

Agenda



Contact Officer: Paul Bateman, Democratic Services Officer

Tel: 01235 422523

E-mail: democratic.services@southandvale.gov.uk

Date: 16 June 2020

Website: www.whitehorsedc.gov.uk

A MEETING OF THE

Planning Committee

WILL BE HELD ON WEDNESDAY 24 JUNE 2020 AT 5.00 PM

THIS IS A VIRTUAL LIVE EVENT, PLEASE SEE THE COMMENTS BELOW FOR VIEWING INSTRUCTIONS.

Members of the Committee:

Bob Johnston (Chair)

Val Shaw (Vice-Chair)

Jerry Avery

Ron Batstone

Eric Batts

Diana Lugova

Robert Maddison

Janet Shelley

Max Thompson

Substitutes Councillors

Paul Barrow, Dr

Nathan Boyd

Andy Cooke

Eric de la Harpe

Amos Duveen

Hayleigh Gascoigne

David Grant

Simon Howell

Mike Pighills

Elaine Ware

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MARGARET REED
Head of Legal and Democratic

1. **Chairman's announcements**

To receive any announcements from the chairman, and general housekeeping matters.

2. **Apologies for absence**

To record apologies for absence and the attendance of substitute members.

3. **Minutes** (Pages 4 - 16)

To adopt and sign as a correct record the Planning Committee minutes of the meetings held on Tuesday 26 May 2020 and Wednesday 3 June 2020.

4. **Declarations of interest**

To receive any declarations of disclosable pecuniary interests in respect of items on the agenda for this meeting.

5. **Urgent business**

To receive notification of any matters which the chairman determines should be considered as urgent business and the special circumstances which have made the matters urgent.

6. **Public participation** (Pages 17 - 26)

Statements duly received are published below. They have also been circulated to members of the Committee. They will not be read out at the meeting.

ADDITIONAL NOTE

Statements received

A schedule of the written representations received is **attached**.

Planning applications

All the background papers, with the exception of those papers marked exempt/confidential (e.g. within Enforcement Files) used in the following reports within this agenda are held (normally electronically) in the application file (working file) and referenced by its application number. These are available to view at the Council Offices (135 Milton Park, Milton) during normal office hours.

Any additional information received following the publication of this agenda will be reported and summarised at the meeting.

Summary index of applications

Site Address	Proposal	Application No	Page.
7. P20/V0114/FUL - Jigsaw, Coopers Lane, Wantage, OX12 8HQ	Variation of Condition 2 of P18/V2756/FUL for amended plans. Retrospective application for proposed new dwelling, garage and partial demolition of existing dwelling with that retained to be used as an outbuilding used for storage. (Revised site location plan received 23 January 2020 and amended plans received 27 February 2020).	P20/V0114/FUL	27 - 40

Exclusion of the public

To consider whether to exclude members of the press and public from the meeting for the following item of business under Part 1 of Schedule 12A Section 100A(4) of the Local Government Act 1972 and as amended by the Local Government (Access to Information) (Variation) Order 2006 on the grounds that:

- (i) it involves the likely disclosure of exempt information as defined in paragraphs 1-7 Part 1 of Schedule 12A of the Act, and
- (ii) the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Minutes

of a meeting of the

Planning Committee

held on Tuesday, 26 May 2020 at 10.30 am



This was an online virtual meeting.

Open to the public, including the press

Present:

Members: Councillors, Val Shaw (Vice-Chair, in the Chair), Jerry Avery, Ron Batstone, Simon Howell (substituting for Cllr. Eric Batts) Diana Lugova, Robert Maddison, Janet Shelley and Max Thompson

Officers: Sally Appleyard, Paul Bateman, Holly Bates, Martin Deans, Emily Hamerton and Susannah Mangion

Also present: Councillor Helen Pighills and Councillor Richard Webber

Number of members of the public: not known

PI.97 Chair of the meeting

The Committee noted that the Chair of the Committee, Councillor Bob Johnston, was having difficulty in connecting to the virtual meeting and this had delayed the start of the meeting. The Vice Chair, Councillor Val Shaw was also not present at this time. It was agreed that a Chair for the meeting should be elected.

A motion moved and seconded, to elect Councillor Max Thompson as Chair of the meeting was declared carried on being put to the vote. **RESOLVED:** to elect Councillor Max Thompson as temporary Chair of the meeting.

The Vice Chair, Councillor Val Shaw was later present and a motion was moved and seconded, to elect Councillor Val Shaw as Chair of the meeting, which was declared carried on being put to the vote. **RESOLVED:** to elect Councillor Val Shaw as Chair of the remainder of the meeting.

PI.98 Chairman's announcements

The Chair had no announcements but ran through housekeeping arrangements appropriate to a virtual meeting.

PI.99 Apologies for absence

Apologies were received from Councillor Eric Batts.

PI.100 Minutes

The minutes of the previous meeting, held on Wednesday 26 February 2020, were agreed to be a correct record of the meeting. It was resolved that the Chairman sign them as such.

PI.101 Declarations of interest

There were no declarations of interest.

PI.102 Urgent business

There was no urgent business.

PI.103 Public participation

Statements made by the public and duly received within a published deadline had been circulated to the Committee two working days prior to the meeting and had also been published on the Council's website.

PI.104 P19/V3304/TDC - Monks Court, Newbury Road, East Hendred, Wantage, OX12 8LG

Councillor Janet Shelley, the local ward councillor, stood down from the committee for consideration of this item.

The committee considered application P19/V3304/TDC, for Stage 2 Technical Details Consent for one dwelling, in accordance with Permission in Principle for 1-2 dwellings, ref: P18/V2637/PIP (re-submission of withdrawn Stage 2 application ref: P19/V1287/TDC) (as amended by plans received on 28 January 2020, and additional drainage details received 25 February 2020 and 28 February 2020), at Monks Court, Newbury Road, East Hendred.

Consultations, representations, policy and guidance, and the site's planning history were detailed in the officer's report, which formed part of the agenda pack for the meeting.

The planning officer reported that since the publication of the agenda, a statement of support had been received from the applicant. Also, a statement of objection had been received, referring to scale, mass, dominance and potential harm, also mentioning impact upon local character and the Area of Outstanding Natural Beauty. The East Hendred Parish Council had not objected but remained concerned about the bulk and height of the proposed dwelling. Eight letters of objection had been received, as detailed in a table at paragraph 2.1 of the report. The planning officer reported that the Conservation Officer had no objection.

The planning officer referred to the fact that the permission in principle had received consent in February 2019 for the development of 1 - 2 dwellings. Following consent, it was necessary to grant a technical details consent before the development could proceed.

Councillor Janet Shelley, the local ward councillor, spoke objecting to the application, citing the effect upon the street scene; it was considered that the slope of the site made the development more dominant. The glass porch could also be a source of light pollution. The slab levels also required control in the interests of restricting the turning of vehicles.

The planning officer reported that the height of the development was not considered to be out of place in the street scene. In respect of the slab levels, the senior planning officer reported that a pre-commencement condition was already recommended, to require the submission of access and visibility splay details. A slab level condition could be added to the conditions.

A motion, moved and seconded, to grant planning permission, subject to an additional condition in respect of slab levels, was declared carried on being put to the vote.

RESOLVED: to grant planning permission for application P19/V3304/TDC subject to the following conditions:

Standard

1. Commencement of development within three years
2. Development in accordance with approved plans

Pre-commencement

1. Samples of materials to be submitted
2. Access details and visibility splays to be submitted
3. Tree protection details to be submitted
4. Boundary treatment details to be submitted
5. Hard and soft landscaping scheme to be submitted

Pre-occupation

6. Implementation of approved landscaping scheme
7. Parking and turning in accordance with approved plan
8. Implementation of approved drainage scheme

Compliance

9. Retention of hedgerow
10. Gates to be set back 5.5m from carriageway edge and open inwards

Informatives

1. CIL
2. INF17

PI.105 P20/V0175/HH - 10A, Katchside, Sutton Courtenay, Abingdon, OX14 4BH

The committee considered application P20/V0175/HH for the erection of a single storey side extension and front extension, and extension to existing garage (corrected plans received 9 March 2020. Description correction agreed by agent on 9 March 2020) at 10A Katchside, Sutton Courtenay, Abingdon.

Consultations, representations, policy and guidance, and the site's planning history were detailed in the officer's report, which formed part of the agenda pack for the meeting.

With reference to paragraph 2.1 of the report, the planning officer reported that the Sutton Courtenay Parish Council had not raised any objection to the proposal but requested that a condition be considered to prevent the garage being used for residential purposes. The Oxfordshire County Council had objected on the basis of the potential generation of new vehicular trips through a sensitive part of the highway network. This was acknowledged by the district council but officers considered that this did not outweigh the benefits emanating from the permitted development rights.

The planning officer confirmed that a side extension was acceptable by virtue of permitted development rights under class A of Part 1 of the Town and Country Planning (General Permitted Development Order), as it did not require planning permission. Under these circumstances it would be unreasonable to refuse planning permission. Also, parking space was considered to be adequate (paragraph 5.11 of the report).

Councillor Richard Webber, the local ward member, spoke objecting to the application. He stated that the district and county councils apparently had maintained a joint position of objection, unless a bypass was constructed. He requested deferment of a decision, to allow the councils to develop a new joint position and to await a decision on highways funding. Some members of the committee proposed a deferment of the application, but this was not put to a vote. The senior planning officer advised the committee that in the event of a deferment, the permitted development element would not be included in the application before the committee.

A motion, moved and seconded, to grant planning permission was declared carried on being put to the vote.

RESOLVED: to grant planning permission for application P20/V0175/HH subject to the following conditions:

1. Commencement of development within three years
2. Development in accordance with approved plans
3. Materials in Accordance with submitted details
4. Restrict conversion of the garage without planning permission (additional condition)

PI.106 P20/V0073/FUL & P20/V0076/LB - The Old Gaol, Bridge Street, Abingdon, OX14 3HE

Councillor Bob Johnston attended the meeting prior to commencement of discussion on this item.

The committee considered applications P20/V0073/FUL & P20/V0076/LB for a proposed change of use from A3 to D1 (dental surgery) (additional information - Flood Risk Assessment received 5 February 2020 and amended by revised location plan received 13 February 2020) (Transport Statement, including addendum to existing received 15 February 2020) (Marketing report submitted 10 March 2020) at The Old Gaol, Bridge Street, Abingdon.

Consultations, representations, policy and guidance, and the site's planning history were detailed in the officer's report, which formed part of the agenda pack for the meeting.

The planning officer reported that a late submission had been received from the applicant in support of the application, which had been circulated to the committee. The planning

officer referred to the relevant planning considerations in the determination of the application, which were detailed in paragraph 5 of the report, namely, the principle of the development - Employment/Retail Policy; the visual impact and heritage considerations; impact on residential amenity; public access; traffic, parking and highway safety; Community Infrastructure Levy; and environmental considerations - flood risk and drainage, air quality, ecology.

The planning officer also reported that the Abingdon Town Council's representation had referred to the original approval in 2010 for the Old Gaol development being on the basis of a mixed-use development, including a Class A3 restaurant/cafe in Unit 5B. The planning officer advised the committee that the unit had never been occupied due to difficulty in finding a tenant to lease the space. It was considered that after a number of years of the unit remaining vacant and after unsuccessful marketing efforts, it was appropriate to consider alternative uses.

In respect of appropriate town centre use, the planning officer reported that in the policy context this proposal would be considered 'Main Town Centre use' under the Local Plan 2031. Additionally, Annex 2 of the National Planning Policy Framework (NPPF) which defined "major town centre uses" for the purposes of town centre policy, included restaurants and also health and fitness centres. Officers considered that a dental practice fell within a health centre use and was therefore appropriate in a town centre.

The planning officer reported that the neighbour in the apartment above the proposed unit considered that the intended use was preferable to a restaurant, and had requested adequate noise insulation from the use and would favour alteration works being limited between 8.00am and 5.00pm. The planning officer did not consider that the proposed use would generate additional noise.

The planning officer reported that the Friends of Abingdon Civic Society were concerned about "use of the modern glass addition to Treatment Room 1 as this raises privacy issues for patients and concerns about what screening will be proposed. Could detail be provided, or the space be reorganised?" The Friends had also alluded to the proximity of Treatment Room 1 to the riverside path which "could result in pressure to close the Bridge Street entrance to the gardens". The planning officer reported that patients would be protected by blinds, which might require listed building consent, if permanent window treatments were proposed. Also, access to the Bridge Street public entrance to the gardens and other public access route across the site would be maintained through the existing legal agreement.

Councillor Helen Pighills, a local councillor, spoke in support of the application, as it represented an opportunity to bring the unit into use. The councillor wished continued public access through the legal agreement.

A motion, moved and seconded, to grant planning permission was declared carried on being put to the vote.

A motion, moved and seconded, to grant listed building consent was declared carried on being put to the vote.

RESOLVED:

(a) to grant planning permission for application P20/V0073/FUL subject to the following conditions:

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1. Commencement of development
2. Approved plans
3. Hours of construction
4. Informative - If any works to provide external ventilation or flues, erect external lighting, undertake window treatments or to erect signage, a further application for listed building consent (and advertisement consent) will be required.

(b) to grant listed building consent for application P20/V0076/LB subject to the following conditions:

1. Commencement of works
2. Approved plans
3. Informative - If any works to provide external ventilation or flues, erect external lighting, undertake window treatments or to erect signage, a further application for listed building consent (and advertisement consent) will be required.

The meeting closed at 12.00 pm

PI.1 FIELD_TITLE

PI.2 FIELD_TITLE

PI.3 FIELD_TITLE

PI.4 FIELD_TITLE

The meeting closed at 12.00 pm

Minutes

of a meeting of the

Planning Committee

held on Wednesday, 3 June 2020 at 5.00 pm



This was a virtual meeting

Open to the public, including the press

Present:

Members: Councillors Bob Johnston (Chair), Val Shaw (Vice-Chair), Jerry Avery, Ron Batstone, Simon Howell (substituting for Cllr. Eric Batts), Diana Lugova, Robert Maddison, Janet Shelley and Max Thompson

Officers: Paul Bateman, Holly Bates, Steve Culliford, Steven Corrigan, Martin Deans, Adrian Duffield, Emily Hamerton, Susannah Mangion and Stuart Walker

Also present: Councillor Debby Hallett and Councillor Judy Roberts

PI.107 Chairman's announcements

The Chair had no announcements but ran through housekeeping arrangements as applied to virtual meetings.

PI.108 Apologies for absence

Apologies for absence were received from Councillor Eric Batts. Councillor Simon Howell attended as his substitute.

PI.109 Declarations of interest

Councillor David Grant and Councillor Bethia Thomas, the members for Faringdon, declared an interest in item 7 on the agenda, 13 -17 London Street, Faringdon, declining to comment on this application. In a statement to the committee, each declared an interest; Councillor. Thomas had previously worked for, and continued to be friends with, the developer in question, and Councillor Grant lived in close proximity to the proposed development (the full text of their statement is given at Minute 113 below).

PI.110 Urgent business

The Chairman declared that there was no Urgent Business.

PI.111 Public participation

Statements made by the public and duly received within a published deadline had been circulated to the Committee prior to the meeting and had also been published on the Council's website.

PI.112 P19/V0023/FUL - Tilbury Fields, off Bushy Close, Botley, Oxford, OX2 9SH

The Committee considered application P19/V0023/FUL, a retrospective application to regularise public realm works in connection with applications P07/V0741/O and P13/V0817/RM, including changes to approved roads and footpaths, parking areas, hard and soft landscaping, boundaries, recycling storage facilities, vehicle access prevention to Tilbury Lane, and surface water drainage. (As amended by plans and information received 19 June 2019 and 5 August 2019) at Tilbury Fields, off Bushy Close, Botley.

Consultations, representations, policy and guidance, and the site's planning history were detailed in the officer's report, which formed part of the agenda pack for the meeting.

The planning officer reminded the committee that the application had been considered on 29 January 2020; the committee had resolved to defer the decision for officers to investigate and report back. The committee received a copy of the original report as an appendix to the report under consideration.

The Committee was advised of the requirement for a Deed of Variation to the S106 Legal Agreement. The original S106 agreement required the owner to provide 0.58 hectares of public open space to the council (together with a Public Open Space Commuted Sum). The council's infrastructure team had identified a problem with the initial land offer, as it included drainage elements which the council's property team was not willing to accept. Alternative public open space land had therefore been identified, but due to the estate layout, the alternative offer only amounted to 0.549 hectares, slightly below the 0.58 hectares required in the agreement. The planning considerations of this were dealt with in the report, but the committee was advised that if the shortfall was accepted, the S106 agreement would require a variation under S.106A of the Town and Country Planning Act 1990.

The planning officer reported that land in Seacourt Road was outside the application's boundary and was owned by a third party. The developer had undertaken not to transfer the site to the residents until planning permission had been obtained. The developer's leading officer would be present at the handover event. The developer cited the hot weather as contributing to the dryness of the site and limiting growth and success in tree survival. There was an intention to have planting in two of the swales; seeding and herbicide spraying and watering would take place, and this whole operation would be monitored by the council's officers. The aim was to complete this remedial action before the handover in September 2020.

In respect of roads subsidence, the planning officer reported that there were four specific problem areas and that a meeting would be held with the contractor on Monday 8 June 2020 to finalise a programme of works, which would be shared with residents. It was reported that updated surface water drainage plans had been submitted for consideration in the application. The drainage scheme complied with CP42 and could be approved, but at present required gritting of porous areas.

The planning officer outlined changes to the spine roads on the development. Bollards were now in place in Tilbury Lane and Hope Way. Changes to parking areas around play areas and footpaths were also described. A plan was displayed, depicting the situation regarding progress in tree planting in Tilbury Lane. There were several trees missing and planting in public open space to the north of the site intended to compensate the deficiency. It was also intended that additional trees would be planted to the north east. At the south of the site (with Tilbury Lane to the east) there were no tree planting proposals, however there would be planting on the east side of Tilbury Lane and in the south of the site, near to Seacourt Road. Additionally, trees would be planted in the play area and at the main central square.

The planning officer concluded by stating that overall, the hard and soft landscaping changes presently being executed and proposed were acceptable to the previous scheme and did not affect the development's appearance. The tree planting was to be particularly welcomed. The remedial work was continuing, and changes could be secured by condition if necessary.

Councillor Judy Roberts, a local ward member, spoke in support of the application. She highlighted the problems encountered historically with respect to roads, landscaping and planting and was gratified that these were being solved through discussion between the parties concerned. However, it would be a challenge to ensure that the developers fully adhered to a planting timetable and it was hoped that the proposed measures would ensure this.

Councillor Debby Hallett, a local ward member, spoke in support of the application. She recalled the promises to residents of a pleasant green neighbourhood and, with the remedial works, it seemed that the development was now coming to a satisfactory conclusion.

The committee asked the planning officer if further conditions were required to ensure a successful completion of the remedial works, with maintenance, over a five-year timeframe. The committee also asked about assurance of the completion of the highways works. The planning officer replied that Recommendation 2, 'Landscaping implementation within the next planting season', would adequately cover the situation.

The Committee requested clarification on the financial implications of any road failure, future maintenance and management and who would be liable. The planning officer replied that road repairs had been monitored by the Oxfordshire County Council as they were re-laid, so officers saw no reason why they should fail. If damage occurred before handover to the management company, the developer would be liable, along with maintaining them. Once they were transferred, it was the responsibility of the management company to maintain and remediate where necessary.

A motion, moved and seconded, to grant planning permission for the application was declared carried on being put to the vote.

RESOLVED: to grant planning permission for application P19/V0023/FUL subject to the following conditions:

1. Approved plans
2. Landscaping implementation within next planting season
3. Re-gritting of porous paving areas within 12 months

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**PI.113 P19/V1340/FUL& P19/V1341/LB - 13-17 London Street,
Faringdon, SN7 7AE**

The Committee considered applications P19/V1340/FUL and P19/V1341/LB for the demolition of existing storage shed and garage to the rear of the property and conversion of existing offices, storage and bakery in the listed building into 2 x 2 bed apartments and 2 x 1 bed apartments. Development on land to the rear consisting of 3 x 1 bed apartments with associated parking and landscaping (bat survey received 18 July 2019) (revised Heritage Statement, Transport Statement, Design and Access Statement and revised drawings: C209.02A, C209.03B, C209.04B, C209.05A, C209.06A, C209.07A, C209.08A, C209.10A, C209.11A and C209.12A and Viability Statement, Contaminated land questionnaire received 6 December 2019 and amended by site plan C209.03revC received 14 Jan 2020) (amended plans showing vehicle tracking and cycle parking received 2 March 2020) at 13-17 London Street, Faringdon.

Consultations, representations, policy and guidance, and the site's planning history were detailed in the officer's report, which formed part of the agenda pack for the meeting.

The democratic services officer read to the committee a statement made by the local ward members Councillor David Grant and Councillor Bethia Thomas (referred to above in minute 109 - Declarations of Interest), which gave their reasons for not commenting on the applications. The full text was;

"Dear Chair and members of the Vale of White Horse Planning Committee,

We are writing to you to explain why, despite being ward members for Faringdon, we are unfortunately unable to comment on this application due to conflicts of interests. Cllr. Thomas previously worked for and is friends with the developer in question, whereas Cllr. Grant lives in close proximity to the proposed development.

While we are aware that the Town Council are objecting to the development, we feel it would be improper for either of us to comment on this application in either direction to avoid the appearance of undue bias or impropriety. We understand the Development Manager has used her discretion under the circumstances to call this development into the planning committee and we thank the committee in advance for giving the application its consideration.

Yours faithfully,
Cllr. Bethia Thomas & Cllr David Grant"

The planning officer reported that the proposed scheme had been amended considerably since it was first submitted, notably the reduction in scale of the new-build accommodation. A viability report had been produced in respect of the office accommodation and was attached to the report (Appendix 1).

The Committee noted the relevant planning considerations in the determination of the application namely: the principle of the development – housing/employment/retail policy; visual impact and heritage considerations; impact on residential amenity, traffic, parking and highway safety; environmental considerations - flood risk, drainage, biodiversity and contamination considerations; and Community Infrastructure Levy.

The planning officer reported that the Faringdon Town Council wished to retain the office use, which it considered was supported by neighbourhood plan policies. The viability report, however, had concluded that residential use was the only realistic option; the office space had been unoccupied for four years. Additionally, planning officers did not consider that the proposed use detracted from the existing character of the property.

With respect to residential amenity, the planning officer reported that the original scheme had been significantly revised following officer input, reducing its height and scale and removing balconies to ensure that the impacts of overlooking and loss of light to neighbouring residents were limited. Planning conditions had been included to ensure rooflights were high-level and windows on the front elevation, facing Swan Lane, were obscure glazed.

The planning officer also reported that the existing flats within the listed building did not currently benefit from any allocated parking and this would continue to be the case. It was not reasonable in planning terms to require the current scheme to provide parking for existing residential units. Local residents were concerned that there was insufficient parking provided and that this would worsen existing on-street congestion. The County Highways Officer had carefully assessed the proposal and was aware of on-street parking issues in Faringdon. He was mindful of government advice contained in the National Planning Policy Framework concerning the need to assess parking in the light of local circumstances, including the proximity and availability of public transport. The site was located within Faringdon town centre, with convenient access to public transport options. Furthermore, there were on-street car parking controls in the vicinity. Considering all of these factors, the County Highways Officer did not object.

In response to a question from the committee regarding the location of cycle parking and bin stores, the planning officer reported that cycle parking would be situated in the north west corner of the site. There would be bin storage on Swan Lane. The new build flats would have storage in the north east area of the car space. The planning officer also reported that a construction management scheme would handle all construction and building works to minimise inconvenience to residents and the general public.

A motion, moved and seconded, to grant planning permission for the application was declared carried on being put to the vote.

The committee then went to discuss the application for listed building consent.

The planning officer reported that the council's conservation officer was satisfied that the new-build element was of an appropriate height, scale and design, which respected its location and that the proposal would not have an adverse impact on the significance of the listed building, and would preserve the character and appearance of the Faringdon Conservation Area, subject to conditions to ensure the internal and external detail of the proposal were acceptable. The works would not adversely affect the character of the listed building as a building of special architectural or historic interest. The Conservation Officer had confirmed that the proposed development was in keeping with the setting of the listed building. Officers were also of the view that the application complied with the development plan and the provisions of the National Planning Policy Framework.

A motion, moved and seconded, to grant listed building consent for the application was declared carried on being put to the vote.

RESOLVED:

(a) to grant planning permission for application P19/V1340/FUL subject to the following conditions:

Standard

1. Commencement of development
2. Approved plans

Pre-Commencement

3. Pre-commencement landscaping scheme
4. Landscape implementation
5. Pre-commencement surface water drainage
6. Pre-commencement foul drainage
7. Pre-commencement archaeology – submission and implementation of Written Scheme of Investigation (WSI)
8. Pre-commencement Construction Method Statement (CMS)
9. Pre-commencement submission of a schedule of works and materials for historic fabric
10. Pre-commencement submission of joinery details, internal and external staircases and materials for new-build
11. Pre-commencement schedule of interventions to listed building to meet building regulations

Prior to Occupation

12. Pre-commencement details of bin store and cycle parking
13. Access and parking in accordance with approved plan
14. Bicycle parking in accordance with approved plans
15. Provision of new footway

Continuing Control

16. Obscure glazing
17. Rooflights – cil level
18. Rooflights – flush fitting, conservation type

Informatives

Works within the Highway
Detailed bats informative
Wild bird informative

(b) to grant listed building consent for application P20/V1341/LB subject to the following conditions:

1. Commencement of works
2. Approved plans
3. Pre-commencement submission of a schedule of works and materials for historic fabric
4. Pre-commencement submission of joinery details
5. Pre-commencement schedule of interventions to listed building to meet building regulations

PI.1

The meeting closed at 6.00 pm

Vale of White Horse

Planning Committee (virtual meeting)

Wednesday 24 June 2020, 5.00 pm

ITEM 6. PUBLIC PARTICIPATION

Statements Received in Respect of the Planning Application

The statements received in respect of the application to be considered on the agenda are attached.

Item 7. Jigsaw, Coopers Lane, Wantage, OX12 8HQ (P20/V0114/FUL)

- Statement by Jane and Paul Rowland
- Statement by Matt Turner
- Statement by Roland Gooday
- Statement 2 by Roland Gooday

From: Roland Goodday [redacted]
Sent: 15 June 2020 20:03
To: Democratic Services <[redacted]>
Cc: Jane [redacted]; Wiseman, Hannah [redacted]
Subject: Request to join planning meeting 24th June

Hi

Re: Jigsaw, ongoing and continuous flouting of agreed planning permission

I would like to attend the above meeting:

- The build continues to deviate from the plan, and against the spirit of the original consent:
 - For example: a two storey glass porch with consequent and significant light pollution
 - Balcony at odds with submitted designs, and with loss of privacy to neighbours
 - Ad hoc plastic drainage pipe to the nearby clean water Humber ditch, cut across a public footpath without consent
 - Garage door facing neighbours, with loss of privacy
 - Utilities installed in an oversize three bay garage for future accommodation use
 - Extensive concrete patios in an area with high water run off
 - Incongruous, high chimneys built, not on original plan
 - Shared water supply to be used with limited pressure, with consequent loss in water pressure to neighbour
 - Continuous and unrelenting noise pollution, continuous construction noise outside of permitted hours

- Excessive and continuous wear and tear on public lane and footpath, and our own drive (with the result of pot-holes and broken drive paving)
- Ongoing industrial property business use in a residential area
- Inconsiderate and hostile builders, no safety provisions
- Inaccurate plans are published for comment at all times
- Failure of building enforcement – no actions, even though the property deviates wildly at every turn from the agreed plans. It's unlikely that any building dimensions are in agreement with the original plans

We appear powerless in the face of the cynical actions of a seasoned and astute small-time property developer, and disinterested regulators, to the significant detriment of all surrounding law abiding and hard working families.

Best regards

Roland



Winner

Microsoft Partner

2019 Partner of the Year

Dynamics 365 for Field Service Award



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Charvale
Coopers Lane
Wantage
OX12 8HQ

12 June 2020

Dear Sirs,

**Re: Application reference: P20/V0114/FUL Jigsaw Coopers Lane Wantage
OX12 8HQ**

We write in response to the amended plans above, and request that this and earlier representations be made available to the planning committee and published online.

*Proposal: Variation of Condition 2 of P18/V2756/FUL for amended plans.
Proposed new dwelling, garage and partial demolition of existing dwelling with
that retained to be used as an outbuilding used for storage. Retrospective
(Revised site location plan received 23 January 2020 and amended plans
received 27 February 2020).*

We object to the revised plans:

Two storey front porch

The two storey glass front porch deviates from the original plans, and now represents a significant source light pollution, not just to the front / rear bedrooms in adjoining properties, but in general to the wider population, as it will further reduce the quality of the night sky in a region of already substantial property development. The unusually large glass porch will also impact on privacy for ourselves and surrounding houses. Further, as glass is a poor sound insulator, it is likely that this feature will worsen the levels of noise already evident in the busy family lives and day to day business operations of the applicants.

Garage

The garage access door location now faces southwards, rather than inwards towards the main dwelling as originally approved in the planning meeting held on 17/04/2019.

In addition, and contrary to the provisions of the plans as originally agreed, the garage has been fitted out as a self-contained living space, with all the required amenities, and we have no doubt will be used as such, either by the applicants or one of the two construction businesses registered to the address

Second Floor Balcony

The balcony has not been constructed according to the original plan, and it is difficult to see how the privacy screening required in the original planning consent in order to safeguard the privacy of neighbours will be implemented.

Semi-detached Bungalow

The bungalow that joins our own property is to be at least in part retained, and it is not as described in the committee report prepared ahead of the planning meeting for 24th June, recommending permission is granted – i.e. this site has not and will never formerly contain[] a semi-detached bungalow. This is an extremely misleading statement.

It was a requirement of the original planning approval that the retained bungalow not be used for residential purposes, adding as it would add unacceptable noise and traffic to an already overcrowded site, and impact the rights of neighbouring houses to the quiet enjoyment of their own homes. By incorrectly describing this building as demolished or absent, we are concerned that this restriction will be sidestepped, along with the requirement to soundproof the bungalow, and that, as a result, we will be subject to significant noise and disturbance either from the applicants or to anyone they would choose to rent the bungalow to, contrary to the requirements of the original proposal.

Yours faithfully

Roland and Kate Gooday

Garden Lodge
Coopers Lane
Wantage
OX12 8HQ

16 June 2020

Re: Jigsaw Coopers Lane Wantage OX12 8HQ

Proposal: Variation of Condition 2 of P18/V2756/FUL for amended plans. Proposed new dwelling, garage and partial demolition of existing dwelling with that retained to be used as an outbuilding used for storage. Retrospective (Revised site location plan received 23 January 2020 and amended plans received 27 February 2020).

Application reference: P20/V0114/FUL

Dear Councillors

Written statement to supplement representations already made

We note that this and our previous representations will be made available to all members of the planning committee and will be published online.

Our objections remain as follows:

Garage

The planning officer states the design and form of garage is not impacted. However, this was not the point. The site of the garage door is right next to our boundary. On the approved plans this door was on the north elevation. This open doorway increases vehicle noise and allows fumes to exit, particularly motocross vehicles. Several concerns have been raised already with environmental health about this issue. This objection relates to noise and fumes as detailed in DP23 of the Local Plan 2031 Part 2.

Again, the planning officer stated the shower room on the first floor of the garage having no material visual impact on the building. Once again, this is not the issue. There was a condition placed on approval of plans at a planning meeting held on 17/4/2019.

The planning officer states: *'Appeal decisions and case law on whether the use of a domestic building is incidental to the main house ...have established that, for each case, an assessment has to be made of both fact and degree – what are the facts concerning how the ancillary building is being used and what is the degree of inter-relationship with the main house? The installation of a shower and toilet in themselves do not prove that the garage will be used as a separate unit. This can only be established through the fact and degree of usage over time.'*

Planning permission was granted with conditions in respect of the garage building being used only for purposes that are **'ancillary and incidental to the dwelling on the site and shall not be occupied or used separately'**. By adding a toilet, shower room and washing machine, the accommodation now lends itself to being occupied

as a self-contained unit or habitable room. This contravenes the terms 'ancillary' and 'incidental use'. It also contravenes Policy DC9 which refers to noise and vibration for use other than storage?

The planning officer states '*The site will remain as one unit, no separate curtilage will be created, and the use of the garage, whether as an office, workshop or **additional accommodation** etc. would maintain a connection to the main dwelling.*' This is entirely incorrect. Having utilities connected make it a separate unit which could be used for accommodation independently from the main house? Therefore, condition 10 would be breached

Main House

The changes to the two-storey porch were undertaken without planning permission and have now been completed without permission in place. We objected to this in respect of overlooking affecting privacy. This is a direct contravention of Articles 1 and 8 of the Human Rights Act 1998. This states a public authority cannot take away an individual's right to peaceful enjoyment of possessions and protection of property without very good reason.

The planning officer reports that, '*the addition is relatively small*'. The issue here is not the size but the fact that the very large expanse of glazing does allow overlooking and there is already considerable light glare. As this is completed this could be viewed if necessary to prove the point.

In summary, the VoWH have not:

Ensured the proposal will not result in significant adverse impacts on the amenity of neighbouring uses when considering both individual and cumulative impacts in relation to the following factors:

- i. loss of privacy, daylight or sunlight
- ii. dominance or visual intrusion
- iii. noise or vibration
- iv. dust, heat, odour, gases or other emissions

We disagree that '*the proposed design changes to both the main dwelling and the garage building do not give rise to any unacceptable neighbour amenity impacts*' when taking into consideration the policy and guidance above.

Parking and highway safety

The planning officer states the '*proposal is not considered to give rise any detrimental highway safety impacts and is therefore considered compliant with policies CP35 and CP37 of the Local Plan 2031 Part 1, and with policy DP16 of Local Plan 2031 Part 2.*'

Due to the amount of buildings and overdevelopment there is no possibility for any vehicles to exit the site other than to reverse down the drive into a pedestrian path used by primary school children. This happens several times a day and does impact on safety?

This contravenes the VoWH policy that: *'adequate provision will be made for loading, unloading, circulation, servicing and vehicle turning'*.

It is also inaccurate to state that the proposal does not introduce any impacts on drainage or effect on trees. The applicant has undertaken drainage work from property to Letcombe Brook with no permission. The environmental team can provide information as they are dealing with this. The tree is dying as has had heavy vehicles parked on it for the duration of the build which has impacted the soil and killed the roots. This contravenes another of the conditions agreed at the first planning approval.

We sincerely hope that due diligence is considered in considering this application and the facts as above. Conditions have been continually breached and refusing this application will not impact upon the applicants in respect of other accommodation on this overcrowded site.

We also request details to allow us to screen the virtual planning committee.

Yours sincerely

Paul and Jane Rowland

45 Palmers
Wantage
Oxfordshire
OX127HA

RE-P20/V014/FUL

Dear Sir / Madam

As part of the new process I am under the understanding I need to submit a statement and questions to be answered at this meeting. Please find below my questions which are broadly based on my objection already submitted as part of the planning process.

1. The intended use of the 2nd floor garage seems to change on a monthly basis. So far it been called a "Store" , "A games room" , Mr. Alder himself told me it was going to be an office for his wife , now it a Motocross cleaning room? As there are now two construction business registered at this address I am very concerned that a structure less than 0.5m from my boundary will be used for accommodation or running a business or both. Noting it has full services installed in line with what you would expect of a habitable dwelling. **I would like to seek assurances that a condition is added that the garage cannot be used as a separate dwelling or as a business premises.**
2. Previously planning approval (P18/V2756/FUL) stated that garage not to be used as accommodation and therefore no sound proofing was requested. Note the retained bungalow this was a condition. This is a concern as we already had to suffer continued noise pollution which your colleagues in Environment Health can confirm. The use of the garage for either business use or residential use is unacceptable and will impact our Human Rights (See Protocol 1 , Article 1). **Before this is approved, I think it is only appropriate, taking into consideration social distancing that planners or members of this committee visit the site and see the true impact to the neighbours of Jigsaw.**
3. Without the intervention of concerned neighbours raising non compliances to building control which led to VE19/611 being raised after all services were already installed shows total disrespect for the planning process and the officers decision back in April 2019. I am therefore concerned that the planning process has been followed correctly. **I would like confirmation from the planning committee that they feel that the correct processes and procedures have been followed.**
4. Porch design change, again demonstrates the subtle changes to plans throughout this planning process. The porch is now bigger and more over –dominant than previously approved and it not only something that concerns us from a drawing perspective but the owner has continued to build and complete the structure without the permission from this committee therefore

continuing to show his disrespect for the rules that are associated with planning. We therefore, we can see clearly the size and the potential for light pollution due to the windows design and over dominance to our property. This will lead to further environmental complaints being raised if this structure is approved in it current size and design due to light pollution. **Are the committee happy to allow light pollution to impact neighbouring property, again it would be useful if they visited the site to see for themselves.**

Regards

Matt and Jacqueline Turner

APPLICATION NO.	P20/V0114/FUL
SITE	Jigsaw Coopers Lane Wantage, OX12 8HQ
PARISH	WANTAGE
PROPOSAL	Variation of Condition 2 of P18/V2756/FUL for amended plans. Retrospective application for proposed new dwelling, garage and partial demolition of existing dwelling with that retained to be used as an outbuilding used for storage. (Revised site location plan received 23 January 2020 and amended plans received 27 February 2020).
WARD MEMBER(S)	Andrew Crawford Patrick O'Leary
APPLICANT OFFICER	Mr Brook Alder Hannah Wiseman

RECOMMENDATION

Planning Permission subject to the following conditions:

Standard:

1. Approved plans

Prior to Occupation:

2. Access, parking and turning in accordance with plan

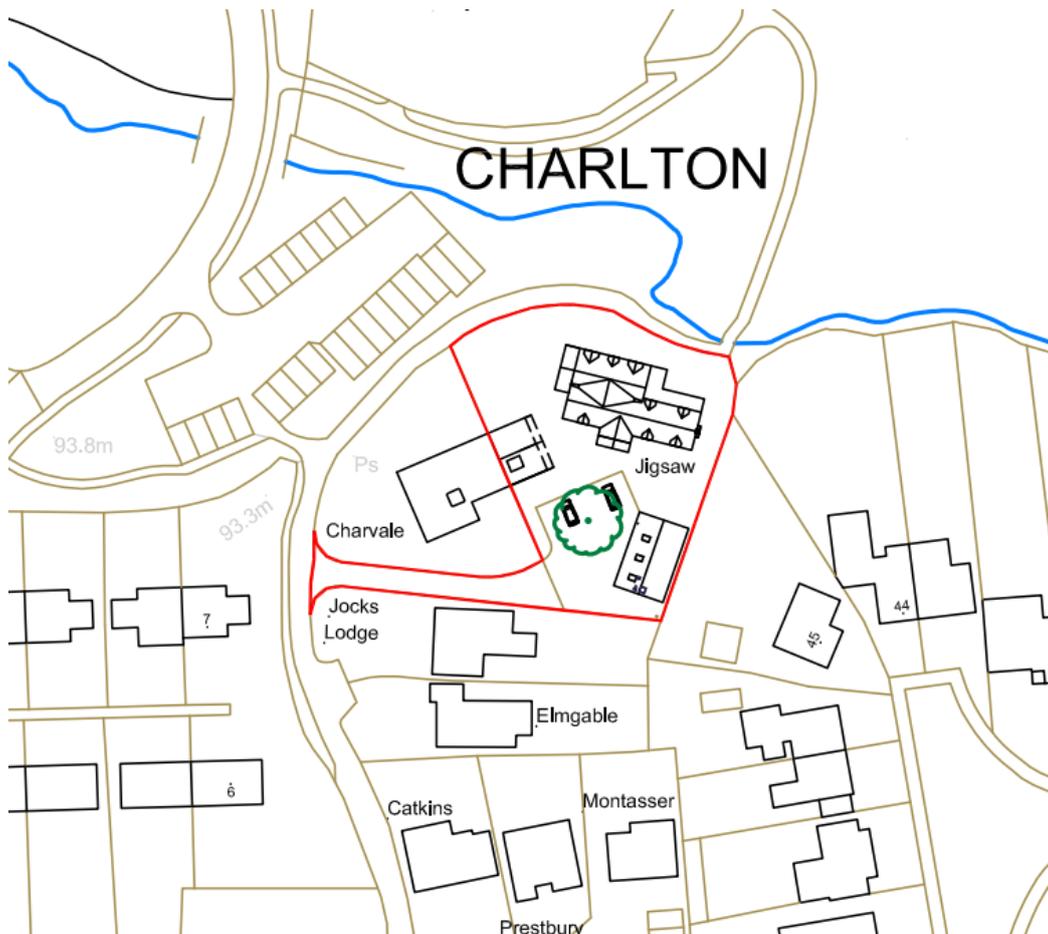
Compliance:

3. Materials in accordance with approved details
4. Garage accommodation – removal of PD rights.
5. Install timber privacy screen on balcony
6. Demolition in accordance with agreed details
7. Party Wall acoustics in accordance with agreed details
8. Work in accordance with Arboricultural Method Statement
9. Garage to have ancillary and incidental use only
10. Retained building in accordance with approved details

1.0 INTRODUCTION AND PROPOSAL

- 1.1 This application comes to committee at the request of the local ward councillor, Andrew Crawford.

- 1.2 The application site is located at the northern end of Coopers Lane, a single-track road, and formerly contained a semi-detached bungalow. The other, formerly attached bungalow, Charvale, is to the west. To the south is a chalet bungalow known as Jocks, or Garden Lodge, while to the east are no.44/44A and no.45 Palmers, all two-storey houses. To the north lies the Humber Ditch which is separated from the proposed development site by hard standing, footpaths and a notable change in ground levels.
- 1.3 The application is seeking to vary condition 2 of notice of permission P18/V2756/FUL which was granted consent on 17th April 2019 for the demolition of a semi-detached bungalow and the erection of a one-and-a-half storey, 4-bedroom dwelling and a treble-bay garage. The development has commenced and during the early course of the development some design changes have occurred to both the dwelling the and the garage building. As such, amended plans have been submitted via this section 73 application to vary condition 2 of notice of permission P18/V2756/FUL to allow for substitution of the permitted plans with amended plans.
- 1.4 A site location plan is below. The application plans are **attached** in Appendix 1, and the previously permitted plans are **attached** in Appendix 2



2.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS

2.1 The full versions of the representations received can be viewed on the planning application pages of the council’s website, www.whitehorsedc.gov.uk

Wantage Town Council	No objections
Neighbours	<p>4 households have raised objections to the proposal. The grounds for objection can be summarised as follows:</p> <ul style="list-style-type: none"> • The site is overcrowded / over developed • Limited space for turning of vehicles – leading to a danger of reversing on to Coopers Lane • The build is overbearing • Loss of privacy • The addition of the chimney and the two storey glazed porch only adds to the scale of the development • The services provided in the garage will allow it to be used for a variety of purposes; use as an office with shower/kitchen will lead to noise and disruption • Inaccurate plans; dating and labelling incorrect, portion of our land shown on the driveway to show better access than is available • Shower in the garage building breaches original condition of the building being ‘ancillary or incidental to the dwelling’ • Door on garage on south elevation is close to our boundary- when open will cause the increase in noise and fumes. • Concerned height of garage exceeds what was permitted • Contravention of Articles 1 and 8 of the Convention on Human Rights • Lack of scale on plans makes it difficult to comment accurately on the proposal. • Original site plan does not show retained section of bungalow • Distance between rear of garage and rear of 45 Palmers is incorrect on the plans • Concern over final planned use of the garage outbuilding • Risk of increased traffic • Having services in the garage building will

	<p>result in increased noise issues.</p> <ul style="list-style-type: none"> • Increase in porch adds to the overall scale and over dominance. • Light pollution
County Highways Officer	No objection subject to conditions
Drainage	No objections
Contaminated Land	No objections
Letcombe Brook Protection Zone	No objections

3.0 RELEVANT PLANNING HISTORY

3.1 [VE19/611](#) -

Garage not built in accordance with the approved plans of P18/V2756/FUL & P19/V1679/DIS to include services being installed.

[P19/V2531/NM](#) - Approved (06/11/2019)

Non-Material amendment to application P18/V2756/FUL for an additional log burner in the office with a black stainless steel flue.

Proposed new dwelling, garage and partial demolition of the existing dwelling with that retained to be used as an outbuilding used for storage (As amended by plan received 18 January 2019).

[VE19/470](#) - (22/10/2019)

Breach of condition 9 of P18/V2756/FUL, Tree protection measures not in accordance with P19/V1679/DIS & garage is built in accordance with the approved plans

[P19/V1679/DIS](#) - Approved (06/08/2019)

Discharge of Conditions 4 - Materials in Accordance with App., 6 - Details of Development Miscellaneous, 7 - Demolition, 8 - Noise, 9 - Tree Protection, 11 - Slab Levels, 12 - Details of Development Miscellaneous to application P18/V2756/FUL.

Proposed new dwelling, garage and partial demolition of the existing dwelling with that retained to be used as an outbuilding used for storage (As amended by plan received 18 January 2019).

[P18/V2756/FUL](#) - Approved (17/04/2019)

Proposed new dwelling, garage and partial demolition of the existing dwelling with that retained to be used as an outbuilding used for storage (As amended by plan received 18 January 2019).

[P04/V1830](#) - Approved (11/01/2005)

Proposed rear extension and loft conversion which will include raising the pitch

of the roof and dormer windows.

[P02/V1421](#) - Approved (03/10/2002)

Two storey side extension, loft conversion and internal alterations to form chalet bungalow.

4.0 **MAIN ISSUES**

4.1 **Principle**

The principle of the demolition of the existing bungalow with the replacement 4-bedroom dwelling and garage building has already been considered and assessed as acceptable by the granting of the original consent ref.

P18/V2756/FUL. This report will consider the merits of these additions as set out below.

4.2 This application seeks permission for retrospective design changes to the permitted dwelling and garage building, namely;

The Dwelling:

- an increase in the glazed gable end of the full height entrance on the front elevation,
- the addition of a chimney stack on the west (side) elevation

The Garage:

- an internal door to the store on ground floor,
- an internal wall and the creation of a shower room on the first floor,
- timber clad elevations instead of brick
- the external door on the ground floor moved from the north elevation to the south elevation.

4.3 **Design and Appearance**

New dwelling

The changes to the main dwelling consist of;

- an increase in the height, not the footprint, of the glazed porch to, in effect, extend the depth of the permitted glazed front gable,
- the addition of a chimney stack on the west (side) elevation

The dwelling remains the same in terms of the footprint and numbers of rooms/bedroom provided.

4.4 Policy CP37 of the Local Plan 2031 Part 1 relates to design and local distinctiveness and suggests that new development should respond positively to the site and context, be visually attractive and the details and materials used should be appropriate for the site and surrounding area.

4.5 The original approved porch is single storey, with a pitched roof, projecting for a depth of 1.3m from the glazed front gable feature. In the current application, this

porch element is shown to be raised in height by approximately 1.7m to match in with the height of the gable, effectively extending the gable forwards. The extended element is shown clad to a height of 2.3m, with glazing above this. As with the previously permitted gable and porch arrangement, the new unified gable contains a full height entrance void and the staircase to the first floor.

4.6 Below is a comparison between the previously approved elevations on the left and the current application elevations on the right.



Front elevation approved



Front elevation amended
(Note change to central gable and additional chimney)



Side elevation approved



Side elevation amended
(Note change to built form on the left side)

4.7 The proposal will add some volume to the building. However, when compared to the total volume of the dwelling, the addition is relatively small. In terms of the overall scale and massing of the larger gable, it is considered to remain a subservient feature of the overall dwelling. The matching eaves height, combined with the matching angle of the roof pitch of the larger gable with those of the front dormers, all help the larger gable form an appropriate visual relationship with the front elevation of the dwelling.

4.8 As such the amendment to the porch is considered acceptable in design terms and compliant with policy CP37 of the LPP1.

4.9 The permitted design included one chimney stack on the east elevation, projecting 750mm above the ridge. The amended design, the subject of this application, now shows a chimney stack on both side elevations (east and west) both projecting 1.65m above the ridge of the roof (see plan extracts above). The additional stack is in place of the steel flue approved as a non-material amendment approved in 2019 (P19/V2531/NM).

4.10 Principle DG58 of the design guide states that chimneys in new developments, can be a positive design feature and should be considered. Although taller than the single chimney previously approved, when viewed against the scale of the dwelling, the pair of chimneys are considered to be of an acceptable size and design, and do not appear out of keeping.

4.11 The increase in scale of the chimneys is not considered to adversely affect the overall massing of the building in any detrimental way. The proposal for the design amendments to the dwelling are therefore considered acceptable in terms of design and form and compliant with policy CP37 of the LPP1 and principles of the design guide.

4.12 *New Garage*

The garage remains the same as originally approved in terms of footprint, height and volume. A concern has been raised regarding the height of the garage; that it appears taller than the plans indicate. This matter has been previously investigated by Enforcement Officers and it was found there was no breach of planning control in this respect.

4.13 The garage is now proposed to be timber clad on the elevations rather than brick as permitted. There is now shown to be an internal door from the ground floor store area to the car port, and an external door to enter the garage from the south elevation rather than the north.

4.14 These elements are considered to have little overall impact on the design and form of the garage building. The internal wall to create the shower room on the first floor, also has no material visual impact on the building. As such it is not considered the proposals raise any detrimental impacts in terms of design or appearance. The objections that have been raised in connection with this change relate more to the potential use of the garage, rather than the design. These issues will be addressed below.

4.15 **Residential Amenity**

The main neighbour objections relate to a potential loss of privacy from the additional glazing on the larger gable, and the potential disturbance from the use of the garage building. These matters will be considered in turn, below.

4.16 *New dwelling*

Policy DP23 of the Local Plan 2031 Part 2 relates to impact of development on amenity. It states that development proposals should demonstrate that they will

not result in significant adverse impacts on the amenity of neighbouring uses in relation to the following factors;

- i. loss of privacy, daylight or sunlight
- ii. dominance or visual intrusion
- iii. noise or vibration
- iv. dust, heat, odour, gases or other emissions
- v. pollution, contamination or the use of / or storage of hazardous substances; and
- vi. external lighting.

The comments received in relation to the changes to the front gable of the dwelling relate to potential loss of privacy and to the impact from the light emitted from the additional glazing.

- 4.17 The larger gable will contain the entrance hall, which is full height, and the additional glazed area will be over the void. Although the floor plans show that the stairs turn to reach the first floor, the landing is set back 5m from the front of the gable, well inside the dwelling, and therefore does not offer any opportunity for harmful overlooking of neighbours. The additional glazing is primarily to make a feature of the full height hall and to allow light in. As such, officers consider there is no increased opportunity for overlooking over and above the previously permitted scheme.
- 4.18 In terms of the impact from light emission, the amendments include one additional pane of glazing on each side elevation of the larger gable, at first floor. Given the reasonable expectation of the level of internal lighting for the dwelling, the amount of additional light which is likely to be emitted from each additional glazed pane is not considered to amount to a material difference to that previously approved, and will be insufficient to cause harm to residential amenity from light glare.
- 4.19 Therefore, the amendments to the dwelling are not considered to give rise to any significant adverse impacts on neighbouring amenities and this element of the application is considered acceptable and compliant with policy DP23 of the Local Plan 2031 Part 2.

4.20 *New garage*

The comments received in relation to the changes to the garage relate mainly to concerns regarding the potential use of the garage as a result of the installation of services to the building.

- 4.21 The planning permission P18/V2756/FUL included two planning conditions which related to the garage building;

5) Notwithstanding the provisions of Class E of Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or the equivalent provisions of any order revoking and re-enacting that Order), there shall be no alteration to the garage accommodation forming part of the

development, including the insertion of any windows or rooflights, without the prior grant of planning permission.

Reason: To enable the local planning authority to assess a future planning application for alterations with regard to the need to protect neighbours' privacy (Policy DC9 of the adopted Local plan).

And;

10) The garage building hereby permitted, and the retained part of the existing dwelling, shall be used only for purposes that are ancillary and incidental to the dwelling on the site, and shall not be occupied or used separately, and no separate curtilage shall be created.

Reason: The garage building and the dwelling would not enjoy reasonable standards of residential amenity if occupied separately (Policies H19 and H24 of the adopted Local Plan).

- 4.22 The submission of this application encompasses the physical changes in order remedy the breach of condition 5 above. Condition 10 has been quoted in the neighbour comments as being breached due to the installation of services to connect to the shower room/toilet facilities.
- 4.23 Appeal decisions and case law on whether the use of a domestic building is incidental to the main house (for example, Uttlesford District Council vs the Secretary of State (1991) have established that, for each case, an assessment has to be made of both fact and degree – what are the facts concerning how the ancillary building is being used and what is the degree of inter-relationship with the main house? Assumptions made about what the building will be used for are not fact. The installation of a shower and toilet in themselves do not prove that the garage will be used as a separate unit. This can only be established through the fact and degree of usage over time.
- 4.24 The applicants have submitted that the garage will be used to store motocross bikes and associated equipment/clothing/helmets etc. This use would be incidental to the use of the dwelling. The site will remain as one unit, no separate curtilage will be created, and the use of the garage, whether as an office, workshop or additional accommodation etc. would maintain a connection to the main dwelling. The site would still function, in planning terms, as one planning unit. In such circumstances it is not considered that condition 10 would be breached
- 4.25 With regards to this particular case, if evidence shows that the garage building is being used separately from the main house, then the use of the building would no longer be incidental to the dwelling. In any such circumstances, planning permission would be required, and any application would be assessed on its own merits.

- 4.26 Officers note the concerns of local residents in this regard. However, given the stance of appeal inspectors and the courts, it is not considered unreasonable for the garage accommodation to include shower and toilet facilities.
- 4.27 The comments regarding potential noisy/odour creating uses of the garage area, and how the relocated external door potentially exacerbates these, are also noted. However again, music playing, the use mechanical equipment, motor vehicles or similar activities would not be unreasonable activities to expect in an ancillary outbuilding. If the use creates a level of noise or disturbance that amounts to a 'nuisance' then this would be covered by separate legislation that falls under the remit of the council's environmental health officers (the Environmental Protection Act 1990).
- 4.28 The neighbours are also concerned that the use of the garage will infringe their rights under Article 1 and Article 8 of the Human Rights Act 1998. Article 1 states that every person is entitled to peaceful enjoyment of his/her possessions and Article 8 states that everyone has the right to respect for private and family life, home and correspondence. Court cases (for example, *Alconbury v Secretary of State*, 2001, and *Hatton and Others v The United Kingdom*, 2003) have established that the planning system is an entirely appropriate mechanism for balancing the rights of the individual against the public interest within the context of the Human Rights Act. In this case, officers have weighed the issues raised by individuals against the public interest and it is considered that the officer recommendation is proportionate.
- 4.29 Therefore, having due regard to all the comments received, and taking into account the case law as set out above, the internal changes to the garage building are considered acceptable in terms of the use as proposed.

4.30 **Traffic, parking and highway safety**

The County Highways Liaison Officer has commented on the proposal and has no objections subject to a condition ensuring the garage building is used in conjunction with the main dwelling. As the extant permission exists, the additional design changes to the dwelling and garage building as detailed within this new application do not materially alter the consideration of the proposal in highway safety terms.

- 4.31 There is a neighbour comment relating to the accuracy of the red line as shown on the site plan, where the driveway meets Coopers Lane. As submitted, the driveway is shown slightly splayed, whereas in the previous application, P18/V2756/FUL, this was shown as being straight. Having visited the site, officers observed that the driveway is slightly splayed at the junction with Coopers Lane. and the retaining walls at this section are curved. As such the plans are considered to reflect the actual situation on the ground and are not considered misleading or likely to prejudice any particular party. If the neighbour considers that any encroachment or trespass has occurred, then this would be a private matter to be resolved between the parties.

4.32 The proposal is not considered to give rise any detrimental highway safety impacts and is therefore considered compliant with policies CP35 and CP37 of the Local Plan 2031 Part 1, and with policy DP16 of Local Plan 2031 Part 2.

4.33 **Other Matters**

During the course of this application amended plans have been received to address changes that have occurred during the construction, and an error in the original submission led to an older version of the site plan be submitted which did not show the retention of part of the existing bungalow. The plans which have been considered as part of this assessment are considered to be accurate and have an identifiable scale.

4.34 Officers have investigated the comment that the distance from the rear garage to the rear elevation of no.45 Palmers is closer than shown on the plans submitted. The agent confirmed the base OS plan used for the plotting of the garage was the most recent the Ordnance Survey could provide. This version has not shown the single storey rear extension to no.45 Palmers, which (from available records) appears to have been built around spring 2019. This would appear to account for the difference in the stated distance between the now extended rear elevation of no.45 Palmers the rear elevation of the garage building.

4.35 Again, officers have visited the site and do not consider that the fact the rear extension to no. 45 has not been plotted on the base map has prejudiced any party. This is because, taking account of the depth of the rear extension to no.45 Palmers, which is 3.3m, the distance from the rear of the garage to the rear of no. 45 remains in excess of 12m. Given the height and width of the garage building, the distance is considered to result in an acceptable impact on neighbours' amenities.

5.0 **CONCLUSION**

5.1 It is considered the proposed design changes to both the main dwelling and the garage building, as have been set out and detailed in the above report, are considered to be acceptable in design terms and do not give rise to any unacceptable neighbour amenity impacts.

5.2 The proposal does not in introduce any impacts on highway safety, drainage, tree impacts or any other technical matters. The application is merely seeking to vary condition 2 of notice of permission P18/V2756/FUL by the submission of amended plans. As such the application is considered compliant with policy CP37 of the Local Plan 2031 Part 1 and policies DP16 and DP23 of the Local Plan 2031 Part 2 and is recommended for approval subject to the conditions suggested.

5.3 The following planning policies have been taken into account:

Vale of White Horse Local Plan 2031 Part 1 policies;

- CP01 - Presumption in Favour of Sustainable Development
- CP03 - Settlement Hierarchy
- CP04 - Meeting Our Housing Needs
- CP35 – Promoting Public Transport, Cycling and Walking
- CP37 - Design and Local Distinctiveness
- CP42 - Flood Risk
- CP44 - Landscape

Vale of White Horse Local Plan 2031 Part 2 policies:

- DP16 - Access
- DP23 - Impact of Development on Amenity
- DP28 - Waste Collection and Recycling

Vale of White Horse Design Guide (March 2015)

National Planning Policy Framework, 2019

Planning Practice Guidance

Equality Act 2010

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

Human Rights Act, 1998

The application has been assessed against Articles 1 and 8. The impact on individuals has been balanced against the public interest and the officer recommendation is considered to be proportionate.

Case officer: Hannah Wiseman

Email: hannah.wiseman@southandvale.gov.uk

Tel: 01235 422600

Appendix 1 -P20/V0114/FUL - Submitted Plans

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SOUTH ELEVATION EAST ELEVATION NORTH ELEVATION

GROUND FLOOR PLAN FIRST FLOOR PLAN WEST ELEVATION

REV	DATE	DESCRIPTION	BY	CHKD
A	FEB-20	WEST END CUMBERY CHECK REPLACES STAINLESS STEEL		EC

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2 ELWORTH CLOSE
 GROVE
 WANTAGE
 OXON
 OX12 8BT
 TEL/FAX NO: 01235 771781 info@challowdesign.co.uk

CLIENT:
 MR AND MRS B. ALDER

PROJECT:
 PROPOSED REPLACEMENT DWELLING
 AND GARAGE AT JIGSAW, COOPERS
 LANE, WANTAGE
**PLANS AND ELEVATIONS
 AS PROPOSED**

SCALE:	CHANGED BY:	CHECKED BY:	DATE RECEIVED:
1:400-19	ED CLARE	AM	1400

REVISION:
 A

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WEST ELEVATION SOUTH ELEVATION EAST ELEVATION NORTH ELEVATION

GROUND FLOOR PLAN FIRST FLOOR PLAN

REV	DATE	DESCRIPTION	BY	CHKD
A	FEB-20	DOORS AMENDED		EC
A	JUL-19	BRICK REPLACED WITH FEATHERS EDGE BOARD		EC

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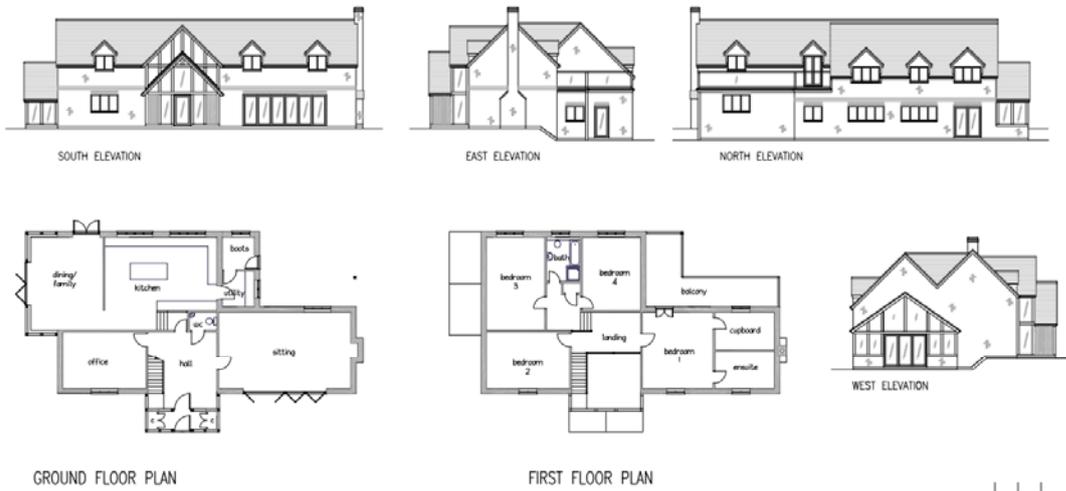
PROJECT:
 PROPOSED GARAGE AT
 JIGSAW, COOPERS LANE
 WANTAGE

PLANS AND ELEVATIONS

SCALE:	CHANGED BY:	CHECKED BY:	DATE RECEIVED:
1:400-G-03	ED CLARE	AM	1400

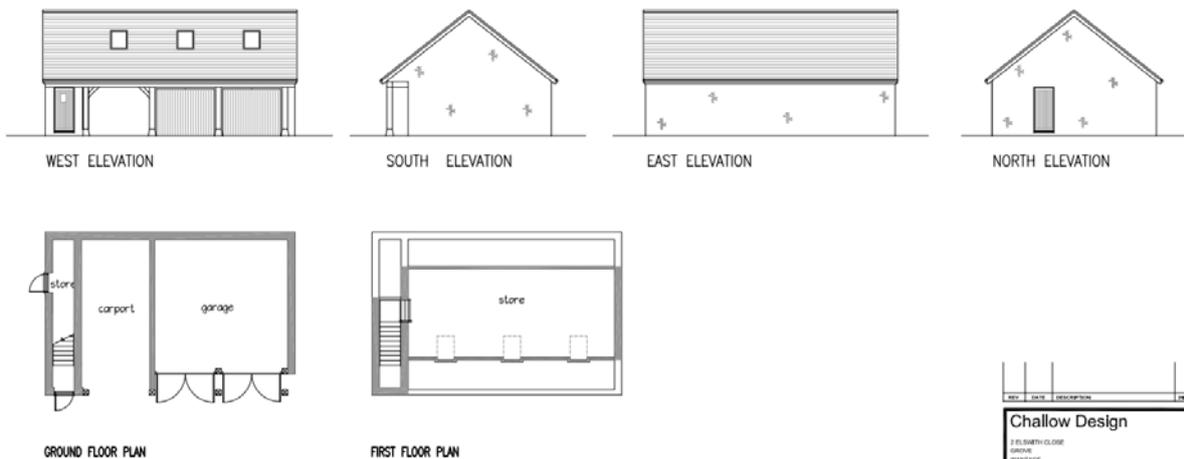
REVISION:
 B

Appendix 2- P20/V0114/FUL- Previously approved plans for P18/V2756/FUL



NO.	DATE	DESCRIPTION	BY
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CLIENT MR AND MRS B. ALDER			
PROJECT PROPOSED REPLACEMENT DWELLING AND GARAGE AT JIGSAW, COOPERS LANE, WANTAGE			
PLANS AND ELEVATIONS AS PROPOSED			
FILED REFERENCE: 1400			
DATE	DRAWN BY	CHECKED BY	PAPER REFERENCE
2018	ED CLARE		AT 1100
DRAWING NO.			REVISION
1400-02			

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PROJECT PROPOSED GARAGE AT JIGSAW, COOPERS LANE, WANTAGE			
PLANS AND ELEVATIONS			
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DATE	DRAWN BY	CHECKED BY	PAPER REFERENCE
2018	ED CLARE		AT 1100
DRAWING NO.			REVISION
1400-G-03			