

**WEST OXFORDSHIRE DISTRICT COUNCIL**  
**UPLANDS AREA PLANNING SUB-COMMITTEE**

**Date: 3 February 2014**

**REPORT OF THE HEAD OF PLANNING  
AND SUSTAINABLE COMMUNITIES**



**WEST OXFORDSHIRE  
DISTRICT COUNCIL**

Purpose:

To consider applications for development details of which are set out in the following pages.

Recommendations:

To determine the applications in accordance with the recommendations of the Strategic Director. The recommendations contained in the following pages are all subject to amendments in the light of observations received between the preparation of the reports etc and the date of the meeting.

List of Background Papers

All documents, including forms, plans, consultations and representations on each application, but excluding any document, which in the opinion of the 'proper officer' discloses exempt information as defined in Section 1001 of the Local Government Act 1972.

Please note that observations received after the reports in this schedule were prepared will be summarised in a document which will be published late on the last working day before the meeting and available at the meeting or from [www.westoxon.gov.uk/meetings](http://www.westoxon.gov.uk/meetings)

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<b>13/1649/P/FP 9 Church Rise Finstock</b>	
Date	22/11/2013 22/11/2013
Officer	Mrs Katie Buckingham
Officer Recommendation	<b>Grant, subject to conditions</b>
Parish	FINSTOCK
Grid Ref:	435971,216549

## **APPLICATION DETAILS**

Erection of single storey rear extension and re-roof existing extension with pitched roof.

## **APPLICANT**

Miss Debbie Bidiss, 9 Church Rise, Finstock, Oxfordshire, OX7 3DH

## **BACKGROUND INFORMATION**

This application seeks planning permission for the erection of a single storey rear extension and the re-roofing of the existing side extension with a new pitched roof. The building concerned is a two storey semi-detached dwelling, constructed of buff brick under a plain tile roof.

The site is in a cul-de-sac location within the Finstock Conservation Area. There is no recent planning history at the site.

The application has been brought to the Members of the Uplands Area Planning Sub-Committee to consider as the agent for the application is West Oxfordshire District Council.

## **I CONSULTATIONS**

### **1.1 Parish Council**

No reply received to date (final date for comment 26/12/2013)

## **2 POLICY**

2.1 In your officers opinion policies BE2, BE3, BE5 and H2 of the West Oxfordshire Local Plan 2011 are of most relevance.

## **3 PLANNING ASSESSMENT**

3.1 This application seeks planning permission for the erection of a single storey side and rear extension (with the side extension being altered from an existing flat roofed addition to pitched roof). The building concerned is within the Conservation Area but is of a fairly modern brick built form.

3.2 The alterations proposed to the side addition are fairly limited in scale and, as seen from the front, would only appear as an additional pitched roof over the existing side projection. The rear projection is limited in length and has been designed to complement the main house and side addition. The extensions will be in materials to match (brick and plain tile) and the alterations to the side have no undue impact on the street scene or wider Conservation Area. There are also several other dwellings on this part of Church Rise with similar (and in some cases larger) extensions.

- 3.3 The additions proposed are concentrated the north east side elevation (with a new roof over the side and the rear projection off of the back of this addition). The nearest neighbouring property is No. 8, which is set to the side of the dwelling by approx. 7m. The overall extension proposed is not considered to have any detrimental impact in terms of the increase in volume due to the distance and orientation and there is no increase in overlooking than from the existing dwelling. There is over 8m between the rear projection and the boundary with No.10 (the other half of the semi-detached dwelling) and with the boundary fence between the properties, the extension is considered to have no impact in terms of volume or overlooking.
- 3.4 The extension does provide an additional bedroom for the dwelling, although this internal change could be made without consent. There is no off-street parking associated with the dwelling at this time, although it is noted that the intention of the applicant is to hard surface some of the front garden space and create an access (which does not require planning permission). However, even without parking it is not considered the lack of parking (where parking is possible on the roadside and in the nearby layby) would be a reason for refusal.
- 3.5 In light of these observations, having considered the relevant planning policies and all other material considerations, your officers consider that the proposed development is acceptable on its planning merits and is in accordance with Policies BE2, BE3, BE5 and H2 of the West Oxfordshire Local Plan 2011.

## RECOMMENDATION

Permit subject to the following conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: The time condition is imposed in order to comply with the requirements of the Town and Country Planning Act 1990 (As amended).
- 2 That the development be carried out in accordance with plan Nos WODC/2013/AS/9CHRCHFIN/001 to WODC/2013/AS/9CHRCHFIN/009.  
REASON: For the avoidance of doubt as to what is permitted.
- 3 The materials to be used for the external walls and roof of the extension shall be of the same colour, type and texture as those used in the existing building.  
REASON: To safeguard the character and appearance of the area. (Policies BE2, BE5 and H2 of the adopted West Oxfordshire Local Plan 2011)
- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting that Order with or without modification) no additional windows shall be constructed in the north east side elevation of the building.  
REASON: To safeguard privacy in the adjacent property. (Policies BE2 and H2 of the adopted West Oxfordshire Local Plan 2011)

<b>13/1680/P/FP 38 Knott Oaks Combe</b>	
Date	29/11/2013 18/12/2013
Officer	Miss Dawn Brodie
Officer Recommendation	<b>Grant, subject to conditions</b>
Parish	COMBE
Grid Ref:	441026,216348

## **APPLICATION DETAILS**

Subdivision of dwelling to create two one bedroom dwellings with rear extensions.

## **APPLICANT**

Mr M Neilson, 38 Knott Oaks, Combe, Oxfordshire, OX29 8PJ

## **BACKGROUND INFORMATION**

The application seeks planning permission for the sub-division of the dwelling to form two one bedroom dwellings. The application also proposes a single storey flat roofed extension to the rear of the dwelling to provide additional ground floor living accommodation. The site is within a development of similar properties and is located within the Cotswolds Area of Outstanding Natural Beauty.

### **I CONSULTATIONS**

#### **I.1 Combe Parish Council:**

*“The members of Combe Parish Council have considered the above planning application and have the following objections:*

*Policy BE2 – The scale of the development constitutes over development of the site and will impact on the neighbouring properties.*

*Policy BE3 – The residents of Knott Oaks already experience problems with safe movement of traffic and insufficient parking areas. This development will increase the amount of traffic in an already congested area and has no provision for additional parking.”*

#### **I.2 OCC Highways:**

*“The dwellings will have one bedroom each and will rely on on-street car parking spaces. The car parking demand generated by the two one-bedroom dwellings is likely to be similar to that generated by the existing three-bedroom dwelling.*

*It is therefore unlikely that the proposed development will result in severe harm to the highway.*

*Recommendations*

*I have no objections to this application.”*

#### **I.3 WODC Engineers:**

*“No objections subject to conditions.”*

### **2 REPRESENTATIONS**

2.1 Fifteen neighbours were notified of the application and one letter of representation has been received from Jan Lewis of 40 Knott Oaks. The comments received can be summarised as follows:

- I have previously been denied permission by Cottsway to erect a fence at my property.
- How will the garden be divided and remain in keeping with the character of the cul-de-sac.
- The extensions to the rear will alter the light available to my property.
- The work will cause disruption with water and electric supplies interrupted and noise disturbance.
- Where will the extra parking spaces be provided?

### **3 APPLICANT’S CASE**

3.1 A brief design and access statement has been submitted in support of the application. This can be viewed on the application file or on the West Oxfordshire District Council website.

#### **4 POLICY**

4.1 In your officer's opinion, the key policies of the West Oxfordshire Local Plan 2011 in the determination of this application are policies:

- BE2 (General Development Standards),
- BE3 (Provision for Movement and Parking),
- H2 (General Residential development Standards),
- H5 (Villages),
- H8 (Sub-division of Existing dwellings); and
- H11 (Affordable Housing).

#### **5 PLANNING ASSESSMENT**

5.1 Taking into account planning policy, other material considerations and the representations of the interested parties, your officers consider that the main issues are considered to be:

- Principle of development;
- Impact upon the character and appearance of the area,
- Residential amenity;
- Highways and Parking; and
- Affordable Housing

##### Principle

5.2 The principle of new residential properties in Combe is controlled by policy H5 of the West Oxfordshire Local Plan 2011. The policy allows for new dwelling to be created where they constitute infilling or the conversion of appropriate buildings. Furthermore, Policy H8 of the Local Plan supports the sub-division of dwellings where they are in the built up part of an appropriate existing settlement. Given that Combe is an appropriate settlement (i.e. listed in Figure 5.2 of the Local Plan) officers are of the opinion that the principle of the sub-division of the dwelling is acceptable.

##### Impact upon the character and appearance of the area

5.3 The sub-division of the dwelling will not result in any significant change to the external appearance of the dwelling. The re-arrangement of the fenestration to the front elevation includes the relocation of one window and the insertion of a door. This change is in keeping with the character of the development as a whole and would not be harmful to the character and appearance of the area.

5.4 The single storey rear extensions are flat roofed which would not be encouraged as a design solution. Whilst this is the case the extension is limited in extent and minimises the bulk of the development when viewed from the public realm and the neighbouring property. The extension is to be constructed of matching materials and on this basis; officers do not consider that the proposal would have such an adverse impact upon the character and appearance of the area to justify the refusal of planning permission.

##### Residential Amenity

- 5.5 The proposed sub-division of the dwelling itself would have no adverse impact upon any of the neighbouring properties compared to the existing use as a single dwelling. The single storey rear extension projects 2.8 metres from the rear elevation of the existing property. The extension is flat roofed, reducing the bulk of development from the only neighbouring property. The application site is separated from the neighbouring property by a 1.8 metres close boarded fence. The extension will replace an existing conservatory and whilst more solid in form, given the means of enclosure officers do not consider that the development would cause such harm to the neighbouring property (located to the west) to justify the refusal of planning permission.
- 5.6 The properties to the east face onto the site and whilst the extension will be visible the development would not have an adverse impact upon these properties.

#### Highways and parking

- 5.7 The Local Highway Authority Area Liaison Officer has assessed the proposal from parking and safety perspectives and has not objected to the scheme. The property as existing would have a formal requirement for two off street parking spaces and the proposed dwelling would also require two off street parking spaces (one for each property). Whilst not served by allocated off street parking spaces the development would not give rise to the need for additional parking to be created. Therefore, officers do not consider that the proposed development will create undue danger within the site or that it will detract from the safety and convenience of users of the public highway.

#### Affordable Housing

- 5.8 The proposed development generates a net gain of one dwelling and as such, the development would not trigger the affordable housing policy.

#### Conclusions

- 5.9 In light of these observations, having considered the relevant planning policies and all other material considerations, your officers consider that the proposed development is acceptable on its planning merits.

### **RECOMMENDATION**

Permit subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: The time condition is imposed in order to comply with the requirements of the Town and Country Planning Act 1990 (As amended).
- 2 That the development be carried out in accordance with plan MN1113/P01.  
REASON: For the avoidance of doubt as to what is permitted.
- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting that Order with or without modification) no extension shall be constructed.  
REASON: To avoid over-development in an area of high density housing. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)
- 4 The fencing or other means of enclosure shown on the approved plans shall be erected before occupation of either dwelling and shall be retained thereafter.

REASON: To secure a reasonable standard of privacy for occupants of the dwellings concerned. (Policies BE2 and H2 of the adopted West Oxfordshire Local Plan 2011)

- 5 The materials to be used for the external walls of the extension shall be of the same colour, type and texture as those used in the existing building.

REASON: To safeguard the character and appearance of the area. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)

13/1691/P/FP Stonesfield Garage, The Ridings Stonesfield	
Date	02/12/2013
Officer	Gemma Smith
Officer Recommendation	Refusal
Parish	STONESFIELD
Grid Ref:	439253,217520

## APPLICATION DETAILS

Change of use of land to parking area (Retrospective).

## APPLICANT

Stonesfield Garage, The Ridings, Stonesfield, Oxfordshire, OX29 8EA

## BACKGROUND INFORMATION

This application seeks retrospective planning permission for the change of use of agricultural land adjoining Stonesfield Garage (for parking). The parcel of land lies to the rear of the garage premises accessed off the North West side of the garage. The site is approximately 15m wide and would be used for parking 10 cars. The proposal would also provide planting on the west side of the site. This application was generated following an enforcement complaint.

The site is outside of the Stonesfield Conservation Area and is located within the Cotswolds Area of Outstanding Natural Beauty.

## 1 PLANNING HISTORY

Erection of two-storey extension (Reference W96/1074/P/FP) granted 3<sup>rd</sup> December 1996.

Demolish existing single-storey office block (Reference W96/1075/DCA) Granted 18<sup>th</sup> September 1996.

Erection of single-storey side extension to form exhaust room and construct exhaust flue (Reference W94/1535) Granted 11<sup>th</sup> January 1995.

Demolition of existing body shop and erection of new paint shop/body shop. (Reference W93/0791/DCA) Approved 7<sup>th</sup> September 1993.

Use of area behind workshops for parking cars in connection with used car sales (Reference W77/0685) Refused 5<sup>th</sup> August 1977.

## 2 CONSULTATIONS

### 2.1 Stonesfield Parish Council –

“No Objections”.



## 2.2 OCC Highways –

“No objections”.

## 3 REPRESENTATIONS

Five neighbouring properties were notified of the application. Two letters of representation have been received from Peter Ward of Ridgeway House and Sue Stansfield a resident within Stonesfield. The comments received can be summarised as follows:

- The proposal, seen from the bridle way, would ruin the view of the Cotswold village.
- Tree screening obscures view of the open countryside.
- The storage of 20 vehicles on the site detracts from the setting of the conservation area.
- The proposal would ruin the visual amenity of the locality and AONB.
- If the proposal was approved this could set a precedent for further unsympathetic development.
- Concerns over highway safety of cars the garage is currently trying to accommodate, as surplus are being parked on main highway.

## 4 APPLICANT’S CASE

The application is supported by a Design and Access statement that states that the Garage requires extra storage space due to the success of the local service business over time. The extra storage space is stated to avoid parking issues on the road outside of the garage. The Design and Access statement is summarised as follows:

1. The application area has been used for several years for parking vehicles associated with the garage since 2008.
2. The site has planting on 3 sides and the proposal would be to provide planting on the west side as a condition of planning approval.
3. To maintain the established vehicular access for the garage.
4. The site would provide parking for vehicles that have previously been parked on the road to the front of Stonesfield Garage.

## 5 POLICY

- 5.1 The key policies of the West Oxfordshire Local Plan, 2011 for consideration in the determination of this application are, in your officer’s opinion, policies:

BE2 (General Development Standards);  
E7 (Existing Businesses);  
BE3 (Provision for Movement and Parking); and  
NE4 (Cotswolds Area of Outstanding Natural Beauty).

- 5.2 In addition Section 11 (Conserving the Natural Environment) and Section 3 (Supporting a prosperous rural economy) of the National Planning Policy Framework are of key consideration.

## 6 PLANNING ASSESSMENT

- 6.1 Taking into account planning policy and other material considerations and the representations of the interested parties your officers consider that the main issues are considered to be:

- Principle and Impact on the Cotswolds Area of Outstanding Natural Beauty;

- Impact upon residential amenity;
- Impact on highways and parking.

#### Principle and Impact on the AONB

- 6.2 Paragraph 28 of the National Planning Policy Framework aims to support sustainable expansion of all types of businesses in rural areas. Policy E7 of the adopted West Oxfordshire Local Plan 2011 also seeks to support business expansion of existing businesses adjacent to their premises providing proposals are commensurate to scale and character of the local area. It is however considered that the proposal would have an unacceptable impact on the character and special qualities of the Cotswolds Area of Outstanding Natural Beauty. The proposal would be detrimental to the character of the area and its special qualities due to the prominence of the proposal within the landscape.
- 6.3 Paragraph 115 of the National Planning Policy Framework, states that great weight should be given to conserving landscape and scenic beauty within Areas of Outstanding Natural Beauty. Furthermore Policy NE4 of the adopted West Oxfordshire Local Plan, 2011 aims to conserve and enhance the natural beauty of the Cotswolds Area of Outstanding Natural Beauty. It is considered by your officers that the location to the rear of the natural building line of the local area would result in incongruous intrusion on the surrounding landscape.
- 6.4 In addition BE2 of the adopted West Oxfordshire Local Plan, 2011 seeks for new development to respect and where possible improve the character and quality of the surrounding area. Proposals should be refused for development that fails to respect the existing scale, pattern and character of the surrounding area; and that the landscape surrounding is not adversely affected.
- 6.5 It is considered by your officers that whilst the Authority supports expansion of businesses in rural areas this proposal would result in unacceptable harm to the Cotswolds AONB which would far outweigh the benefits of supporting the rural business. The proposal is contrary to Policy E7, NE4 and BE2 of the adopted West Oxfordshire District Council.

#### Residential amenity

- 6.6 The development would have little impact on the neighbouring properties. It is considered that there would be no adverse effect on the nearest neighbouring property, Stonesfield Garage House due to the distance of the proposal to the main dwelling and immediate garden amenity space. In addition it is considered, given the distance from the property to the rear and the intervening boundary screening, that the proposal would not have an unacceptable impact on Ridgeway House by either visual impact or overlooking. The proposal would therefore be in accordance with Policy BE2 of the adopted West Oxfordshire Local Plan, 2011.

#### Highways and Parking

- 6.7 Officers do not consider that the proposed development would create undue danger within the site or that it will detract from the safety and convenience of users of the public highway.

#### Conclusions

- 6.8 In light of these observations, having considered the relevant planning policies and all other material considerations, your officers consider that the proposed development is unacceptable on its planning merits and that the impact on the environment would far outweigh the benefit of supporting the scheme. The proposal is contrary to Policies E7, NE4 and BE2 and is considered that the development would have an unacceptable and detrimental effect on the special qualities of the AONB and adjacent Conservation Area. This application is retrospective following an

enforcement complaint, therefore if Members are minded to support this application, an enforcement report would need to be brought before Members for future determination.

## RECOMMENDATION

Refuse for the following reason:

By reason of siting it is considered that the proposed development would appear an incongruous feature within the existing street scene, adversely affecting the visual character and failing to conserve or enhance the Cotswolds Area of Outstanding Natural Beauty. As such the proposal is contrary to Policies E7, BE2 and NE4 of the adopted West Oxfordshire Local Plan and the National Planning Policy Framework.

13/1717/P/FP Britannick Engineering Co (Oxford) Ltd Market Street Charlbury	
Date	06/12/2013 11/12/2013
Officer	Miss Dawn Brodie
Officer Recommendation	<b>Grant, subject to conditions</b>
Parish	CHARLBURY
Grid Ref:	435678,219582

## APPLICATION DETAILS

Conversion of offices and erection of new build to form 3 dwellings.

## APPLICANT

Mr Peter Kuznic C/O Agent

## BACKGROUND INFORMATION

The application seeks planning permission for the change of use of the existing buildings and for the construction of extensions and a new build property to form three dwellings. The existing property is used as an electrical engineering workshop and all of the buildings on site are currently converted on all floors. The application proposes the loss of a flat roofed addition adjacent to The Old Post House. The existing gated access will be lost and access to the site will be gained by the second access point alongside the Quaker Meeting House. The existing buildings on site are Grade II Listed and the site is within the Conservation Area.

## I CONSULTATIONS

### I.1 Charlbury Town Council:

1. We consider that the change of use is likely to cause a conflict with the loss of existing on street parking provision to enable access and egress to this site as the development is likely to generate more vehicle movements per day.
2. We regret the loss of a further employment site but welcome the provision of three dwellings.
3. Pedestrian safety needs to be considered as the sight lines on exit is restricted.
4. Should there be a provision of affordable housing or a section 106 agreement to benefit the community?
5. Can this go to committee please."

### I.2 OCC Highways:

"Visibility at the access is obstructed by the adjacent walls. Vehicles emerge across the footway with little or no visibility.

*However, the existing commercial use has the potential to generate more vehicular movements than the proposed residential use.*

*No objection subject to*

*G36 parking as plan*

*G48 SUDS*

*No surface water to discharge to the highway.”*

1.3 WODC Engineers:

*“No objection subject to conditions.”*

## **2 REPRESENTATIONS**

2.1 Thirteen neighbours were notified of the application and at the time of preparing the officers report only three letters of representation have been received from Vanessa Thompson-Royds of Seymour House, Mr and Mrs Ghosh of Thames House and Mr and Mrs Tutton of Alpha House. The comments received can be summarised as follows:

- There are already significant parking issues along Market Street.
- There has been a continual flow of disturbance in the area in the past few years.
- In a small town we need the diversity of different purpose buildings not just perfect little houses.
- The existing use is quiet and is less of an aggravation than houses which may have two or more cars associated with them.
- If houses are to be built there should only be two. Any third property would need to be at the top of the site to ensure the existing wide entrance can be retained.
- During the conversion lorries will not be able to use the existing access proposed to be used.
- As always there will be no irritation for the seller or the purchaser just those who live in the vicinity.
- Overall we support the conversion of the buildings but we have concerns regarding the size of the development and the closing of one of the access points.
- The retained access lane is only 320cm wide with very limited visibility where it meets the pavement and Market Street.
- The access falls short of the required 2 x 2m visibility criteria set out in the County Council's Technical Support Data.
- The construction of plot 1 would require the demolition of a large stone wall which is a feature in itself and forms part of the historic character of the street.
- A compromise would be to retain the existing access and reduce the size of the development.
- Two front doors will open onto the narrow driveway serving the development – causing safety concerns for those using the front doors.
- People currently park opposite the entrance to the site causing difficulties for vehicles entering and exiting the site.
- The narrow nature of the current access would mean no access for emergency vehicles.
- We have a right of access to our property over the drive and we would require space to turn within the site so we can exit onto Market Street. The current plans would mean great difficulty in turning our vehicles.
- The use of the driveway for nine vehicles would mean additional wear and tear on the driveway. The shingle is inadequate and we would like to see block paving in its place.
- The proposed dwellings will seriously impact upon the privacy of Alpha House, particularly from the two front doors which will look towards our kitchen.

## **3 APPLICANT'S CASE**

- 3.1 The applicant has submitted the following documents in support of the application:  
Design and Access Statement which concludes as follows:

The Old Bakery is a unique site because it has remained largely unchanged for many hundred of years. This is even more surprising when considering its location in the centre of a Cotswold market town.

It has remained unchanged even though the functions that it has housed over the years have varied quite considerably. What is lucky with such function changes is that the prime building on the site, the old farmhouse, is still in very original condition and worthy of its listing.

The proposed change of use and the design that supports this change takes a light hand to the original building and will return it to its original function and there by securing its originality into the future.

If this group of buildings were to remain in commercial use the development pressures put on the existing structures by the requirement for businesses to grow would cause irretrievable harm to this charming collection of old buildings. This would in itself be contrary to planning policy.

Adding to this the environmental impact of a growing commercial enterprise in the centre of the conservation area from the aspects of noise and traffic, must make compelling argument to avoid these conflicts and return the site to its former domestic use.

This, together with the opportunity this application offers to fill an unsightly gap in a high quality streetscape with a sympathetic infill, gives a positive planning benefit to these proposals.

- 3.2 Heritage Statement which concludes as follows:

The historical significance of the original group of buildings set in the centre part of the site is clear from their listed status. The fact that they have been so little disturbed over the years is remarkable and that their current layout allows the conversion to residential to be undertaken with little fundamental change to the existing layout. The asset is preserved.

This group of buildings will be further enhanced with the renovation of the barn and out buildings by maintaining the characteristics of the group while bringing them in the contemporary use. Again this can be achieved with relatively small changes to the existing structures.

With the removal of the old workshops and their replacement with a new dwelling, to be constructed in local stone and matching materials overall, will add value to the setting of the listed buildings and enhance the Charlbury Conservation Area by closing an unsightly gap in the existing street elevation. This approach and the proposals detailed in this application will be fully in accordance with NPPF policies and Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## **4 POLICY**

- 4.1 In your officer's opinion, the key policies of the West Oxfordshire Local Plan 2011 in the consideration of this application are policies:

- BE2 (General Development Standards),
- BE3 (Provision for Movement and Parking),
- BE5 (Conservation Areas),
- BE6 (Demolition in Conservation Areas),
- BE7 (Alterations and Extensions to a Listed Building),
- BE8 (Development Affecting the Setting of a Listed Building),

- BE9 (Change of Use of a Listed Building),
- H2 (General Residential Development Standards),
- H7 (Service Centres),
- H11 (Affordable Housing); and
- E6 (Change of Use of Existing employment Sites).

In addition the National Planning Policy Framework is of key consideration.

## **5 PLANNING ASSESSMENT**

5.1 Taking into account planning policy, other material considerations and the representations of the interested parties, your officers consider that the main issues are considered to be:

- Principle of development;
- Impact upon the character of the Conservation Area;
- Impact upon the Listed Buildings;
- Residential amenity;
- Highway safety;
- Affordable housing; and
- Ecology.

### Principle of development

5.2 There are two key considerations in relation to the principle of development on this site; firstly, the principle of new dwelling and secondly, the principle of the loss of the employment use.

5.3 The principle of new residential development in Charlbury is controlled by Policy H7 of the West Oxfordshire Local Plan 2011. The policy supports the provision of new dwellings where it constitutes infilling, rounding off or the conversion of existing appropriate buildings. In your officer's opinion, the development proposed in this application would confirm to the requirements of policy H7 and as such, the provision of new dwellings on this site is acceptable in principle.

5.4 The principle of the loss of the employment use is controlled by policy E6 of the West Oxfordshire Local Plan 2011. This policy will generally seek to resist the loss of employment sites unless one of the following criteria can be complied with:

- It can be demonstrated that the site or premises are not reasonably capable of being re-used or redeveloped for employment purposes;
- The site or premises is considered unsuitable on amenity, environmental or highway safety grounds;
- Substantial planning benefits can be achieved by allowing alternative forms of development.

5.5 The application has been submitted with a short statement in regard to the existing employment use. The property does not appear to have been advertised for sale however the agent notes that the close proximity, poor highways access and the listed nature of the buildings mean that the site is not suitable for continued employment uses. They suggest that the change of use of the building would offer planning benefits in terms of returning the buildings to residential use in a predominantly residential area, the opportunity to infill an unsightly gap in the street frontage, the reduction in commercial traffic in the area and the eradication of commercial noise from the site which would otherwise increase with different commercial uses.

5.6 In your officers opinion the site is heavily constrained by residential premises close to its boundaries and the existing access is poor with very limited visibility. Whilst the existing use does not cause any significant traffic generation nor noise, future uses would be likely to change this

situation and the District Council would have limited control in this regard. As such, on balance, officers are of the opinion that the loss of employment use could, on balance, be supported in this instance.

#### Impact upon the character of the Conservation Area

- 5.7 The existing Listed buildings have been altered on the road frontage and the large glazed front window is an unfortunate addition to the street scene. In addition, the flat roofed building which is located on the south eastern boundary of the site is an unfortunate addition which is visible and prominent in the Conservation Area. Given the visibility of this building and its poor form officers consider that it detracts from the character of the Conservation area and as such, its loss is in accordance with policy BE6 of the Local Plan.
- 5.8 The proposed alterations and extensions to the existing building are relatively limited. The changes to the fenestration and rebuilt linking element are all appropriate to the character of the Conservation Area. The proposed new build dwelling on the frontage replaces the existing flat roofed building and as such, would be an immediate enhancement to the character of the Conservation Area. The proposed dwelling is relatively simple in elevation with a lower limb adjacent to the building to be converted. The building materials of natural stone and natural slate are appropriate in terms of the Conservation Area setting. With conditions for sample panels and detailed drawings of the joinery officers consider that the development would enhance this part of the Conservation Area.

#### Impact upon the Listed Buildings

- 5.9 The application is also accompanied by a Listed Building Consent application. That application appears elsewhere on the schedule however, officers will consider those matters here.
- 5.10 The application does propose alterations and additions to the Listed Building. Officers are of the opinion that the conversion of the building to residential use would serve to secure the long term maintenance of the building and would limit the need for adaptations which may be required through continued commercial use. The external alterations and rebuilt linking element are appropriate additions and would serve to preserve the character of each of the Listed Buildings. Furthermore, the alterations proposed internally and externally would not result in the loss of any significant historic fabric.
- 5.11 The proposed new build dwelling does sit in close proximity to the Listed Building however, its design is appropriate and it would remove the existing flat roofed building which detracts from the Listed Building.
- 5.12 On this basis officers consider that the character, setting, appearance and fabric of the Listed Building are preserved by these applications.

#### Residential amenity

- 5.13 The boundary of the site to the south of the site is made up of the side elevation of the neighbouring dwellings and a tall stone wall. The side elevation of the neighbouring property is largely blank with the exception of one small ground floor obscure glazed window. This window is already compromised by the existing built form and as such, officers do not consider that the newly built form would give rise to such harm to this window to justify the refusal of planning permission.
- 5.14 The neighbouring property to the north east is located some 30 metres away from the boundary between the two sites. The first floor windows in the northern most plot are located some 13

metres from the boundary and therefore approximately 43 metres from the rear of that property. On this basis, whilst there will be some overlooking of the garden area, the intervening car port structure will provide some increased privacy and as such officers do not consider that the development would be so harmful to this property to justify the refusal of planning permission.

- 5.15 The neighbouring property to the North West is served by limited amenity space which wraps the northern elevation of the dwelling. This amenity space, due to its northern orientation is already compromised by the existing built form. The car port structure will move close to the boundary with this amenity space and will sit at a height of 4.4 metres. This structure will be visible to that amenity space and will have some impact however; it does provide the opportunity to increase the privacy of this space which is currently very open and visible from the parking area serving the existing employment use. On this basis officers consider that the development, on balance, would not give rise to such harm to justify the refusal of planning permission.
- 5.16 The properties on the opposite side of Market Street will have a new dwelling with windows facing towards them. Whilst this is relatively close proximity, it is no different from any of the other dwellings located on Market Street and given the town centre location and existing level of mutual overlooking the development is not considered to give rise to harm for those properties.
- 5.17 Each of the proposed dwellings will be served by private amenity space albeit fairly limited. Whilst this is the case, the level of space provided is what you would reasonably expect for such a town centre location.

#### Highway safety

- 5.18 The development is proposed to be accessed along a narrow access track to the northern boundary of the site. This access is currently used by the neighbouring property and some users of the application site. Highways officers have considered the development as proposed and are of the opinion that, whilst this access is not ideal, it is on balance acceptable. They note that whilst the existing use at the site is relatively low level, the accommodation on site could have the potential to generate far more traffic movements than it currently does, all of which could use the access proposed as part of the application. Whilst visibility is poor they are of the opinion that the residential use of the site has the opportunity to reduce this number and therefore to result in a marginal improvement in the number of movements. The application also proposes adequate off street parking provision for each of the dwellings and manoeuvring space to enable access and exiting to be in a forward gear. Given the lack of a technical objection to the development officers are of the opinion that the development is acceptable in highway safety terms.

#### Affordable housing

- 5.19 At the time of preparing the officer report no information in relation to affordable housing had been provided by the applicant. Officers have requested a viability assessment to demonstrate the level of affordable housing which can be provided. The policy requires the provision of up to 50% affordable housing where there is a net gain of two or more dwellings. An update in relation to this matter will be given in the additional representations report and/ or verbally at the sub-committee meeting as necessary.

#### Ecology

- 5.20 Officers have had access to the buildings which are fully converted. The buildings on site showed limited probability as a bat habitat (roof spaces are converted and heavily cob webbed). On this basis no protected species survey was required. Whilst this is the case, officers would remind the applicant that the granting of planning permission does not absolve them of their responsibilities in relation to protected species.



## Conclusions

- 5.21 In light of these observations, having considered the relevant planning policies and all other material considerations, your officers consider that the proposed development is acceptable on its planning merits, subject to suitable agreements being made in relation to the affordable housing provision/ contribution.

## **RECOMMENDATION**

Permit subject to the following conditions and a suitable agreement being reached in relation to affordable housing:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: The time condition is imposed in order to comply with the requirements of the Town and Country Planning Act 1990 (As amended).
- 2 That the development be carried out in accordance with plan No(s) 007A, 006A, 008A, 009A, 010B, 011A and 012.  
REASON: For the avoidance of doubt as to what is permitted.
- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting that Order with or without modification), no development permitted under Class A to E of Part 1, Schedule 2, Article 3 shall take place.  
REASON: To preserve the character of the Conservation Area and the limited amenity space available for each property. (Policies BE2, BE5 and H2 of the West Oxfordshire Local Plan 2011)
- 4 The external walls and works of making good shall be constructed of natural local stone in accordance with a sample panel which shall be erected on site and approved in writing by the local Planning Authority before development commences and thereafter retained until the development is completed.  
REASON: To safeguard the character and appearance of the Conservation Area and the setting of the Listed Buildings. (Policies BE2, BE5, BE8 and H2 of the adopted West Oxfordshire Local Plan 2011)
- 5 The walls of the proposed building shall be laid and pointed with "bagged" joints unless otherwise agreed in writing by the Local Planning Authority.  
REASON: To safeguard the character and appearance of the Conservation Area and the setting of the Listed Buildings. (Policies BE2, BE5, BE8 and H2 of the adopted West Oxfordshire Local Plan 2011)
- 6 Notwithstanding details contained in the application, detailed specifications and drawings of all windows, doors, porches, dormer window construction and rooflights at a scale of not less than 1:20 including details of external finishes and colours shall be submitted to and approved in writing by the Local Planning Authority before development commences. The development shall be carried out in accordance with the approved details.  
REASON: To safeguard the character and appearance of the Conservation Area and the setting of the Listed Buildings. (Policies BE2, BE5, BE8 and H2 of the adopted West Oxfordshire Local Plan 2011)
- 7 The window and door frames shall be recessed a minimum distance of 100mm from the face of the building unless otherwise agreed in writing by the Local Planning Authority.

REASON: To safeguard the character and appearance of the Conservation Area and the setting of the Listed Buildings. (Policies BE2, BE5, BE8 and H2 of the adopted West Oxfordshire Local Plan 2011)

- 8 The roof(s) of the building(s) shall be covered with materials, a sample of which shall be submitted to and approved in writing by the Local Planning Authority before development commences.  
REASON: To safeguard the character and appearance of the Conservation Area and the setting of the Listed Buildings. (Policies BE2, BE5, BE8 and H2 of the adopted West Oxfordshire Local Plan 2011)
- 9 A scheme of hard and soft landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority before development commences. The scheme shall include the retention of any existing trees and shrubs and planting of additional trees and shrubs; proposed finished levels and contours and all ground surface treatments and materials and shall be implemented as approved within 12 months of the commencement of the approved development or as otherwise agreed in writing by the Local Planning Authority and thereafter be maintained in accordance with the approved scheme. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub of equivalent number and species, shall be planted as a replacement and thereafter properly maintained.  
REASON: To safeguard the character and appearance of the Conservation Area and the setting of the Listed Buildings. (Policies BE2, BE5, BE8 and H2 of the adopted West Oxfordshire Local Plan 2011)
- 10 The fencing or other means of enclosure shown on the approved plans shall be erected before occupation of the dwelling on the adjoining plot and all means of enclosure shall be erected before completion of the final dwelling in the development and shall be retained thereafter.  
REASON: In the interests of the appearance of the development and to secure a reasonable standard of privacy for occupants of the dwellings concerned. (Policies BE2 and H2 of the adopted West Oxfordshire Local Plan 2011)
- 11 The car parking areas (including where appropriate the marking out of parking spaces) shown on the approved plans shall be constructed before occupation of the development and thereafter retained and used for no other purpose.  
REASON: To ensure that adequate car parking facilities are provided in the interests of road safety. (Policy BE3 of the adopted West Oxfordshire Local Plan 2011)
- 12 That, prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate and a management plan setting out the maintenance of the drainage asset. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved and shall be maintained in accordance with the management plan thereafter.  
REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality. (The West Oxfordshire Strategic Flood Risk Assessment, National Planning Policy Framework and the supporting Technical Guidance)
- 13 The carport(s) shall not be altered or enclosed and shall be used for the parking of vehicles ancillary to the residential occupation of the dwelling(s) and for no other purposes.  
REASON: In the interest of road safety and convenience and safeguarding the character and appearance of the area. (Policies BE2 and BE3 of the adopted West Oxfordshire Local Plan 2011)

## NOTES TO APPLICANT:

1 The grant of planning permission does not override the personal property rights of neighbours, landowners and other interested parties.

2 The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with the Flood and Water Management Act 2010.

Where communal drainage schemes are proposed approval of the scheme will be required from Oxfordshire County Council and the scheme will need to be adopted under the Flood and Water Management Act.

3 The granting of planning permission does not absolve the applicant or developer of their responsibilities in relation to protected species.

<b>13/1718/P/LB Britannick Engineering Co (Oxford) Ltd Market Street Charlbury</b>	
Date	06/12/2013 10/12/2013
Officer	Miss Dawn Brodie
Officer Recommendation	<b>Grant, subject to conditions</b>
Parish	CHARLBURY
Grid Ref:	435678,219582

## **APPLICATION DETAILS**

Internal and external alterations to form 3 dwellings.

## **APPLICANT**

Mr Peter Kuznic C/O Agent

## **SEE REPORT PREPARED FOR APPLICATION 13/1717/P/FP**

## **RECOMMENDATION**

Permit subject to the following conditions:

1 This Listed Building Consent is granted subject to the condition that the works to which it relates must be begun not later than the expiration of three years beginning with the date on which the consent is granted.

REASON: The time condition is imposed in order to comply with the requirements of S.18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (As amended).

2 That the development be carried out in accordance with plan No(s) 007A, 006A, 008A, 009A, 010B, 011A and 012.

REASON: For the avoidance of doubt as to what is permitted.

3 No demolitions, stripping out, removal of structural elements, replacement of original joinery or fittings and finishes shall be carried out except where shown and noted on the approved drawings.  
REASON: To preserve internal features of the Listed Building. (Policy BE7 of the adopted West Oxfordshire Local Plan 2011)

4 All new works and works of making good shall be carried out in materials, and detailed, to match the adjoining original fabric except where shown otherwise on the approved drawings.

REASON: To preserve the architectural integrity of the Listed Building. (Policy BE7 of the adopted West Oxfordshire Local Plan 2011)

- 5 All external rainwater goods shall be in cast metal painted black or other colour first submitted to and approved in writing by the Local Planning Authority.  
 REASON: To safeguard the character and appearance of the Listed Buildings. (Policies BE7 and BE8 of the adopted West Oxfordshire Local Plan 2011)

<b>13/1720/P/LB Fletchers House 10 - 12 Park Street, Webley Terrace &amp; 2 Market Place Woodstock</b>	
Date	10/12/2013
Officer	Miss Gemma Smith
Officer Recommendation	<b>Grant subject to conditions.</b>
Parish	Woodstock
Grid Ref:	444376, 216772

## **APPLICATION DETAILS**

Erection of three stone plaques.

## **APPLICANT**

West Oxfordshire District Council, Woodgreen, Witney, Oxfordshire, OX28 1NB

## **BACKGROUND INFORMATION**

This application seeks Listed Building Consent for the addition of three artist-designed Portland-cut plaques to the exteriors of the following three Listed Buildings in the Conservation Area of Woodstock:

- The Oxfordshire Museum;
- Webley Terrace; and
- La Galleria.

The plaques comprise of a discrete public art project further to Ref: 11/1878 for seven plaques. A detailed fixing method has been submitted showing that all plaques would be attached to the building with stainless steel dowels hidden in the back of the plaque. These bolts will not be visible from the front of the plaque. Importantly, given the minor nature of the works Planning Permission is not required.

This application has been brought to Members of the Sub-Committee to consider as the applicant is from a department within the Authority.

## **1 CONSULTATIONS**

### **1.1 Woodstock Town Council**

*“Supports and welcomes this planning application”.*

### **1.2 Adjacent Council Blenheim Parish Meeting**

No comment to date.

Should comments be received Members will be updated by way of the Report of Additional Representations or verbally at the meeting of the Sub-Committee.

## **2 REPRESENTATIONS**

No neighbouring properties have been notified.

## **3 POLICY**

3.1 Your officers consider that the following Local Plan Policy is particularly relevant to the consideration of this application:

- BE7 - Alterations and Extensions to Listed Buildings.
- BE8- Development affecting the setting of Listed Building.

3.2 The National Planning Policy Framework is also a material consideration.

#### **4 PLANNING ASSESSMENT**

4.1 Taking into account planning policy and other material planning considerations the key consideration in the determination of this application is the impact of the development upon the character, setting and fabric of the Listed Buildings.

Details of the proposal in relation to each property are as follows:

The Oxfordshire Museum (Fletcher's House, Park Street, Woodstock).

4.2 The building is a 17<sup>th</sup> Century Grade II Listed, three-storey building constructed of stone and a gabled stone roof slate. The proposed plaque is to be carved from 40mm thick Portland limestone and would measure 460mm in width and 740mm in length.

Webley Terrace (62 Oxford Street, Woodstock).

4.3 62 Webley Terrace is a 17<sup>th</sup> Century terraced property. The proposed plaque is to be carved in low relief from 40mm thick Portland limestone and would measure 345mm in width and 815mm in length.

La Galleria ( 2 Market Place, Woodstock).

4.4 The proposed plaque is to be carved in low relief from 40mm thick Portland limestone and would measure 300mm in width and 613mm in length.

4.5 It is considered the works involve only very minor intervention into the historic fabric of the buildings, and in your officers' opinion the plaques will enhance understanding of the special interest of the Listed Buildings thus enhancing the understanding of the Conservation Area. All plaques are considered to be sympathetic in design and sited sensitively. Importantly, the proposed work is entirely reversible. With this in mind, your officers consider that the proposed works accord with Policy BE2, BE5 and BE7 of the West Oxfordshire Local Plan 2011 and are therefore acceptable on their planning merits.

#### Conclusions

4.6 In light of these observations, having considered the relevant planning policies and all other material considerations, your officers consider that the proposed development is acceptable on its planning merits.

#### **RECOMMENDATION**

Grant subject to the following conditions:

1. This Listed Building Consent is granted subject to the condition that the works to which it relates must be begun not later than the expiration of three years beginning with the date on which the consent is granted.  
REASON: The time condition is imposed in order to comply with the requirements of S.18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (As amended).
2. The works shall be carried out in accordance with the details submitted with the application.  
REASON: For the avoidance of doubt as to what is permitted.
3. All new works and works of making good shall be carried out in materials, and detailed, to match the adjoining original fabric except where shown otherwise on the approved drawings.  
REASON: To preserve the architectural integrity of the Listed Building. (Policy BE7 of the adopted West Oxfordshire Local Plan 2011)

<b>13/1725/P/FP 129 Main Road Long Hanborough</b>	
Date	27/11/2013 11/12/2013
Officer	Miss Dawn Brodie
Officer Recommendation	<b>Grant, subject to conditions</b>
Parish	HANBOROUGH
Grid Ref:	442616,214296

## APPLICATION DETAILS

Conversion of outbuilding to car port and storage area. New vehicular access onto Main Road.

## APPLICANT

Mr Justin Young, 129 Main Road, Long Hanborough, Oxfordshire OX29 8JX

## BACKGROUND INFORMATION

The application seeks planning permission for the use of an existing outbuilding to form parking and storage associated with an existing dwellinghouse. The building forming part of the application sits on the opposite side of the road to the existing dwelling house. The site is not located in any area of special control but is in a prominent location within the street scene on the main thoroughfare through the village.

## I CONSULTATIONS

### I.1 Hanborough Parish Council:

*“Hanborough Parish Council has reservations about this application being allowed:*

- 1) *The Council are surprised that Highways seem relaxed about the prospect of a car having to be reversed into a small car port off the busy A4095*
- 2) *The proposed “consolidated gravel” access should be such that it does not create an adverse surface for passing pedestrians or loose chippings that stray onto the road*
- 3) *Plants growing over the roof will have to be removed or cut back severely to avoid risk of hanging down and obstructing the view of the road*
- 4) *The recently planted tree should be moved rather than discarded*
- 5) *Planning permission should be conditional upon the usage constraints discussed in correspondence with a planning officer (Dawn Brodie).”*

### I.2 OCC Highways:

*“No objection subject to :*

- G11 access specification
- G47 SUDS SW drainage system
- Prior to the implementation of the proposal OCC will relocate the tree on the highway verge to another location within the village

The application follows a long running neighbour dispute between the applicant and the occupiers of 140 Main Rd which is located behind the application site and has the access immediately to the west.

The applicant's dwelling, 129 Main Rd, has at present no off street parking facility and relies on parking in the adjacent layby or the carriageway fronting the dwelling causing an obstruction/hazard to traffic travelling along the main road. The demand for parking in the layby frequently exceeds the number of spaces that are available.

Even though the proposed conversion is only 3.65m in length and will result in additional turning movements in reverse gear to/from the proposed garage it is my opinion, that on balance, in this case, the proposal presents a situation that is beneficial in terms of highway safety compared with parking on the carriageway/layby fronting no 129.

The proposed garage at 3.65m in length would accommodate the smaller type of saloon car such as a Smart car, Ford KA, Fiat Seicento or Panda etc however, should a larger vehicle be parked in the proposed garage the bonnet would protrude on to the access but would not obstruct vision to the Main Rd carriageway from the two adjacent points of access."

## 2 REPRESENTATIONS

2.1 Seven neighbours were notified of the application and one letter of representation was received from Kate Brown of 140 Main Road, Long Hanborough. The comments received are summarised as follows:

- The applicants claim there is no parking for their dwelling but there is a lay-by outside of their house where they have parked for the last 11 months.
- The parents of Mrs Young live at the rear of 129 Main Road where there are ample facilities for the parking of vehicles.
- The building is not large enough to house a vehicle and allowing a car to protrude onto the verge raises many issues for the future e.g. the gravel access area will be used for parking of a vehicle.
- We have no objection to the conversion of the building to allow parking of a vehicle providing it can be contained in the building with the doors shut.
- The sapling was not planted by us but by OCC Tree Dept due to the applicants parking on the grass verge obstructing the exit from our property.
- Parking of cars on the verge has continued even after the planting of the sapling and visits from the police.
- The permitted overlap of 0.5 metres will not be adhered to and in the absence of any restriction on parking will lead to a repetition of the present parking problems.

## 3 APPLICANT'S CASE

3.1 The applicant has submitted a Design and Access Statement in support of the application which briefly covers the following items:

- Justification,
- Building re-design,
- Planning history, and
- Vegetation.

## 4 POLICY

- 4.1 In your officer's opinion the key policies of the West Oxfordshire local Plan 2011 in the consideration of this application are:
- BE2 (General Development Standards),
  - BE3 (Provision for Movement and Parking), and
  - H2 (General Residential Development Standards).

## 5 PLANNING ASSESSMENT

- 5.1 Taking into account planning policy, other material considerations and the representations of the interested parties, your officers consider that the main issues are considered to be:
- Principle of the use of the building as parking;
  - Impact upon the character and appearance of the street scene;
  - Impact upon the amenity of neighbouring properties;
  - Ecology; and
  - Highways and parking.

### Principle

- 5.2 The principle of the use of an existing building to provide for ancillary accommodation to a dwelling is supported by the current local plan. Whilst this building is located on the opposite side of the road to the dwelling, it is fairly closely related and only off street parking is proposed. If the building were proposed to be used as some form of additional living accommodation officers would have concerns regarding the disjointed nature of the proposal. As such, a condition has been recommended which restricts the use to the parking of vehicles only.

### Design and impact upon the street scene

- 5.3 The outbuilding is already in situ, is constructed of appropriate materials and is worthy of retention. The application proposes replacement of the roof structure and will involve marginally raising the eaves and ridge height. The eaves height will increase by 0.4 metres and the ridge height by 0.2 metres. Some ground works will also be required to the verge to allow for level access. The proposed alterations to the building are limited and involve the provision of an up and over door and a new slate roof. The changes to the building would have no adverse impact upon the character and appearance of the street scene. The changes to the verge to allow for access are acceptable and will reflect a number of other access points throughout the village. As such, officers consider the development to be acceptable in terms of visual amenity.

### Residential Amenity

- 5.4 The proposed building is located to the front of neighbouring properties on the opposite side of the road. The building is already in situ and the marginal changes to its height and appearance would not have any adverse impact upon these properties as they are set some distance back from the road frontage. The use of the building for the parking of vehicles is unlikely to give rise to such noise to justify the refusal of planning permission particularly given the background noise of the A4095 which runs to the front of these properties.

### Ecology

- 5.5 No protected species survey was submitted as part of the application however; photographs detailing the internal structure of the roof were submitted. These showed a sealed roof heavily cob-webbed indicating the lack of any presence of bats. On this basis an ecology report was not



requested by officers however, it is important to note that the granting of planning permission does not absolve the applicant's of their responsibilities in relation to protected species.

#### Highways and parking

- 5.6 Highways officers have provided comments in relation to the application which can be seen above. The existing dwelling at 129 Main Road is not served by any dedicated off street parking. Two lay-bys exist in the vicinity of the application site however; there is significant demand for the space within these lay-bys. In recent history parking on the verges has begun to take place (as noted in the neighbours representations). It is noted that the building would only provide for off road parking for a small vehicle or for a larger vehicle with some overhang onto the verge. Highways officers acknowledge that this is not ideal however consider that this is an opportunity to provide off street parking for a property in the vicinity and therefore to free up some parking space within the adjacent lay-by. On this basis highways' officers consider that the development provides the opportunity to marginally improve highway safety in the vicinity.

#### Conclusions

- 5.7 In light of these observations, having considered the relevant planning policies and all other material considerations, your officers consider that the proposed development is on balance, acceptable on its planning merits.

### **RECOMMENDATION**

Permit subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: The time condition is imposed in order to comply with the requirements of the Town and Country Planning Act 1990 (As amended).
- 2 That the development be carried out in accordance with plan No(s) 42/02 and 42/03.  
REASON: For the avoidance of doubt as to what is permitted.
- 3 The means of access between the land and the highway shall be formed, laid out and constructed in accordance with the specification of the means of access attached hereto, and all ancillary works therein specified shall be undertaken in accordance with the said specification before first use of the building.  
REASON: To ensure a safe and adequate access. (Policy BE3 of the adopted West Oxfordshire Local Plan 2011)
- 4 The building shall not be occupied until the access shown on the approved plans has been drained, constructed and surfaced in accordance with a detailed plan and specification that has been submitted to and approved in writing by the Local Planning Authority. Those areas shall be retained thereafter and shall not be used for any purposes other than for the parking and manoeuvring of vehicles.  
REASON: To ensure that a usable parking area is provided and retained. (Policy BE3 of the adopted West Oxfordshire Local Plan 2011)
- 5 Before building work commences, a schedule of materials (including samples) to be used in the elevations of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in the approved materials.  
REASON: To safeguard the character and appearance of the area. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)

- 6 The garage doors shall be constructed of vertically boarded wood left to weather naturally and retained in that finish unless otherwise agreed in writing by the Local Planning Authority.  
REASON: To protect the character and appearance of the area. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)

#### NOTES TO APPLICANT

- 1 Please note that this permission does not give any authority for vehicles to be parked on the gravel area forming the cross over of the verge. This land is third party land and you would require authority from the appropriate landowner for this to take place.
- 2 Please note that the granting of planning permission does not absolve the applicant of their responsibilities in relation to protected species.

<b>13/1749/P/FP Langston Priory Workshops Station Road Kingham</b>	
Date	13/12/2013 23/12/2013
Officer	Miss Dawn Brodie
Officer Recommendation	<b>Grant, subject to conditions</b>
Parish	CHURCHILL
Grid Ref:	425780,222717

#### **APPLICATION DETAILS**

Extension to existing workshop and erection of new two bay workshop.

#### **APPLICANT**

Randell Burton Architects, The Studio, 7 William Street, Tiverton, Devon EX16 6BJ

#### **BACKGROUND INFORMATION**

The application seeks planning permission for the erection of an extension to the existing commercial premises and the erection of a new stand along unit. The site is within a relatively isolated open countryside location however, there are a cluster of commercial units on the site, with a nursing home adjacent and Kingham Train Station within walking distance. The site is not within a Conservation Area but is within the Cotswolds Area of Outstanding Natural Beauty. The B4450 sits to the south of the site and open countryside to the north. Residential properties at Langston Villas are located to the east of the site.

#### **1 PLANNING HISTORY**

- 1.1 Planning permission was granted for the change of use of existing buildings to form commercial premises under reference 86/1806.

#### **2 CONSULTATIONS**

##### 2.1 Churchill and Sarsden Parish Council:

*“The Parish Council do not object to this application but request a condition requiring no on-road parking.*

In addition the following comments have been received:

*The Parish Councillors support the views held/concerns raised by the residents of Langston Villas (letter to you on behalf of the residents from Chris and Carolyn Baxter).*

*I would be grateful if this can be added to the views expressed previously by the Councillors”.*

## 2.2 OCC Highways:

*A tracking plan is required to demonstrate that a vehicle (no less than a 9m long rigid vehicle) can manoeuvre and turn within the site to service the units. Vehicles should not reverse out of the site onto Station Road, which is a classified road.*

*I'm content that the proposed parking will be adequate to serve the floor area. A maximum of 54 parking spaces for a BI use, therefore the proposed 51 is considered acceptable. Cycle parking should also be provided.*

Further response received:

*The turning looks incredibly tight but is acceptable.*

*Please can you condition:*

- *Lorry turning within the site in accordance with this plan to be kept clear*
- *Parking spaces to be marked out. This should help discourage parking in the vehicle turning area.*
- *Details of cycle parking stands to be submitted".*

## 2.3 WODC Environmental Health:

No objections subject to conditions

## 2.4 Kingham Parish Council:

No objections

2.5 An update in relation to any further comments received will be given in the Additional Representations Report and/ or verbally at the sub committee meeting as necessary.

## **3 REPRESENTATIONS**

3.1 Fifteen neighbours were notified of the application and two letters of representation have been received from Mr Brooks of 2 Langston Villas, Mr and Mrs Baxter of 4 Langston Villas and Mr and Mrs Lithgow of 1 Langston Lane. The comments received can be summarised as follows:

- This is a much better proposal than the previous submission.
- We are saddened that the development will be closer to Langston Lane.
- The application has taken greater account of views from New Road, Kingham.
- We are concerned regarding the increased visibility and noise associated with the development and the subsequent increase in the use of the site.
- The development will harm the character of the AONB.
- There is not a dense screen between Langston Lane and the proposed development.
- The only reference to improving the screen relates to the area between Kingham village and the site and ignores the impact upon us.
- Digging the foundations would impact upon the trees.
- There are no main sewers in the area.
- There is no where for displaced bins.
- What is the nature of the business proposed and the number of employees.
- There are no places for turning of lorries or vans which make deliveries to the site.
- How will parking be controlled so that it does not encroach onto the highway.
- The development should have a tiled roof.
- There are no obvious parking or turning areas.

## **4 APPLICANT'S CASE**

- 4.1 The applicant has submitted a brief Design and Access Statement and Ecology Report in support of the application. These can be viewed on the application file or on the District Council's website.

## **5 POLICY**

- 5.1 In your officers opinion the key policies of the West Oxfordshire Local Plan 2011 in the considerations of the application are policies:
- BE2 (General development Standards);
  - BE3 (Provision for Movement and Parking);
  - NE4 (Cotswolds Area of Outstanding Natural Beauty);
  - NE15 (Protected Species); and
  - E7 (Existing Businesses).

In addition, the National Planning Policy Framework is of key consideration.

## **6 PLANNING ASSESSMENT**

- 6.1 Taking into account planning policy, other material considerations and the representations of the interested parties, your officers consider that the main issues are considered to be:
- Principle,
  - Impact upon the character of the AONB,
  - Impact upon Amenity,
  - Highway safety, and
  - Ecology

### Principle

- 6.2 The principle of additional BI uses on this site is, in your officer's opinion, acceptable in principle. Policy E7 of the West Oxfordshire Local Plan 2011 supports the expansion of existing businesses where the development is commensurate with the scale and character of the locality (see below). Furthermore, at paragraph 28 the NPPF notes that rural businesses and enterprise should be supported by allowing well designed new buildings. In your officers opinion these policies support the expansion of the existing small industrial park which is located close to the settlement of Kingham and within walking distance of Kingham Train Station.

### Design and impact on the AONB

- 6.3 The proposed extension, due to the relationship with the existing eaves does sit slightly higher than the existing roof line of the building. Whilst this is unfortunate, it is only a marginal increase and, in your officers opinion would not be prominent or incongruous locally or in the wider landscape. The proposed new building is located on an area of land which is currently partly parking and partly grass. Whilst it is not currently developed the land to which the application relates clearly reads as part of the current range of buildings and is clearly separate from the open countryside which surrounds the site. The development will be seen in glimpse views along Station Road. Where visible the development will be seen against the backdrop of the existing built form and would not be unduly prominent. The design and form, whilst not of particular merit, closely reflects the existing built form to ensure that it sits comfortably and is not incongruous.
- 6.4 The plans submitted indicate additional tree planting along the northern boundary of the site however, limited detail is submitted. This gives the opportunity to screen not only the proposed

development but also the existing development in wider views. A condition has been recommended requiring additional detail to be provided in this regard.

- 6.5 Given this, officers are of the opinion that the proposed development is acceptable and would preserve the character of the AONB for its own sake.

#### Residential Amenity

- 6.6 Officers note that there are residential properties close to the application site. At the closest point, new built form will sit some 26 metres away from the front elevation of those properties. Officers consider that, with the separation distance and the planting belt which exists along the boundary (and is proposed to be bolstered as part of the application) the proposed BI use (which is acceptable in a residential area) would not be so harmful to the amenity of these properties. Officers have recommended conditions which restrict the use, the hours of operation and the use of the area around the buildings. Whilst this is the case, if Members are so concerned regarding potential noise disturbance, an additional condition could be imposed which requires the windows along this elevation to be fixed shut.
- 6.7 With the conditions recommended officers do not consider that the development would have any adverse impact upon the amenity of neighbouring properties, indeed, with time restrictions the District Council's Environmental Health officers have confirmed that they consider the development acceptable.

#### Highways and parking

- 6.8 The Local Highway Authority Area Liaison Officer has assessed the proposal from parking and safety perspectives and requested additional information with regard to cycle parking and a tracking plan. The additional information in relation to these matters has been submitted and Highways Officers have confirmed that the plans as submitted are acceptable. On this basis officers consider that the development would have no adverse impact upon Highway Safety.

#### Ecology

- 6.9 An initial ecology report has been submitted which concludes that the site does not provide a suitable habitat for any protected species. Having visited the site, officers would draw the same conclusion and as such, officers consider that the development is compliant with Policy NE15. Whilst this is the case, this would not absolve the applicant of any responsibilities in due course.

#### Conclusions

- 6.10 In light of these observations, having considered the relevant planning policies and all other material considerations, your officers consider that the proposed development is acceptable on its planning merits, subject to the receipt of plans detailing cycle parking and appropriate tracking for a large vehicle.

### **RECOMMENDATION**

Permit subject to the receipt of acceptable plans and the following conditions:

- I The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: The time condition is imposed in order to comply with the requirements of the Town and Country Planning Act 1990 (As amended).

- 2 That the development be carried out in accordance with plan No(s) 020A, 022A, 023C and 024C.  
REASON: For the avoidance of doubt as to what is permitted.
- 3 The materials to be used for the external walls and roofs of the extension and the new building shall be of the same colour, type and texture as those used in the existing building.  
REASON: To safeguard the character and appearance of the area. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)
- 4 Business activity shall not take place on the site before 8.00 a.m. on weekdays and Saturdays or after 6.00 p.m. on weekdays and 12.30 p.m. on Saturdays and shall not take place at any time on Sundays, Bank Holidays, Good Friday or Christmas Day.  
REASON: To prevent unreasonable disturbance to the occupiers of nearby residential properties. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)
- 5 The premises shall be used for B1 and for no other purpose (including any other purpose in Class B of the Schedule to The Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) without the written agreement of the Local Planning Authority.  
REASON: The site is only suitable for the use specified due to the close proximity of neighbouring properties. (Policies BE2 and H2 of the adopted West Oxfordshire Local Plan 2011)
- 6 No storage, industrial or other business use, except the parking, manoeuvring and loading and unloading of vehicles, shall take place outside the building(s).  
REASON: To protect the residential and visual amenities of the locality and to ensure there is no interference with the circulation and manoeuvring of vehicles on the site. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)
- 7 The car parking areas (including where appropriate the marking out of parking spaces) shown on the approved plans shall be constructed before occupation of the development and thereafter retained and used for no other purpose.  
REASON: To ensure that adequate car parking facilities are provided in the interests of road safety. (Policy BE3 of the adopted West Oxfordshire Local Plan 2011)
- 8 That, prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate and a management plan setting out the maintenance of the drainage asset. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved and shall be maintained in accordance with the management plan thereafter.  
REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality. (The West Oxfordshire Strategic Flood Risk Assessment, National Planning Policy Framework and the supporting Technical Guidance)
- 9 A scheme of hard and soft landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority before development commences. The scheme shall include details of existing planting to be retained and that to be removed (including details of the method or protection during the course of the works), the planting of additional trees and shrubs; proposed finished levels or contours; all ground surface treatments and materials, cycle parking details and means of enclosure and shall be implemented as approved within 12 months of the commencement of the approved development or as otherwise agreed in writing by the Local Planning Authority and thereafter be maintained in accordance with the approved scheme. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed

within 5 years of the completion of the development, a new tree or shrub of equivalent number and species, shall be planted as a replacement and thereafter properly maintained.

REASON: To safeguard the character and landscape of the area. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)

10 The vehicle turning area detailed on plan 024C shall remain clear at all times.

REASON: To protect highway safety. (Policy BE3 of the West Oxfordshire Local Plan 2011)

#### NOTE TO APPLICANT:

The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with the Flood and Water Management Act 2010.

Where communal drainage schemes are proposed approval of the scheme will be required from Oxfordshire County Council and the scheme will need to be adopted under the Flood and Water Management Act.

<b>14/0020/P/FP Cornish Road Chipping Norton</b>	
Date	31/12/2013
Officer	Abby Fettes
Officer Recommendation	<b>Provisional Approval</b>
Parish	CHIPPING NORTON
Grid Ref:	430857,226295

#### **APPLICATION DETAILS**

Demolish existing garages and erection of five houses and four flats with associated works.

#### **APPLICANT**

Cottsway Housing Association Cottsway House, Heynes Place, Avenue Two, Witney, Oxon, OX28 4YG

#### **BACKGROUND INFORMATION**

The application seeks to redevelop an area of garaging, parking and incidental open space to five no. 3 bed dwellings and four no. 1 bed flats with associated gardens and parking. The site is off Cornish Road which is to the south west of the town centre on the edge of the built up area of Chipping Norton. In the immediate vicinity there are a variety of house types and flats.

#### **I CONSULTATIONS**

1.1 The consultation period expires 30<sup>th</sup> January

1.2 Chipping Norton Town Council

*“The Town Council strongly object to this planning application due to over development of the site, loss of garages and increase of on street parking. This is a very busy road which includes 2 bus routes.”*

1.3 Housing

*“These new homes will replace garage courts that have reached the end of their design life.*

*These new homes will provide for; smaller households and family accommodation, in an area that is under pressure to meet this need.*

*Since these new homes will be for affordable rent, the Council will require a S106 Agreement in place to ensure that they remain affordable in perpetuity and to guarantee nominations to the properties going forwards.*

*The new homes will be constructed to a thermally efficient standard, thus reducing the occupant's energy bills, and important feature in these current times.*

*Housing Services is pleased to support this scheme and the benefits it will bring to the local area so in need of quality affordable homes."*

1.4 OCC Highways

No response to date

1.5 Thames Water

"No objection subject to condition."

## 2 REPRESENTATIONS

2.1 The publicity period expires on 30<sup>th</sup> January.

2.2 A letter has been received from Tahirul Hasan of 24 Cornish Road whose comments are summarised as follows:

- Back gardens will be overlooked
- Demolition of garages will affect on street parking
- After 5pm it is hard to park
- The bus cannot pass parked cars on the street
- The green space is used by local children to play
- Cornish Road will not benefit from more residents

## 3 APPLICANT'S CASE

3.1 The application is accompanied by a design and access statement and a drainage statement which are summarised as follows:

Design and Access Statement

3.2 This application for planning approval accords with the relevant policies.  
We have consulted with the local authority to ensure they are happy with the proposals.

Drainage statement

3.3 The connection of foul and surface water flows into the existing system will require connection consent from Thames Water.

## 4 POLICY

4.1 Your officers consider that the key policies in respect of this application are:

- BE2 (General Development Standards)
- BE3 (Provision for Movement and Parking)
- H2 (General Residential Development Standards)
- H7 (Service Centres)
- H11 (Affordable Housing)

4.2 Guidance within the National Planning Policy Framework is considered to be relevant to this application.



4.3 The guidance within the West Oxfordshire Design Guide are also considered to be relevant to this application.

## **5 PLANNING ASSESSMENT**

5.1 Taking into account the representations of the interested parties, planning policy and other material considerations, your officers consider that the main issues are considered to be:

- Principle of development
- Design and siting
- Neighbourliness
- Highways

### Principle

5.2 The site is within an existing residential area of the town and involves the redevelopment of a parking and garage court area. There are 57 garages to be demolished, of which only 23 were in use by residents of Cornish Road. The proposal is for four no. 1 bed flats and five no. 3 bed houses all of which will be social rented. It is considered that the proposal is in accordance with policy H7 which allows for rounding off in Service Centres.

5.3 The site is less than 0.5ha and less than 15 units so policy H11 does not technically apply, however the applicant is a Housing Association and the houses will be social rented available to people on the housing waiting list.

5.4 The site is within the existing built up area, the general principle of residential redevelopment is acceptable and is in accordance with policies of the West Oxfordshire Local Plan.

### Design and siting

5.5 The proposed dwellings are being provided in two groups. There is a pair of semi detached properties fronting Cornish Road on what is an incremental area of open space in the street scene, and then two buildings replacing the garage block that will be accessed from different points on Cornish Road.

5.6 The general design is traditional vernacular buildings. The style of the properties is a simple flat fronted form, incorporating narrow gable widths and pitched roofs. They are proposed to be constructed of brick with concrete tiles. The surrounding area is not one of high architectural merit with a mixture of houses and flat blocks, and it is considered that these proposed buildings will enhance the existing area, particularly in the redevelopment of the garage blocks.

5.7 The loss of the incremental open space on the corner plot is regrettable, however there is a playing field and a play area immediately to the north of the site. Therefore the proposals are considered to be in accordance with policies BE2 and H2 of the local plan.

### Neighbourliness

5.8 The proposed dwellings are considered to be a sufficient distance from the front and rear of adjacent properties not to result in unacceptable overlooking of private amenity space or primary windows. The distance between the rear windows of the proposed and existing properties is maximum 26m and minimum 20m, and the front windows is 24m.

5.9 The proposals are considered to be in accordance with policies BE2 and H2 of the local plan.

### Highways and parking

- 5.10 The Local Highway Authority Area Liaison Officer has not yet responded to the consultation. Provision has been made for sufficient parking for each of the proposed dwellings and there are 5 visitor spaces for the scheme so parking would appear to accord with the parking standards. The proposed redevelopment also provides 8 new parking spaces for existing residents. However the recommendation to approve is provisional until the Highway Authority comments are received.

### Conclusion

- 5.11 In light of these observations, having considered the relevant planning policies and all other material considerations, your officers consider that the proposed development is acceptable in principle. However, at the time of agenda preparation the consultation period has yet to expire and so a verbal update and formal recommendation will be made at the meeting. This is likely to be a recommendation for approval subject to conditions.

## **RECOMMENDATION**

Provisional approval, (subject to further conditions).

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: To comply with the requirements of the Town and Country Planning Act 1990.
- 2 That the development be carried out in accordance with plan No(s) .101 PI, 102 PI, 105 PI.  
REASON: For the avoidance of doubt as to what is permitted.
- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting that Order with or without modification) no extension shall be constructed.  
REASON: To avoid over-development in an area of high density housing. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)
- 4 Before building work commences, a schedule of materials (including samples) to be used in the elevations of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in the approved materials.  
REASON: To safeguard the character and appearance of the area. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)
- 5 The window and door frames shall be recessed a minimum distance of 75mm from the face of the building unless otherwise agreed in writing by the Local Planning Authority.  
REASON: To ensure the architectural detailing of the building reflects the established character of the locality. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)
- 6 Bat and bird boxes shall be installed in accordance with details including phasing that have been submitted to and approved in writing by the Local Planning Authority before development commences.  
REASON: To safeguard and enhance biodiversity. (Policy NE13 of the adopted West Oxfordshire Local Plan 2011)
- 7 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary

treatment to be erected. The boundary treatment shall be completed in accordance with the approved details before the building(s) are occupied.

REASON: To safeguard the character and appearance of the area. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)

- 8 No dwelling shall be occupied until the vehicular accesses, driveways, car and cycle parking spaces, turning areas and parking courts that serve that dwellings have been constructed, laid out, surfaced and drained in accordance with details that have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of road safety. (Policy BE3 of the adopted West Oxfordshire Local Plan 2011)

- 9 That, prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved and shall be maintained in accordance with the management plan thereafter.

REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (The West Oxfordshire Strategic Flood Risk Assessment, National Planning Policy Framework and the supporting Technical Guidance).

NOTE TO APPLICANT:

The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with the Flood and Water Management Act 2010.

Where communal drainage schemes are proposed approval of the scheme will be required from Oxfordshire County Council and the scheme will need to be adopted under the Flood and Water Management Act.

In respect of surface water it is recommended that the applicant should ensure that store flows are attenuated or regulated into the receiving public network through or on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of ground water. Where the developer proposed to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 8502777.