

# PLANNING

ELECTRONIC  
VERSION

## Planning Decision

P10/E0945

1) Whitchurch Parish, Council c/o Clerk,  
c/o David Parker Architects  
The Old Brewery Tap  
3 Shirburn Street  
WATLINGTON  
OX49 5BU

## PLANNING PERMISSION

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Application No : **P10/E0945**

Application proposal, including any amendments :

**Erection of detached 4 bed house and garage and provision of new 12 bay car park with joint access from Eastfield Lane (As amended by drawing numbers 10 EFL SP04F & SP06E accompanying letter from Agent dated 16 August 2010).**

Site Location : **The Cricket Ground Eastfield Lane Whitchurch-on-Thames RG8 7EJ**

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South Oxfordshire District Council hereby gives notice that **planning permission is GRANTED** for the carrying out of the development referred to above strictly in accordance with the description, plans and specifications contained in the application (as varied by any amendments as referred to above) subject to the following condition(s) :

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: By virtue of Sections 91 to 95 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.

2. That the development hereby approved shall be carried out in accordance with the details shown on the following approved plans, 10 EFL SP04 F; 10 EFL SP06 E; and 10 EFL SP07 A, except as controlled or modified by conditions of this permission.



Reason: To secure the proper planning of the area in accordance with Development Plan policies.

3. Prior to the commencement of development samples of the materials to be used for the external walls and roofs of the dwelling hereby permitted shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the details of the development are satisfactory in accordance with Policies G2, G6, C2, D1 and H4 of the South Oxfordshire Local Plan 2011.

4. That a scheme for the landscaping of the site, including the planting of live trees and shrubs, hard surfacing and fencing shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted. The scheme shall be implemented as approved within 12 months of the commencement of the approved development 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 or equivalent number of trees or shrubs, as the case may be, of a species first approved by the Local Planning Authority, be planted and properly maintained in a position or positions first approved by the Local Planning Authority.

Reason: To help to assimilate the development into its surroundings in accordance with Policies G2, G6, C2, C9, D1 and H4 of the South Oxfordshire Local Plan 2011.

5. Prior to the commencement of any site works or operations relating to the development hereby permitted, an arboricultural method statement to ensure the satisfactory protection of retained trees during the construction period shall be submitted to and approved in writing by the Local Planning Authority. Written approval must be obtained prior to commencement of any site works including demolition. The matters to be encompassed within the arboricultural method statement shall include the following:

(i) A specification for the pruning of, or tree surgery to, trees to be retained in order to prevent accidental damage by construction activities;

(ii) The specification of the location, materials and means of construction of temporary protective fencing and/or ground protection in the vicinity of trees to be retained, in accordance with the recommendations of the current edition of BS 5837 "Trees in relation to construction", and details of the timing and duration of its erection;

(iii) The definition of areas for the storage or stockpiling of materials, temporary on-site parking, site offices and huts, mixing of cement or concrete, and fuel storage;

(iv) The means of demolition of any existing site structures, and of the re-

instatement of the area currently occupied thereby;

(v) The specification of the routing and means of installation of drainage or any underground services in the vicinity of retained trees; Consideration will be made to avoid the sighting of utilities and service runs within the Root Protection Area (RPA) of all trees to be retained. Only where it can be demonstrated that there is no alternative location for the laying of utilities, will encroachment into the RPA be considered. Methodology for any installation works within the RPA will be provided and must be in compliance with NJUG Volume 4, 2007 'Guidelines for the planning and installation and maintenance of utility apparatus in proximity to trees'.

(vi) The details and method of construction of any other structures such as boundary walls in the vicinity of retained trees and how these relate to existing ground levels;

(vii) The details of the materials and method of construction of any roadway, parking, pathway or other surfacing within the RPA, which is to be of a 'no dig' construction method in accordance with the principles of Arboricultural Practice Note 12 "Through the Trees to Development", and in accordance with current industry best practice; and as appropriate for the type of roadway required in relation to its usage.

(viii) Provision for the supervision of ANY works within the root protection areas of trees to be retained, and for the monitoring of continuing compliance with the protective measures specified, by an appropriately qualified arboricultural consultant, to be appointed at the developer's expense and notified to the Local Planning Authority, prior to the commencement of development; and provision for the regular reporting of continued compliance or any departure there from to the Local Planning Authority.

Thereafter the approved tree protection measures shall be kept in place during the construction period of the development.

Reason: To safeguard trees which are visually important in accordance with Policies C9 and D1 of the South Oxfordshire Local Plan 2011.

6. Notwithstanding the provisions of the Town and Country (General Permitted Development Order) 1995 (or any Order revoking or re-enacting that Order), neither the enlargement, improvement or other alteration of the dwelling nor the provision within the curtilage of the dwelling of any building, enclosure, or swimming pool as described in Schedule 2, Part 1, Classes A and E of the Order shall be undertaken in relation to the dwelling hereby approved unless a planning application for the development has been submitted to and approved by the Local Planning Authority.

Reason: In the interests of the visual appearance of the development and neighbouring amenity in accordance with Policies G2, G6, C2, D1 and H4 of the South Oxfordshire Local Plan 2011.

7. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved remediation scheme must not commence until phases i) to iv) have been complied with, or further works have been deemed unnecessary as a result of conclusions based on risk assessments during phases i), ii) or iii), and this has been agreed upon in writing by the LPA.

Document(s) detailing the works undertaken in each phase must be submitted to and approved by the LPA in writing before any other phase commences, and before occupation of any building in relation to phase v). All phases of investigation must be designed and conducted in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11.

- i) A South Oxfordshire District Council contaminated land statement questionnaire.
- ii) A preliminary risk assessment, including a site walkover and conceptual site model detailing all potential contaminants, sources and receptors.
- iii) An intrusive site investigation to assess the type, nature, extent and risk(s) of any contamination identified in ii), whether or not it originates on site. It is recommended that the LPA are consulted on proposals.
- iv) A detailed remediation scheme, to bring the site to a condition suitable for the intended use. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme shall also ensure that after remediation the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990.
- v) Validation of the remediation scheme demonstrating the effectiveness of the remediation approved in iv).

If contamination is found during the course of development that was not previously identified, the development must be halted on that part of the site to the extent specified by the LPA and until the LPA are satisfied that all necessary phases above have been undertaken.

Reason: To ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EP8 of the adopted South Oxfordshire Local Plan.

8. Prior to the first occupation of the dwelling hereby approved, the new access to serve the dwelling shall be constructed, laid out, surfaced, drained and

completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority unless the access is constructed contemporaneously with the car park to serve the adjoining sports and recreation ground whereby it shall be provided in accordance with the submitted plan, 10 EFL SP04 F. In the event that the access to the dwelling hereby approved is provided beforehand, the car parking and turning areas associated with the use of the adjoining sports and recreation ground shall be provided in accordance with the submitted plan, 10 EFL SP04 F and shall be constructed, laid out, surfaced, drained and completed within two years of the date of this planning permission and shall thereafter be retained unobstructed except for the parking of vehicles at all time.

Reason: In the interest of highway safety in accordance with Policies T1 and T2 and Appendix 5 (car parking standards) of the South Oxfordshire Local Plan 2011.

9. The car park comprising 12 spaces hereby approved shall only be used in association with the use of the adjoining sports and recreation ground or Whitchurch School.

Reason: In the interest of highway safety and convenience in accordance with Policies T1 and T2 and Appendix 5 (car parking standards) of the South Oxfordshire Local Plan 2011.

10. Cycle parking facilities shall be provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to the first use of the car parking area in association with the adjoining sports and recreation ground or Whitchurch School. The approved cycle parking facilities shall thereafter be retained.

Reason: To encourage the use of cycles as a means of transport in accordance with Policy T2 and Appendix 5 (car parking standards) of the South Oxfordshire Local Plan 2011.

11. The existing access onto Eastfield Lane shall be permanently stopped up by the means of reinstatement of the highway verge and proposed planting to the approval of the Local Planning Authority and in accordance with the local highway authority's specifications within one month of the first occupation of the dwelling hereby approved or the first use of the new access hereby approved, whichever is the later. Thereafter the closed access shall not be used by any vehicular traffic whatsoever.

Reason: In the interest of highway safety and in accordance with Policy T1 of the South Oxfordshire Local Plan 2011.

12. Any gates provided at the new access hereby approved shall be set back a minimum of 5.0 metres from the edge of the carriageway and shall open inwards into the site.

Reason: To ensure that vehicles may wait clear of the highway while the gates are opened or closed in the interests of highway safety and in accordance with Policy T1 of the South Oxfordshire Local Plan 2011.

13. Details of refuse and recycling storage shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. Thereafter the development shall be carried out in accordance with the approved details prior to the first occupation of the dwelling hereby approved.

Reason: In the interests of the effective waste management of the site in accordance with Policy D10 of the South Oxfordshire Local Plan 2011.

14. Sustainable design features making reference to Code Level 3 of the Code for Sustainable Homes (or such national measure of sustainability for house design that replaces that scheme) shall be incorporated into the construction and fittings of the dwelling hereby approved, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The sustainable design features shall thereafter be provided and retained.

Reason: To ensure high standards in the efficient use of energy and water in accordance with Policy D8 of the South Oxfordshire Local Plan 2011.

NB: The above permission/consent may contain pre-conditions, which require specific matters to be approved by the Local Planning Authority before a specified stage in the development occurs. This means that a lawful commencement of the approved development/works cannot be made until the particular requirements of the pre-condition(s) have been met. Please read the letter attached to the decision notice for further information.

NB: This approval is specific to the details of the development as shown on the approved plans and other associated documentation. Unless otherwise agreed by the Council any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. As such the Council must be advised in writing of any proposed variations from the approved plans and other associated documentation at the earliest stage possible. A decision will then be made as to whether the changes can be dealt with as a minor revision to the approved details or whether a revised application is required.

This permission refers only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment,

byelaw, order or regulation.

### **Reason for Decision**

The application proposal is not in accordance with relevant development plan policies; however, it is considered that the proposal would be of significant benefit to the local community and that this outweighs Policy H6 of the South Oxfordshire Local Plan 2011 in this case.

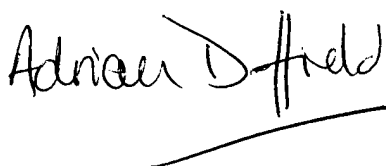
Note : A more detailed explanation is available in the officer's report, available in the application case file.

## Key Policies

## Adopted South Oxfordshire Local Plan 2011

G1	Restraint of development
G2	Protect district from adverse development
G3	Development well served by facilities and transport
G4	Protection of Countryside
G6	Appropriateness of development to its site & surroundings
C1	Development would have adverse impact on landscape character
C2	Harm to the AONB
C4	Landscape setting of settlements
C8	Adverse affect on protected species
C9	Loss of landscape features
CON7	Proposals in a conservation area
EP2	Adverse affect by noise or vibration
EP8	Contaminated land
D1	Principles of good design
D2	Safe and secure parking for vehicles and cycles
D3	Outdoor amenity area
D4	Reasonable level of privacy for occupiers
D6	Community safety
D7	Access for all
D8	Conservation and efficient use of energy
D10	Waste Management
H6	Restraint on new houses in the Countryside
R1	Outdoor sport or play areas
R4	Outdoor sport facilities in the countryside
R7	Facilities to support informal recreation
CF1	Protection of recreational or essential community facilities
CF2	Provision of additional community facilities
T1	Safe, convenient and adequate highway network for all users
T2	Unloading, turning and parking for all highway users
T7	Protection and improvement to footpath and highway network

Note : The full wording of the above policies are available on our website or in the local plan documents, at our offices.



Head of Planning  
28th October 2011

## STATUTORY INFORMATIVE

### Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for the Environment under sections 78 and 79 of the Town and Country Planning Act 1990.

If you want to appeal, then you must do so within **six months** of the date of this notice, using a form which you can get from :

The Planning Inspectorate  
Customer Support Unit  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol  
BS1 6PN  
Telephone : 0117 372 6372  
[www.planning-inspectorate.gov.uk](http://www.planning-inspectorate.gov.uk).

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by him.

### Purchase Notice

If either the local planning authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase

his interest in the land in accordance with the provisions of Part VI, Chapter 1 of the Town and Country Planning Act 1990.

### **Compensation**

In certain circumstances compensation may be claimed from the local planning authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in sections 114 and related provisions of the Town and Country Planning Act 1990.

### **OTHER INFORMATION**

The Planning Portal contains a huge range of helpful planning-related guidance and services. You may wish to view their website ([www.planningportal.gov.uk](http://www.planningportal.gov.uk)).