

WEST OXFORDSHIRE DISTRICT COUNCIL

LOWLANDS AREA PLANNING SUB-COMMITTEE

15th September 2014

Report of Additional Representations



**WEST OXFORDSHIRE
DISTRICT COUNCIL**

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Report of Additional Representations

I4/I025/P/FPI17 Brize Norton Road Minster Lovell	
Date	14/07/201418/07/2014
Officer	Mrs Kim Smith
Recommendation	Grant, subject to conditions
Parish	MINSTER LOVELL
Grid Ref:	431196,209874

Application details

Erection of storage building (Retrospective).

Applicant

Mr Anthony Brooks The Brambles
Lower Lane
Kinsham
Tewkesbury
Gloucestershire
GL20 8HT

Statutory Consultees

OCC Highways – “No objection”

Report of Additional Representations

I4/I036/P/FPGreyshott House High Street Bampton	
Date	16/07/201417/07/2014
Officer	Mrs Kim Smith
Recommendation	Grant, subject to conditions
Parish	BAMPTON
Grid Ref:	431591,203193

Application details

Erection of detached dwelling.

Applicant

Lady FF Clerk & Mrs C Forrest Greyshott House
High Street
Bampton
Oxfordshire
OX18 2JW

Statutory Consultees

OCC Highways – “No objection”

Report of Additional Representations

14/I085/P/FP3 High Street Witney	
Date	17/07/201423/07/2014
Officer	Mrs Kim Smith
Recommendation	Grant, subject to conditions
Parish	WITNEY
Grid Ref:	435591,209774

Application details

Alterations and extensions to enlarge ground floor retail area, create first floor office accommodation and two bed flat to second floor. Provision of new shop front.

Applicant

Mr Terence Lett The Jeweller 3 High Street
Witney
Oxon
OX28 6HW

Statutory Consultees

OCC Highways – “no objection”

Report of Additional Representations

14/I120/P/FP69 Black Bourton Road Carterton	
Date	30/07/201430/07/2014
Officer	Mrs Kim Smith
Recommendation	Grant, subject to conditions
Parish	CARTERTON
Grid Ref:	428290,206248

Application details

Remove existing dwelling and erection of ten flats with associated parking. Widening and improvements of existing vehicular access (to allow alterations to previously approved application 14/0194/P/FP).

Applicant

Witney Building Ltd C/O Agent

Statutory Consultees

OCC Highways – “No objection”

Report of Additional Representations

14/1136/P/FPCarterton Manor 17 Corbett Road Carterton	
Date	01/08/201401/08/2014
Officer	Mrs Kim Smith
Recommendation	Grant, subject to conditions
Parish	CARTERTON
Grid Ref:	427409,206194

Application details

Erection of detached dwelling and associated works.

Applicant

Mr Micheal and Mrs Jenny Lowe Carterton Manor
17 Corbett Road
Carterton
Oxon OX18 3LG

Statutory Consultees

OCC Highways – “No objection”

Report of Additional Representations

14/1171/P/FP24 Common Road North Leigh	
Date	11/08/2014 11/08/2014
Officer	Miss Miranda Clark
Recommendation	Grant, subject to conditions
Parish	NORTH LEIGH
Grid Ref:	438575,212714

Application details

Erection of detached dwelling and garage with associated works.

Applicant

Mrs Angela Knight 24 Common Road
North Leigh
Oxfordshire
OX29 6RA

A revised plan showing the reduction of the triple garage to a two bay garage has now been received.

Statutory Consultees

OCC Highways – “The proposal seeks to erect a dwelling with a garage, located to the rear of no.24 Common Road, North Leigh.

The proposal has demonstrated a sufficient level of parking for the dwelling along with ample space in which to turn a vehicle to allow it to egress in a forward gear.

The proposal is unlikely to have a significant adverse impact on the highway network.

After reviewing the supplied plans and documentation, the Highway Authority has No Objection to the proposal on the basis of Highway Safety subject to the above conditions.

G11	Access to specification	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 occupation. REASON: To ensure a safe and adequate access. (Policy BE3 of the adopted West Oxfordshire Local Plan 2011)
G31	Accesses, parking areas etc before occupation	No dwelling shall be occupied until the vehicular accesses, driveways, car and cycle parking spaces, turning areas and parking courts that serve that dwelling has been constructed, laid out, surfaced, lit 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).

G33	Hard surface & SWD specification for dwelling	No dwelling shall be occupied until the parking area and driveways have been surfaced and arrangements made for all surface water to be disposed of within the site curtilage in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. REASON: To ensure loose materials and surface water do not encroach onto the adjacent highway to the detriment of road safety. (Policy BE3 of the adopted West Oxfordshire Local Plan 2011)
G37	Retain garages for parking	The garage accommodation hereby approved 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)

- The surfacing to the parking area should be permeable paving and a condition should be applied to any permission to ensure that prior to occupation the parking area is constructed SUDS compliant. Reason to accord with Sustainable Drainage Systems (SUDS)
- Prior to occupation of the dwelling vision splays measuring 2m by 2m shall be provided to each side of the access. This vision splays shall not be obstructed by any object, structure, planting or other material with a height exceeding or growing above (INSERT) metres as measured from carriageway level.
Reason In the interest of highway safety

Informatives

I suggest the following informatives are passed on to the applicant:

- As the applicant is intending to use gravel or a similar loose material on the driveway/parking/turning area, concrete or blacktop should be laid in a 50cm strip from the boundary to the start of the gravelled area to help reduce the problem of gravel being carried onto the pavement. “

WODC Engineers - Soakaways may not be feasible due to the clay geology, but this will be determined by the soakage testing. If not feasible, an on-site attenuated discharge to the main sewer may be possible with Thames Water approval.

If full planning permission is granted, could you please attach the following condition;

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. Three tests should be carried out for each soakage pit as per BRE 365, with the lowest infiltration rate (expressed in m/s) used for design. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved.
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 Planning Policy Statement 25 Technical Guidance).

In these cases the following notes should also be added to the decision notice:

NOTE TO APPLICANT:

The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with;

- Flood and Water Management Act 2010 (Part 1 – Clause 27 (1))
- Code for sustainable homes - A step-change in sustainable home building practice
- The forthcoming local flood risk management strategy to be published by Oxfordshire County Council sometime after June 2014. As per the Flood and Water Management Act 2010 (Part 1 – Clause 9 (1))

Representations

11 emails/full letters with additional information have been received from; Andrew Killingbeck & Alison Barnes of 22 Common Road, Mr File of 30b Common Road, Mr B Skipwith, Mr and Mrs Fletcher of 30a Common Road, Mr and Mrs Smith of 81 Park Road, Mr and Mrs Burke-Smith of 69 Park Road, Mr and Mrs Lowndes of 26 B Common Road, Mr Skipwith (son of Mr Skipwith of 26a Common Road), FO & AM Legg of 26 Common Road, Mrs Deardon of 28A Common Road, & Mr and Mrs Skipwith of 26a Common Road.

The comments have been summarised as;

- We would like to make you aware of a number of strong objections that we have with regards to the proposed development of an additional property at the rear of 24 Common Road, application number referenced above. As the adjacent neighbour to the site of the proposed development, we are of the view that the proposed development will have a serious impact on our standard of living.
- The proposed development is positioned as such that the primary amenity area of our garden, and patio would be severely overlooked from the new proposed development, resulting in a serious invasion of our privacy
- The land upon which the development is proposed is in excess of 0.5 meters higher due to the land sloping. With the proposed development being less than 2 meters away and the side elevation of our property containing four windows (see fig 3) our property would suffer extreme loss of light. The proposed planning also suggests erection of a 1.8m close boarded boundary fence. With the boundary being less than 1.5 meters away. The proposed boundary fence would therefore effectively be sitting at approximately 2.5 meters in height and our ground windows which are positioned less than 2.4meters in height would be significantly affected by loss of light and overshadowing
- We believe that the proposed development is a direct contravention of Policy H2 of the Local Plan. The design of the proposed development would result in an unacceptable loss of privacy as well as light. Please consider the responsibility of the council under the Human Rights Act in particular Article 1 of the First Protocol: Protection of property which states that a person has a right to peaceful enjoyment of all their possessions which includes the home and land. The proposed development would have a dominating impact on us and our right to the quiet enjoyment of our property. Article 8.1: Everyone has the right to respect, for his private and family life, his home and his correspondence.
- There's no pavement for pedestrian access meaning residents have to walk on the road. There is already an insufficient vehicle turning area within the estate, meaning most vehicles have to reverse out of the drive and onto Common Road. With the access road being limited in width, there is not enough room for vehicles to pass and with the additional flow of traffic increases our concerns over the safety of residents. This is already an unacceptable situation and there have already been a number of "near misses". This situation will only worsen with the proposed development.

- The development proposes to remove our boundary hedgerow. The hedgerow has been in situ for many, many years and holds a high visual, historic and biodiversity value. Over the years we have seen a number of birds using the hedgerow as their nesting habitat. We believe removal of the hedgerow will cause harm to the local wildlife. Along with the hedgerow the developer suggests to clear in excess of ten trees from the site.

- We direct you to the previous planning applications and this to be the third attempt to develop this land.

- Andrew Tucker, Strategic Director (Development) refused planning permission for Planning Application Number W2003/0429 on the basis that:

By reasons if it's incremental and piecemeal nature this application which is not considered to constitute 'rounding off' is considered to be a device to secure a scale of development inappropriate for North Leigh and to avoid the provision of an element of affordable housing on this site. Furthermore, incremental piecemeal back land development of the scale and character proposed could set a precedent for similar developments which in equity would be difficult to resist and which would cumulatively undermine the general policies of restraint upon housing development in the villages. As such the proposal is considered contrary to Policies H6 and H12 for the adopted West Oxfordshire Local Plan and Policies H7, H2 and H11 of the emerging Local Plan

- The current Planning application is an attempt to revisit the same 'piecemeal back land development'. This application should be rejected on the same basis as application W2003/0429

- The proposed property is of much bigger design/size than any of the existing properties on the estate.

- The design is not in keeping with the 3 existing properties and will be over-dominating

- The base drawing of site clearly shows removal of the mature hedging and all 3 existing properties will have clear visibility of the proposed property.

- We would like to understand the overall proposed height of the property which is not clearly shown. Based upon the scale on the drawing we can only estimate the height to be approximately 7.50 meters and with the land being 0.5 meters higher, the proposed development will be 8 meters in height which should be considered as over bearing to the surrounding properties.

- This development is by no means a logical complement to the existing pattern of the estate. The overall development is not in proportion/scale to the existing properties as already stated above. The existing 3 property estate has been in situ for approximately ten years and should be considered complete. We consider the proposed development to be a direct contravention of Local Plan Policy H6.

- We would be grateful if the council would take our objections into serious consideration when deciding this application.

- Drainage/flooding - the gardens are on a considerable slope and the underlying soil is blue clay. In very wet weather water runs across the garden of number 20 into our garden. From our garden it runs into the garden of 24 and then on into the next garden, etc. The orchard of number 24 becomes very waterlogged. The mature trees in the garden acts as a significant sink for getting more water into the ground by absorbing a considerable amount of the run-off from our garden thereby reducing the water passed on to number 26b. The building of a house and garage on this plot will mean that the water will have to find an alternative route or cause flooding of the new property. There will be a much reduced area for soaking up water and the flow will be funnelled. The funnelling will reduce retention time in this garden pushing more water into the next properties.

- If the garage is used for accommodation it would be likely to increase the number of parking spaces required for this development and increase the traffic flow on a single lane access.

- the houses in this section of Common road are on a loop. There have been problems with this in the past as the pipe is made of fibre pitch. Our neighbours at number 20 have already had a section of pipe replaced by Thames Water. It has also been suggested that it is near capacity. We have experienced problems of gaseous smells coming from our toilets and washbasins that may be caused by problems with the loop.

- one of the main reasons we bought the house was for the garden. We have a greenhouse and a vegetable plot at the lower end of the garden. This provides us with a plentiful food source and we believe the new house is likely to cause shading, particularly of the greenhouse in spring when we have seedlings in there.
- View – one of the appeals of our house is the view down the gardens and over the fields. This view will be marred by the new development. The height of the garage and its proximity to existing houses will be particularly obtrusive. When we are gardening, the size of the new house will make it very noticeable.
- Disturbance – the development at 26/28 caused disturbance for about 18 months (according to neighbours).
- Compost Heap – our compost bins would be within one or two feet of the door into the new property. This is a long way from the existing house at number 24 and is well maintained, however there are bound to be odours.
- Indeed we understand that to gain access to the side there are several mature trees that will need to come out. This is simply terrible as they are a fantastic habitat for birds, insects and other wildlife. They are also visual barrier for the neighbours who would otherwise be overlooked by the rear of the houses going up Common Road.
- Not to mention that the whole of the drive way has been meticulously maintained for years by 26, 26A and 26B with absolute no input (physical or financial) from anyone else. The proposed access point will destroy a well kept and cared for verge.
- Simply put this development is in our opinion completely unsuited to the location. The original development for the area was approved for three residences only so this new property would contravene the original judgement and permissions to develop. The planning applicant, we can only assume, does not have any understanding of the implications and impact that a development on this site would have on the all surrounding neighbours and the natural habitat for animals (especially the trees).
- We hope that this objection to the planning is taken in to account and sincerely feel that it is a poorly judged undertaking from the planning applicant. We trust that common sense will prevail and that development on this land will be refused permission.
- Should you feel minded to grant permission for a new build on the above site we would like to request that you also consider a specific planning condition alongside the consent? We would hope that sufficient and adequate drainage is put into the plot so that surface water, particularly during the wet weather, is routed directly to the brook at its western boundary.
- My parents retired to 26a Common Road in 2006. They chose the plot specifically for its quiet surroundings. The proposed development would significantly impact on precisely the reasons they chose to buy their house. I live in Eynsham and as a single parent spend a fair bit of time at 26a. There is no turning circle at the end and I have to reverse back up to Common Road. It is a single track drive with no passing place. More cars will no doubt have a knock on effect consequences for access.
- Previous developments from the same developer have resulted in a frankly liberal interpretation of the planning consents issued which has added to the unease of those living adjacent to the proposed development.
- If members are minded to grant consent and officers minded to recommend, I would strongly urge you to insist by condition, on more stringent than usual testing of drainage solutions as part of any design. I believe several of my neighbours are writing to you with similar concerns.
- result in the loss of an important green link with the countryside behind the properties
- very clear that this proposal constitutes backland development which is contrary to West Oxfordshire planning policy. If this application is granted this could open flood gates for back land development in North Leigh
- increased traffic
- I also believe that village life is being threatened by the encroachment of urbanisation and irrevocable damage to all concerned

- it would change the character substantially
- we are further concerned that this block will subsequently be developed into full residential accommodation
- by its very nature this application is contentious given the long previous history
- W2001/1471 was submitted on 26 & 28 Common Road for two detached dwellings, permission was refused and the applicants appealed unsuccessfully
- W2002/1774 was submitted for the demolition of the existing dwelling and residential development to the rear of 26 & 28 Common Road for 6 houses. Outline was approved and included part of 24 Common Road which was not mentioned in the application. A condition stated that the site shall be redeveloped for a maximum of 3 residential units
- an amended plan was submitted on 29/01/03 for three houses and of particular note were the non inclusion of lower garden of 24, the withdrawal of the house and part garden of 28
- in September 2004 a further revision of the previously amended plan was submitted showing an increase in the size of the garden at No 28 & a repositioning of the access
- planning was granted and in 2005 two of the three plots, 26 & 26B were developed, at this time the driveway was established and narrower than previously shown. The third plot, 26A was completed in 2006
- in the meantime a parallel application (W2003/0429) was submitted to develop the lower garden of 24 Common Road and was refused
- the site entry cannot be accessed until a very mature multi stemmed Willow tree is removed
- any additional development would be backland development and is contrary to Policy H6
- in 2007 planning consent was given for an additional attached dwelling which subsequently became a detached dwelling to be built alongside 28 (07/1684/P/FP) thus raising the number of dwellings to 5. This proposal for a detached house would increase the number to 6, with the distinct possibility of the garage block becoming another dwelling; there could possibly be a total of 7 dwellings which would be one more than the original planning number proposed in 2002.