

WEST OXFORDSHIRE DISTRICT COUNCIL
UPLANDS AREA PLANNING SUB-COMMITTEE

Date: 5th September 2016

Report of Additional Representations



**WEST OXFORDSHIRE
DISTRICT COUNCIL**

Agenda Index

Please note that if you are viewing this document electronically, the agenda items below have been set up as links to the relevant application for your convenience.

16/00342/RES	Willowbrook, Radford	3
16/02055/FUL	3 Westland Way, Woodstock	5
16/02347/S73	10 Sandford Park, Charlbury	6
16/02407/FUL	The Grange, Woodstock Road, Charlbury	8
16/02563/FUL	Chipping Norton Baptist Church, New Street	9

Report of Additional Representations

Application Number	I6/00342/RES
Site Address	Willowbrook Radford Chipping Norton Oxfordshire OX7 4EB
Officer	Michael Kemp
Officer Recommendations	Approve
Parish	Enstone Parish Council
Grid Reference	440983 E 224123 N
Committee Date	5 th September 2016

Application Details:

Erection of replacement dwelling and detached double garage (appearance and landscaping).

ADDITIONAL REPRESENTATIONS

Mrs Cleland made the following comments:

1. Siting the bifurcation wall as shown on PNJ/7158/03 will not prevent flood water from continuing to seep/breach the banks of the stream further upstream. The problem is further up the valley. flood water will continue to flow into the triangle of land belonging to Radford House where the level is lower than that of the stream .Century's ago the stream was moved back towards Willowbrook land to accommodate a fulling mill situated opposite Charlotte Cottage. When in flood the water reverts to its original bed which is through the triangle and directly through the site of the proposed new build. It then flows across the lawn towards the drain pipe at the gateway into Radford House.

To ensure that flood water is collected by the headwall and uses the pipes the headwall needs to be further upstream to be effective.

2. I am unclear where Bunding is intended. To be effective in preventing flooding to Radford House is needs to run parallel to the boubary wall along my driveway.

3. I suggest that the twin 600mm pipes should run diagonally across from the corner of the new build towards the pipe under the road at the entrance gateway to Radford House reducing the corners flood water will negotiate . This would give it a chance of continuing down the bridleway.

4. Whilst acknowledging that the flooding is an existing issue I cannot believe that the owner/developer is going to build the property in the sure knowledge that the site will lie in the direct path of flood water. The new property will undoubtedly push flood water towards Radford House. Hence the need for bunding along the boundary wall.

5. Landscaping. The revised scheme appears to acknowledge that demolition of Willowbrook Cottage. Is it possible to ask that the side and back walls are kept to continue the boundary wall particularly along the rear where 4 new trees are shown? This is to assist in maintaining the steep bank at the rear of the cottage and prevent any land slippage.

Mrs Boardman made the following comments:

While the revised water report is a great improvement on the previous one and I agree with what WODC's water engineers have written, I would like to add a few other points along with noting that the replacement dwelling now faces a different way.

1) I do wonder if David Smith Associates (DS) has actually visited the site as it is stated in the report "1.1 This watercourse flows into a 300mm diameter pipe beneath the adjacent road." Well, there is

no pipe at Charlotte Cottage (perhaps confusion with the much smaller pipe under the road near Radford House?). "My" culvert is made up of large concrete slabs over the water course. Conservatively, the culvert aperture measures 250mm deep x 500mm wide, i.e. an area of 1,250 sq cm versus an area of 707 sq cm in a 300mm pipe. Therefore, this proposal removes unnecessarily nearly half the water volume from my stream that "my" culvert can quite easily cope with. I am not happy about this as the riparian owner through my property.

2) Again, if DS has visited the site I am not sure why the double pipes and weir are not sited a few yards even further upstream where the stream begins to be raised as water will still spill into the triangle owned by Radford House and pour straight onto the patio of the replacement dwelling?

3) Where DS has stated the water breaches is inaccurate. A first set of arrows should go from the stream into Radford House's triangle, and there is no breach at the current third set of arrows as I have mended this as it was a breach caused by the stream being dredged last Christmas.

4) As there is very little gradient and the double pipes now go through the gate and hit the stream at right angles, how will silting in the pipes be prevented?

5) Is DS aware that the double pipes will have to be dug into a centuries' old burm next to the

Application Number	I6/02055/FUL
Site Address	3 Westland Way Woodstock OX20 1YG
Officer	Joanna Lishman
Officer Recommendations	Approve
Parish	Woodstock Town Council
Grid Reference	444150 E 217296 N
Committee Date	5 th September 2016

Application details

Erection of dwelling and creation of new access with two parking spaces for existing dwelling (amended)

Applicant

Mr Craig Carter Budstar Ltd, 3 Hall Farm Close, Spring Hill Lane, Begbroke, Kidlington

ADDITIONAL REPRESENTATIONS

I Representations

One additional letter of objection received on following grounds:

- The report at 5.3 is incorrect, or at least misleading. The application was refused by the Planning Officer, by way of delegated authority, on the grounds of over-development of the site. A second application, lowering the roofline, was later recommended.
- This will be the third corner house. Six more are available. These houses, as they become available, are now advertised as houses with building plots. Each time, we are assured that precedent will not be set, and each time precedents are quoted (5a Westland Way, 8a Marlborough Crescent).
- When will planners be able to see the cumulative effect upon the whole estate? When all corners are built upon? We despair - this is planning by fear of appeal.

Application Number	I6/02347/S73
Site Address	10 Sandford Park Charlbury Chipping Norton Oxfordshire OX7 3TH
Officer	Kim Smith
Officer Recommendations	Approve
Parish	Charlbury Parish Council
Grid Reference	436082 E 219321 N
Committee Date	5th September 2016

Application Details:

Erection of garage and studio with store above. (Removal of condition 2 of Planning Permission 15/01749/HHD to regularise amended design) Part retrospective.

Applicant Details:

Mr & Mrs R Gardner
c/o Agent

ADDITIONAL REPRESENTATIONS

I Representations

Mr Graham Chamberlain of 21 Sandford Park has commented as follows:

The history of planning applications for this development, shows obvious intent to proceed by stealth to achieve the owners' objectives and circumvent likely objections.

Previous applications have each been followed by retrospective amendments to the 'garage' plan.

The erection of a 'garage' was specified despite the house already having a garage situated where all Sandford Park garages are located.

Previous retrospective planning revisions have increased the garage size and height.

This revision includes an already fitted kitchen and bathroom making the building into a potential separate dwelling with one or two bedrooms.

The planning officer has specifically noted that a separate dwelling would be unacceptable and contrary to local plan policies.

The developers have not sought prior permission for these further changes. This application was made only after neighbours objected that the building did not follow the revised application and which led to action by planning enforcement officers.

This third application should be rejected and the developers be required to meet their originally stated objectives of an ancillary building and to complete this building in line with their existing planning permission.

Mr Mark Pritchard of 11 Sandford Park has commented as follows:

We strongly object to the Planning Application given that it seeks to regularise retrospectively development of the building which very significantly departs from the provisions of the original Application for which Planning Permission was granted.

Had such development originally been applied for we would have objected.

The development now applied for, which provides for kitchen and bathroom facilities already installed, offers the obvious potential that the building could be used as a habitable separate dwelling.

The development of separate dwellings at Sandford Park is not permitted under an Enforceable Restrictive Covenant. Residents of Sandford Park have consulted and have taken legal advice on this matter and are minded to enforce this provision of the Restrictive Covenant.

The Planning Application should be refused and the building returned to the use for which Planning Permission was granted.

Charlbury Conservation Area Advisory Committee has further commented as follows:

Committee deplored the fact that the development has apparently been built without due regard to the planning permission.

We are concerned that this may become a separate dwelling which we think would be in appropriate.

Application Number	I6/02407/FUL
Site Address	The Grange Woodstock Road Charlbury Chipping Norton Oxfordshire OX7 3ET
Officer	Michael Kemp
Officer Recommendations	Approve
Parish	Charlbury Parish Council
Grid Reference	436381 E 218869 N
Committee Date	5th September 2016

Application Details:

Erection of detached dwelling with detached car port and new access.

Applicant Details:

Mr John Reynolds
The Grange
Woodstock Road
Charlbury
Chipping Norton
Oxfordshire
OX7 3ET

ADDITIONAL REPRESENTATIONS

Mr Kirk made the following comments in objection to the application:

I have read the comments made on the application regarding the proposed new entrance. It is described as a thirty MPH area with clear sight lines at that speed. Recent planning applications on Woodstock Road have conducted traffic surveys which show that further into Charlbury average speeds at 38mph. Further up the hill at the proposed new opening these speed are nearer 50MPH as traffic accelerated down the hill into Charlbury.

It would be dangerous to create another opening onto a narrow road where traffic travel at speed into Charlbury. I object to this application as I feel that it will increase the likelihood of an accident on Woodstock Rd.

Application Number	I6/02563/FUL
Site Address	Chipping Norton Baptist Church New Street Chipping Norton Oxfordshire OX7 5LL
Officer	Kim Smith
Officer Recommendations	Approve
Parish	Chipping Norton Parish Council
Grid Reference	431173 E 227127 N
Committee Date	5th September 2016

Application Details:

Alterations to windows in East elevation of church and flats including partial obscure glazing (part retrospective)(variation to permissions I4/0694/P/FP and I6/00419/S73)

Applicant Details:

Mr J Rice
Unit 3A
Marston House
Cromwell Business Park
Chipping Norton
OX7 5SR

ADDITIONAL REPRESENTATIONS

Mr John Burton of 14 Distons Lane has commented as follows:

It was on the basis that the development made some attempt to preserve the privacy of the neighbours that the we did not object more strongly to the planning request in the first place.

I would urge the Planning Department to uphold the genuine concerns of the neighbours and enforce the original provisions of the plans with respect to the privacy / neighbourliness of the development.

An obscure film applied to the three uppermost eastern windows (WG13, WG14 & WG15) above the retained church- we would condition this glazing film to be retained. I am sceptical that a film will (a) be good enough to be a permanent solution (what is its lifetime?) and (b) never get taken down by someone. This is not a guaranteed solution.

Vertical blinds are to be installed to the clergy office window and the 2 larger church windows on eastern elevation (WG13, WG14 & WG15). This solution does not guarantee privacy for neighbours.

Opening lights serving the church on the eastern elevation (WG13 & WG14) are closed during church services/when the PA is used and a notice to that effect to be erected adjacent to the windows in question. This is a perverse solution (the only time the windows would require opening is during a church service) and it is not a guaranteed solution.

Remove the clear glass in the bottom 4 panes of each of the windows (WFH07, WFH08, WFH09 & WFH10) in the rear block first floor eastern elevation and replace with obscure glass. Remove the current opening stays for those bottom opening casements of the windows WFH07, WFH08, WFH09 & WFH10 and replace with a permanent limited opening mechanism with

the ability to override only in emergency to allow fire access/egress. The glass in the top windows needs to be obscure too to provide privacy from an average height male (175cm).

With regard to openings, are these windows the regulation minimum width for a fire escape – they look far too narrow? This looks like an excuse to put a catch on the window which can be easily over-ridden. How is the developer proposing to guarantee that the window is only opened in an emergency?

Ms Kate Leimer of 2 Distons Lane Chipping Norton has commented as follows:

Re obscuring the upper windows with film, I welcome the effort to protect neighbours' privacy but film seems a rather temporary measure and therefore offers insufficient protection compared with obscured or etched glass.

These windows overlook my bathroom, kitchen and garden. Roller blinds are also inadequate to prevent overlooking.

The idea of the windows being openable but with a notice asking for them to be kept closed during services or when the PA is used is a joke. It's a church. The only time the windows are likely to be opened is when the building is in use so what is to stop anyone ignoring the notice. Why do the windows need to be opened at all? The surest way to stop them being opened is to make them non-openable.

The windows at the rear part of the building. Again I welcome the plan to replace the clear glass with obscure glass but I am concerned if the upper part is to remain clear as the window looks directly into my bathroom.

I am concerned about the idea of the restrictors being able to be over-ridden in case of emergency as what is to stop them being over-ridden when it is not an emergency? These windows were not designed to be a fire escape and I object to this idea.

Kate Ward has commented as follows:

The windows in the east wall of this listed building have been altered without permission such that they are of clear glass and capable of opening. On the grounds of intrusion of privacy, I object in the strongest possible terms to the proposals to have any lights in clear glass and windows capable of opening. I am concerned about both visual intrusion and noise levels which, during the refurbishment phase, have been continuous and intolerable. There is no barrier between the church buildings and my property to impede or reduce sight or sound.

Re windows in the old church:

- (a) I note the design of the lights has changed from the original plans.
- (b) In effect the windows are continuous over their full length. There is an unbroken line of sight from both the ground floor and second floor into my bathroom, toilet and upstairs living room.
- (c) Merely to attach an "obscure film" (details unspecified) to the uppermost lights is nonsensical; such a film could easily be removed and anyway does nothing to obscure the view between my property and the church hall. When the lights are on inside the church hall, every detail is visible, and the lights are extremely intrusive. Any film or glazing would need to be permanent, and strongly obscured to prevent this.
- (d) I ask anyway that a Condition be that the lights in the church hall must be extinguished by 2300hrs.
- (e) Vertical blinds can easily be drawn back, cannot be considered "permanent", and I do not consider this to be an adequate measure to safeguard our privacy.

(f) I object strongly to the proposal for 2 opening lights in the east windows. To suggest that a notice will keep them closed is farcical! Even with the windows closed the noise of the PA/loud speaker array is intolerable, the system being far too large for the size of the room. (We have previously submitted complaints.) The church hall is not directly overlooked on the west side; so possibly opening windows might be more appropriately located on that side.

Re windows in the flats in the rear church buildings (WFH 7-10):

(a) The current clear glass opening windows were installed immediately after permission for these was refused. Since then they have largely been left fully open so that we (in Distons Lane) have had months of experience of coping with the noises emanating from within the building, as well as being subjected to unobscured direct lines of sight between the flats and our bathrooms, toilets, bedrooms, kitchen-diners and living room, and our courtyard gardens - a gross intrusion of privacy.

(b) I strongly object to the bottom casement windows being able to open under any circumstances. This would only be open to abuse and not inhibit the spread of any fire. Windows could be open on the west side of the building which is not closely overlooked.

(c) The developer stresses the need to respect the historic architectural integrity of the building. In the original windows the top light had RESTRICTED INWARD opening, with a catch at the top and a hinge at the bottom. This would allow some ventilation without opening up a direct line of sight and could limit the noise levels experienced in Distons Lane properties. Anyway the windows currently installed have a vented frame and so would not require to be opened.

(d) I object strongly to the use of clear glass in any of these windows. Our experience over the past months demonstrates some of the consequences of having a direct view into our properties. Also, of course, we can see all the way through the building to the windows on the western side.

I am concerned that this development will impact detrimentally on the value of my property. I ask that this application be rejected and the developer be obliged to rectify the situation by installing obscure glass in all these east-facing windows and replacing opening with non-opening windows.