

Ref: Application 20/02517/FUL

Ettington Parish Council (EPC) would again ask if all remedies and enforcement actions requested have been applied sufficiently for this application to be considered?

If any legal action is to be instigated or underway via SDC's enforcement team then it would be inappropriate for the planning department to consider any further applications at this time. Particularly what recompense the applicant is making to the owners of 50 Banbury Road for the upheaval and possible damage caused to their property and their occupation/enjoyment of their house during the period it has been part of a demolition site.

EPC would, after examination of the Response from Agent 6th November 2020, comment as follows:

Site Plan inconsistencies

EPC would reiterate that site plans have shown Unit 4, cottage to the rear of the development, with a door opening on to parish council land. The development site has no right of access to EPC land either now or in the future, plot 4 seems to assume it has.

The agent refers to Paragraph 49 and that "The information supplied needs only be sufficient to enable determination of the application". Be that as it may, the information supplied should be sufficient for EPC, as a statutory consultee, to establish easily where the whole proposed development will actually stand on the plot and the accurate boundary.

Warranty provider for a conversion project

As an experienced developer surely the applicant would be aware that the warranty provider would need to inspect the property in order to offer conversion cover? Where is the inspection report the developer had undertaken prior to starting work on the White Horse. When was this submitted to building control or planning. The existing White Horse was in a safe state at the time the applicant took control of the site as the previous owner previous had done works in order to re-open it as a public house.

The planning agent makes the following statement: "After commencement of the works and following (a) complaint from the public that the remaining building may be unsafe SDC Building Control visited and requested that we also demolish substantial parts of the Victorian front facade and end wall. This was in the interests of safety since the only access to the rear of the site was through the archway in the victorian element of the remaining building. Shortly after this remediation SDC planning received a complaint that we were demolishing the building and we were requested to stop work". EPC have been copied into an email from SDC Technical Services which states categorically that SDC did not, at any time, issue an instruction to the developer, or his agent, to demolish all or part of the building. Please confirm the status of a building control officer to issue an instruction to carry out major works which should have planning approval. If access was unsafe should building control not have issued a stop notice and closed down the site?

One could ask the question if the roof had not been removed and the walls left open to the elements would it have needed to be demolished? The action taken in partly demolishing the building causing a health and safety hazard to the workmen on site and possibly members of the public bringing about the intervention of local persons, HSE and SDC suggest a lack of understanding of construction practice and safe working environment

This alone would encourage EPC to again request that following the developer's obvious infringements from the permission given under planning reference 16/02068/FUL that he be required to provide funds for building control to make sufficient regular visits to ensure the applicant is adhering to any permission that may be granted under the new application and strict adherence to Health and Safety at work regulations.

Existing cottage to the rear (Plot 4)

Where in the current application is the request to demolish the existing building? Yet a conversation has obviously been had with the County Ecologist as he has no objection to the building being demolished with the condition there is provision of a bat loft.

Is the existing building likely to meet the standard to be awarded an insurance backed warranty? If not why has this not been addressed in this application via a request to demolish and rebuild? Once again a point to reiterate EPC's request for the applicant to provide funds for building control to make regular visits without cost to SDC.

Drawing No 28C shows the door from the kitchen of Plot 4 directly in line with the boundary. Once again the applicant is assuming access rights he does not have.

County Fire and Rescue

Drawing 115A assumes access to the rear of the properties will remain indefinitely. Please confirm this document was issued with the original planning application. The applicant is again assuming access over property he does not control.

North East (Front) elevation of Unit 3

Regardless of the points mentioned, application 16/02068/FUL was approved with the frontage of the existing building remaining as it had been at the time of the application. EPC, whilst mindful of the fact changes have been made over a number of years, respectfully request that it is rebuilt to that design of 2016 which was keeping the heritage of the village street scene. EPC are also mindful that agreeing to a change brought about by unlawful demolition would be setting a dangerous precedent for future developers and providing an acceptable means of circumventing planning regulations

Conclusions

At no time has the applicant made any attempt to discuss the rebuilding of the White Horse or to discuss anything relating to the application with EPC. Whilst not a requirement for planning it may have been beneficial for both sides to have done this and would have perhaps helped to move the project forward more smoothly and quickly.

The elderly occupants of 50 Banbury Road have been left, for a lengthy period of time, with the side of their property left open to the elements other than with a covering of black polythene.

EPC would reiterate that whilst it is reluctant to hinder completion of works on the site thereby prolonging the agonies of the occupants in the adjoining property and subjecting villagers to continued visual disruption. it is moved to object to the current application on the grounds that the original Street scene is likely to be further compromised and the Neighbourhood Plan violated unless the façade of the pub building is restored to its former appearance using salvaged materials and incorporating appropriate period features.

EPC is not willing to allow a developer to use nuisance and avoidance of proper planning procedure and approval to carry out a development.

In the planning statement the applicant refers to the garage block and an application to amend to a pitched rather than a flat roof. A section 73 variation 18/03105/VARY had been applied for, which the applicant indicates the case officer found might be supportable, but not determined at December 2018 yet the completed garages now have a pitched roof. EPC again would reiterate their request for extra visits from building control at the cost of the applicant to ensure building design is not assuming approval.

Car-parking

EPC does not believe sufficient parking spaces have been provided for the number and size of the houses based on the experience of the Spitfire development which has a number of 3 bedroom dwellings and more than 2 cars per household. Visitors are likely to have to park on the highway causing problems for adjacent properties entering and exiting their driveways.