

DC.37

MINUTES OF A MEETING OF THE DEVELOPMENT CONTROL COMMITTEE

HELD AT THE CORN
EXCHANGE, FARINGDON ON
MONDAY, 4TH JULY, 2005

Open to the Public, including the Press

PRESENT:

MEMBERS: Councillors Sylvia Patterson (Chair), Terry Quinlan (Vice-Chair), Matthew Barber, Roger Cox, Terry Cox, Tony de-Vere, Richard Farrell, Richard Gibson, Jenny Hannaby, Monica Lovatt, Julie Mayhew-Archer, Jerry Patterson, Margaret Turner, Peter Jones, Pam Westwood and John Woodford.

SUBSTITUTE MEMBER: Councillor Mary de Vere for Councillor Briony Newport.

OFFICERS IN ATTENDANCE: S Commins, M Deans, M Gilbert, C Nicholl and A Thorley.

NON MEMBER: Councillor Alison Thomson.

NUMBER OF MEMBERS OF THE PUBLIC: 60

DC.30 NOTIFICATION OF SUBSTITUTES AND APOLOGIES FOR ABSENCE

The attendance of a Substitute Member who had been authorised to attend in accordance with the provisions of Standing Order 17(1) was recorded, as referred to above, with an apology for absence having been received from Councillor Briony Newport.

DC.31 MINUTES

The Minutes of the meeting of the Committee held on 6 June 2005 were adopted and signed as a correct record.

DC.32 DECLARATIONS OF INTEREST

Members had declared interests in report 34/05 – Planning Applications as follows: -

<u>Councillor</u>	<u>Type of Interest</u>	<u>Item</u>	<u>Reason</u>	<u>Minute Ref</u>
Jenny Hannaby	Personal	SAH/741/5	Acquainted with one of the objectors	DC.40
Roger Cox	Personal and Prejudicial	GFA/4905/6-X	He lived opposite the application site.	DC.41
Matthew Barber	Personal	GFA/4905/6-X	Town Councillor but had had no previous consideration of the application.	DC.41
Jerry Patterson	Personal	KEN/8988/4	He was a Parish Councillor but had had no previous consideration of the application.	DC.43

Sylvia Patterson	Personal	KEN/8988/4	She was the spouse of Councillor Jerry Patterson who had a personal interest in so far as he was a Parish Council but had had no previous consideration of the application.	DC.43
Matthew Barber	Personal	SHI/17672/5	He was acquainted with the applicant's wife.	DC.48
Roger Cox	Personal	SHI/17672/5	He was acquainted with the applicant's wife.	DC.48
Terry Cox	Personal	SHI/17672/5	He was acquainted with the applicant's wife.	DC.48
Peter Jones	Personal	SHI/17672/5	He was acquainted with the applicant's wife.	DC.48
Monica Lovatt	Personal	SHI/17672/5	She was acquainted with the applicant's wife	DC.48
Terry Quinlan	Personal	SHI/17672/5	He was acquainted with the applicant's wife.	DC.48
Margaret Turner	Personal	SHI/17672/5	She was acquainted with the applicant's wife.	DC.48
Pam Westwood	Personal	SHI/17672/5	She was acquainted with the applicant's wife.	DC.48
John Woodford	Personal	SHI/17672/5	He was acquainted with the applicant's wife.	DC.48
Mary de Vere	Personal	ABG/19083	She was acquainted with one of the objectors.	DC.51
Tony de Vere	Personal and Prejudicial	ABG/19083	He was acquainted with one of the objectors.	DC.51
Julie Mayhew-Archer	Personal and Prejudicial	ABG/19083	She was acquainted with one of the objectors.	DC.51
John Woodford	Personal	ABG/19083	He was acquainted with one of the objectors.	DC.51

DC.33 URGENT BUSINESS AND CHAIR'S ANNOUNCEMENTS

The Chair reminded Councillors and members of the public that all mobile telephones should be switched off during the meeting.

The Chair reported that following advice received, the appendix to report 34/05 concerning application CUM/11898/1 – 13 Nobles Close, Botley could now be considered in the open part of the agenda as it was considered that the information contained therein was not exempt information.

The Chair reminded Members that there would be a training session on the Scheme of Delegation for all Members on Monday 11 July 2005, at 7.00pm in the Guildhall, Abingdon.

Finally, the Chair invited the Democratic Services Officer to address the Committee. The Officer referred Members to the revised agenda layout explaining that the Democratic

Services Officers were currently in the process of implementing a new computer system, known as "Issue Manager". This system which would facilitate the generation of agendas, reports and minutes in an electronic form which would enable their publication on the Council's website. The Officer explained that the layout of agendas, reports and minutes would therefore be different because of the parameters of the new computer system.

DC.34 STATEMENTS AND PETITIONS FROM THE PUBLIC UNDER STANDING ORDER 32

None.

DC.35 QUESTIONS FROM THE PUBLIC UNDER STANDING ORDER 32

None.

DC.36 STATEMENTS AND PETITIONS FROM THE PUBLIC UNDER STANDING ORDER 33

It was noted that 20 members of the public had each given notice that they wished to make a statement at the meeting, however, 1 member of the public declined to do so.

DC.37 MATERIALS

There were no materials for consideration.

DC.38 APPEALS

The Committee received and considered an agenda item which advised of two appeals which had been lodged with the Planning Inspectorate for determination and four appeals which had been dismissed.

One Member welcomed the Inspector's decisions concerning the dismissed appeals. He particularly referred to the appeal in respect of 61 Hurst Rise Road, North Hinksey and asked Members to note the Inspector's comments regarding the accuracy of plans, namely that cumulatively small inaccuracies in the plans had resulted in the plans not providing a sufficiently accurate basis upon which planning permission might be granted.

In respect of the appeal concerning the totem sign at Buckland Service Station, Oxford Road, Buckland, the Committee noted an amendment to the report in that the Inspector had considered that the proposal would substantially increase the surface area of the sign.

RESOLVED

that the agenda report be received.

DC.39 FORTHCOMING PUBLIC INQUIRIES AND HEARINGS

The Committee received and considered details of forthcoming public inquiries and hearings.

RESOLVED

that the report be received.

DC.40 SAH/741/5 - CHANGE OF USE OF REDUNDANT FARM BUILDING TO B1 USE AND FORMER CART SHED TO GARAGING. (RE-SUBMISSION) LAND ADJACENT TO MANOR FARM HOUSE, CHURCH LANE, DRY SANDFORD.

(Councillor Jenny Hannaby had declared a personal interest in this item and in accordance with Standing Order 34 she remained in the meeting during its consideration).

Mr J Elston made a statement objecting to the application raising concerns regarding development in the Green Belt; the proposal being contrary to planning policy; access and future development intentions.

Mr E Thomas, the applicant's agent made a statement in support of the application commenting that a B1 use was acceptable in the Green Belt.

The Committee considered the proposal acceptable.

By 17 votes to nil it was

RESOLVED

that application SAH/741/5 be approved subject to the conditions set out in the report.

DC.41 GFA/4905/6-X – DEMOLITION OF EXISTING HOUSE AND CONSTRUCTION OF 9 HOUSES WITH REVISED ACCESS. THE WILLOW HOUSE, 18 COXWELL ROAD, FARINGDON.

(Councillor Matthew Barber had declared a Personal interest in this item and in accordance with Standing Order 34 he remained in the meeting during its consideration).

(Councillor Roger Cox had declared a Personal interest in this item and in accordance with Standing Order 34 he withdrew from the meeting during its consideration).

Further to the report, the Committee was advised of two additional documents received from the neighbouring resident, one being an acoustic consultant's report which criticised the findings of the applicant's acoustic report and an independent highway consultant's report. The Officers explained that in view of these documents only just having been received, it had not been possible to assess the information contained in them.

A representative of the Town Council made a statement on behalf of the Town Council objecting the application raising concerns regarding the access being too narrow; noise; pollutions; disturbance and the proposal being contrary to planning policy.

Mr D Janata, made a statement objecting to the application raising concerns relating to matters already covered in the report. He referred to the two additional documents sent to Members of the Committee and emphasised the adverse impact the proposal would have on his property. He referred to noise levels and explained that it would not be possible for the acoustic barrier to be built. Finally he explained that Coxwell Road was very busy and that the junction was not acceptable.

Mr J Bird was due to make a statement in support of the application, but he declined to do so.

Mr A Miles, the applicant's representative made a statement in support of the application advising that an appeal had been lodged against the Council's decision to refuse the previous application on this site and that should planning permission be granted that appeal would be withdrawn. He explained that the noise levels would be below the specified threshold and that

conditions should be imposed on any permission to address concerns raised rather than refusal of the application.

Mr D Reynolds made a statement in support of the application commenting that access to the site via Coxwell Road was preferable to any other access and that in approving this application, less properties would be constructed than might otherwise be the case.

One of the local Members commented that the principle of development of this site had already been established. She explained that the width of the access was similar to others and that emergency and service vehicles would be able to access the site. She commented that she could see no reason to refuse the application.

Another local Member highlighted that there had been no objection raised by the County Engineer and that the only issue of concern now seems to be noise, which would be addressed by appropriate acoustic measures in terms of a barrier. He referred to the two additional documents received and commented that it was difficult to make a balanced judgment when presented with convincing, but contradictory evidence.

Other Members spoke in support of the application but considered that a view of the additional documents received should be sought.

It was proposed by Councillor Richard Farrell, seconded by Councillor Jerry Patterson and by 12 votes to 3, with 1 abstention (and 1 of the voting Members not being present during consideration of this item) it was

RESOLVED

that the Chief Executive, in consultation with the Chair and/or Vice-Chair and the Opposition Spokesman of the Development Control Committee and a local Member be delegated authority to approve application GFA/4905/6 – X subject to: -

- (i) the conditions set out in the report;*
- (ii) the views of the Council's Assistant Director (Environmental Health) on the noise assessment report received from the neighbour; and*
- (iii) the view of the County Engineer on the highways report received from the neighbour.*

DC.42 NHI/7093/1 – DEMOLITION OF EXISTING DWELLING. ERECTION OF FIVE FLATS WITH ASSOCIATED CAR PARKING. 62 YARNELLS HILL, NORTH HINKSEY.

The Committee was advised that contrary to the plans, the property was set away from the boundary. Furthermore the Committee noted that five additional letters of objecting had been received raising concerns to matters previously raised.

Mr Griffiths made a statement on behalf of North Hinksey Parish Council objecting to the application, raising concerns relating to matters already covered in the report. He particularly raised concern regarding the high density; inadequate parking; the adverse impact on the environment; the proposal being out of keeping; the contemporary design being inappropriate; the setting a precedent and size. He commented that single storey only extensions had been permitted nearby and suggested that the current proposal should be refused.

Mr M Strutt made a statement objecting to the application. Speaking on behalf of 36 residents of Yarnells Hill, he raised concern regarding the proposal being out of keeping; having a harmful impact on neighbouring properties and design. He explained that the area had a

distinctive character, with houses having large plots with gardens to the front and rear. He considered that the proposal undermined the established character of the area. He commented on the harmful impact to neighbours in that the two storey rear extension was set too far back and would be intrusive. He referred to noise and pollution from increased traffic. In terms of design he commented that the flat roof element was out of keeping and the proposal included too much fenestration.

Mr Gould the applicant's agent, made a statement in support of the application commenting on the objections raised, which he considered were insufficient to warrant refusal. He reported that the proposal accorded with planning policy and PPG3 in terms of design and density. He referred to the level of negotiations with the Officers on the proposal and referred Members to the report and to the views of the consultant architect. He commented that the design was aimed at complementing neighbouring properties and the parking levels were sufficient.

One of the local Members expressed some concern that the proposal would not sit well with other nearby properties and would change the character of the area.

Some Members spoke in support of the application noting the comments of the consultant architect regarding design.

However, other Member spoke against the application raising concerns regarding height, mass and dominance.

It was proposed by the Chair that application NHI/7093/1 be approved subject to the conditions set out in the report, but this was lost by 12 votes to 5.

It was thereupon proposed by Councillor Terry Quinlan, seconded by Councillor Terry Cox and by 11 votes to 5 with 1 abstention it was

RESOLVED

that application NHI/7093/1 be refused, with the reasons for refusal to be formally endorsed at a future meeting of the Committee, such reasons to included massing, dominance, adverse impact of the amenities of neighbours and over development.

DC.43 KEN/8988/4 – DEMOLITION OF EXISTING GARAGE/WORKSHOP BUILDING AND ERECTION OF A DETACHED SINGLE BED HOUSE. 6 KENNINGTON ROAD, KENNINGTON.

(Councillors Jerry Patterson and Sylvia Patterson had each declared a personal interest in this item and in accordance with Standing Order 34 they remained in the meeting during its consideration).

One of the local Members raised no objection to the application.

By 17 votes to nil it was

RESOLVED

that application KEN/8988/4 be approved subject to the conditions set out in the report.

DC.44 APT/10011/22 – MR & MRS S JEFFREYS. RETROSPECTIVE APPLICATION FOR 1.9M HIGH DEER FENCE, APPLETON MANOR, EASTON ROAD, APPLETON

Mr G Rose made a statement objecting to the application raising concerns relating to matters already covered in the report. He particularly referred to concerns regarding the proposal in terms of its impact; urbanised appearance and lack of screening. He referred to discussions between himself and the applicant explaining that an agreement as to either repositioning the fence or planting could not be reached.

One Member questioned whether a condition could be imposed to re-site the fence. However, it was reported that this was not appropriate as the application was for the fence and the application should be considered on its merit. To require the fence's repositioning would be tantamount to refusing the application.

In terms of the disagreement between the objector and the applicant concerning planting to screen the fence, the Committee noted that this was a private matter.

One Member questioned the distance of the rail fence from the neighbouring property, although this information was unknown, it being explained that there were no guidelines on deer fencing.

One Member considered that the posts were intrusive. However, this was not supported by other Members who considered the proposal acceptable.

By 15 votes to nil, with 2 abstentions, it was

RESOLVED

that application APT/10011/22 be approved.

DC.45 CUM/11898/1 – RETROSPECTIVE APPLICATION FOR A VEHICLE ACCESS (LAND TO THE REAR OF 13 NOBLES CLOSE), 13, NOBLES CLOSE, BOTLEY (CUMNOR PARISH)

As referred to elsewhere in these Minutes, the Committee considered an appendix to the report setting out the circumstances surrounding this case.

Ms I Wilson made a statement in support of the application. In doing so she read out in full the letter from Marianne Glen to the District Council which was appended to the report.

Whilst speaking in support of the application, one Member questioned whether the access could be resurfaced by grass-crete. However, on being put to the meeting the proposal was not supported, there voting 5 for and 11 against the suggestion.

One Member noted that the Council had not, as land owner, granted an easement across the land and it was suggested that an Informative should be added to any permission advising the applicant of the need to secure this.

By 16 votes to 1, it was

RESOLVED

that application CUM/11898/1 be approved subject to: -

(i) the conditions set out in the report; and

- (ii) *an informative to advise the applicant that notwithstanding this planning permission, which is granted by the Council as the Planning Authority, it was also necessary for the applicant to obtain an easement to cross the land from the Council as landowner.*

DC.46 RAD/15714/7 & RAD/15714/8-LB – MR& MRS P GORE. LINK HOUSE TO REAR ANNEXE VIA SINGLE STOREY EXTENSION WITH NEW LOUNGE AND 4TH BEDROOM. ERECTION OF NEW GARAGE “SPINNEYS”, 51, LOWER RADLEY, ABINGDON.

By 13 votes to 1, with 2 abstentions it was

RESOLVED

- (a) *that application RAD/15714/7 be refused for the reason set out in the report; and*
(b) *that application RAD/15714/8-LB be refused for the reason set out in the report.*

DC.47 SUN/17133/1 – PROPOSED REAR EXTENSION, NEW PORCH AND INTERNAL ALTERATIONS, DAIRY COTTAGE, 3, CHURCH FARM, SUNNINGWELL.

Mr S Norris the applicant's agent, made a statement in support of the application explaining the reasons for the proposal. He commented that the design was in keeping and was similar in terms of form and scale to other extensions. He reported that there would be no overlooking; no loss of light and no loss of privacy. Finally, he emphasised that there would be no harm and there was no reason to refuse the application.

By 17 votes to nil, it was

RESOLVED

that application SUN/17133/1 be approved subject to the conditions set out in the report.

DC.48 SHI/17672/5 – ERECTION OF REPLACEMENT DWELLING AND GARAGE (RETROSPECTIVE), HAZELWOOD, SPRING COPSE, HINKSEY HILL.

(Councillors Matthew Barber, Roger Cox, Terry Cox, Peter Jones, Monica Lovatt, Terry Quinlan, Margaret Turner, Pam Westwood and John Woodford had each declared a personal interest in this item and in accordance with Standing Order 34 they remained in the meeting during its consideration).

Further to the report the Committee noted that additional correspondence has been received from the neighbour raising concerns regarding the accuracy of the plans and the proximity of the dwelling and garage to his property.

The Officers advised that there remained some doubt that the latest submitted plans were accurate in respect of the relationship of the house and garage to the neighbour at Hillside Cottage and as such it was suggested that it would appropriate in this case to seek an independent surveyor's opinion to resolve the matter.

Mr Goodhead made a statement objecting to the application raising concerns relating to matters already covered in the report. He specifically raised concerns regarding the house being built in the wrong location; the volume increase which exceeded 35%; height; proximity to his boundary; mass; incorrect plans; lack of support from the Planning Authority in addressing his concerns; dominance; adverse impact and loss of amenity. He reported that it would be unreasonable to take any action regarding the position of the house which he

accepted, but considered that the Council should address the height of the garage and its siting. Finally, he requested that all permitted development rights should be removed.

Mr I Bedford, the applicant's agent made a statement in support of the application advising that it had never been the intention to build the house in the wrong location. He explained that he had taken the original survey to be accurate which had not been the case. He reported that the house and garage were the same size as those approved and had been built in the only location possible on the site.

One of the local Members expressed sympathy with the views of the objector but considered that there were no grounds to refuse the application, but agreed that permitted development rights should be removed and that a condition to address slab levels should be added. The other local Member concurred with this view.

Other Members agreed with the views of the local Members. In being minded to approve the application, consideration was given to whether the view of an independent surveyor on the accuracy of the plans was necessary. The Committee came to the conclusion that such a survey was not warranted in this case as Members were able to assess the proposal in view of the application being retrospective and construction already having taken place.

By 15 votes to nil with 2 abstentions, it was

RESOLVED

that the Chief Executive in consultation with the Chair and Vice-Chair of the Development Control Committee and the other local Member be delegated authority to approve application SHI/17672/5 subject to: -

- (i) the conditions set out in the report; and*
- (ii) further conditions removing permitted development rights; addressing slab levels and requiring that the garage shall be used only as ancillary accommodation to the dwelling.*

DC.49 NHI/18135/1 – DEMOLITION OF EXISTING HOUSE AND GARAGE. CONSTRUCTION OF TWO SEMI-DETACHED HOUSES AND FOUR FLATS. 2 YARNELLS HILL, NORTH HINKSEY

Further to the report the Committee was advised that one of the Local Members had expressed concern at the proposal in terms of inadequate parking and density.

Mr Griffiths made a statement on behalf of North Hinksey Parish Council objecting to the application, raising concerns relating to matters already covered in the report. He particularly referred to concerns regarding parking; increased on street parking; access; draining and inadequate public transport.

Dr Paul Potter made a statement objecting to the application. He referred to a previous appeal decision on this site raising concerns regarding the proposal in terms of it being unsustainable; over development of the site; the proposal being out of keeping with the character of the area; boundary treatment and inadequate screening. He requested that should the Committee be minded to approve the application, a close boarded fence should be provided along the boundary with his property.

Mr N Lyzba, the applicant' agent made a statement in support of the application advising that the proposal sought the reuse of the site and accorded with planning policy. He explained that

the density was appropriate; the visibility at the access was similar to that of the existing permission at the site; there would be no overlooking; the design was in keeping with properties nearby and the parking levels were in accordance with standards.

One of the Local Members present at the meeting raised no objection to the application.

Other Members spoke in support of the application. However, one Member referred to the noise from the A34, although given that there was already a dwelling on the site the Officers did not consider that this was a reason to refuse permission. Notwithstanding this, it was suggested that appropriate noise attenuation measures, such as additional glazing, should be made to some properties.

It was proposed by Councillor Richard Farrell, seconded by Councillor Terry Cox and by 16 votes to 1, it was

RESOLVED

that application NHI/18135/1 be approved subject to: -

- (i) the conditions set out in the report; and*
- (ii) a further condition requiring acoustic treatment to those properties where the Chief Executive considers such treatment appropriate.*

DC.50 MAR/18842 – DEMOLITION OF HOUSE AND OUTBUILDINGS. CONSTRUCTION OF FIVE DWELLINGS WITH ALTERATIONS AT THE JUNCTION OF PACKHORSE LANE AND MILL ROAD TO IMPROVE VISION 3 & 5 MILL ROAD, MARCHAM.

Further to the report the Committee noted an amendment in that a total of over 200 objections had been made to the Vale's policy on affordable housing.

Members supported the application, expressing a preference for stone instead of brick and asked that materials be reported back to Committee for approval.

By 16 votes to nil, with 1 abstention, it was

RESOLVED

- (a) that application MAR/18842 be approved subject to the conditions set out in the report, with materials being reported back to Committee for approval; and*
- (b) that application MAR/18842/-CA be approved subject to the conditions set out in the report.*

DC.51 ABG/19083 – ERECTION OF A TWO STOREY FLANK EXTENSION ENCOMPASSING THE EXISTING GARAGE AND A TWO STOREY REAR EXTENSION. 3 WARWICK CLOSE, ABINGDON.

(Councillors Mary de Vere, Tony de Vere and Julie Mayhew-Archer had each declared a personal and prejudicial interest in this item and in accordance with Standing Order 34 they left the meeting during its consideration).

(Councillor John Woodford had declared a personal interest in this item and in accordance with Standing Order 34 he remained in the meeting during its consideration).

Further to the report the Committee was advised of one additional letter objecting to the proposal in term of the proposed use of the extension. Also, five identical letters of support had been received from neighbouring residents and two identical letters of support from residents elsewhere.

The Committee noted that one of the local Members had objected to the application in terms of its over bearing and dominant appearance and impact; loss of privacy and over looking.

Mr M Smith made a statement on behalf of the Town Council objecting to the application raising concerns regarding the proposal's size, impact and mass; harm to the character and appearance of the area; harm to local amenities; proximity to the neighbouring boundary; a possible terracing effect; the garage being separate to the dwelling; design and the proposal being contrary to Planning Policies H24 and H29.

Mr M Brown made a statement objecting to the application raising concerns regarding design; the setting of a precedent; loss of amenity; over looking; over shadowing; loss of privacy; impact; loss of outlook and the proposal being contrary to planning policies.

One Member referred to the comments of the objector and questioned whether the garage was attached to the house. However, the Officers advised this was not a material consideration in determining the application. She referred to the fenestration in the side elevation, which it was noted would result in less overlooking than the existing windows.

By 13 votes to nil, with 1 abstention, with 3 of the voting Members having left the room during consideration of this item, it was

RESOLVED

that application ABG/19083 be approved subject to the conditions set out in the report.

Exempt Information Under Section 100A(4) of the Local Government Act 1972

None.

The meeting rose at 10.35pm.