

Date: 23 June 2005

TO: All Members of the Development
Control Committee
FOR ATTENDANCE

TO: All Other Members of the Council
FOR INFORMATION

Dear Sir/Madam

Your attendance is requested at a meeting of the **DEVELOPMENT CONTROL COMMITTEE** to be held in the **CORN EXCHANGE, FARINGDON** on **Monday, 4th July, 2005 at 6.30 pm.**

Yours faithfully

Terry Stock
Chief Executive

Members are reminded of the provisions contained in Part 2 of the Local Code of Conduct, and Standing Order 34 regarding the declaration of Personal and Prejudicial Interests.

A G E N D A

SECTION I (Open to the Public including the Press)

A Large print version of this agenda and any background papers referred to may be inspected by prior arrangement with Carole Nicholl, Democratic Services Officer on telephone number (01235) 547631.

Map and Vision

(Page 8)

A map showing the location of the venue for this meeting, together with a copy the Council Vision are attached.

1. Notification of Substitutes and Apologies for Absence

To record the attendance of Substitute Members, if any, who have been authorised to attend in accordance with the provisions of Standing Order 17(1), with notification having been given to the proper Officer before the start of the meeting and to receive apologies for absence.

2. Minutes

(Pages 9 - 20)

To adopt and sign as a correct record the Minutes of the Meeting of the Development Control Committee held on 6 June 2005.

3. Declarations of Interest

To receive any declarations of Personal or Personal and Prejudicial Interests in respect of items on the agenda for this meeting.

In accordance with Part 2 of the Local Code of Conduct and the provisions of Standing Order 34, any Member with a personal interest must disclose the existence and nature of that interest to the meeting prior to the matter being debated. Where that personal interest is also a prejudicial interest, then the Member must withdraw from the room in which the meeting is being held and not seek improperly to influence any decision about the matter unless he/she has obtained a dispensation from the Standards Committee.

4. Urgent Business and Chair's Announcements

To receive notification of any matters, which the Chair determines, should be considered as urgent business and the special circumstances, which have made the matters urgent, and to receive any announcements from the Chair.

5. Statements and Petitions from the Public Under Standing Order 32

Any statements and/or petitions from the public under Standing Order 32 will be made or presented at the meeting.

6. Questions from the Public Under Standing Order 32

Any questions from members of the public under Standing Order 32 will be asked at the meeting.

7. Statements and Petitions from the Public under Standing Order 33

Any statements and/or petitions from members of the public under Standing Order 33, relating to planning applications, will be made or presented at the meeting.

8. Materials

To consider any materials submitted prior to the meeting of the Committee.

ANY MATERIALS SUBMITTED WILL BE ON DISPLAY PRIOR TO THE MEETING.

9. Appeals

Lodged

The following appeals have been lodged with the Planning Inspectorate:-

- (i) Appeal by Mr Mijrat Terzi against the Council's decision to refuse to permit a retrospective application for an arbour and additional pontoons on land at 20 South Quay, Abingdon. (ABG/17715/1);
- (ii) Appeal by Builders Ede Limited against the Council's decision to refuse to permit the erection of 18 one bed apartments, 21 two bed apartments and 23 houses on land adjacent the Police Headquarters, off Collwell Drive, Abingdon (ABG/17140/1).

Dismissed

The following appeals have been dismissed by the Planning Inspectorate: -

- (i) Appeal by Esmail Babaahmady against the Council's decision to refuse to permit the creation of a first floor on an existing bungalow at 61 Hurst Rise Road, North Hinksey (NHI/9096/3). The decision to refuse planning permission was made by the Strategic Director under powers delegated to him.

The Inspector considered that the main issues in this case, were the impact of the proposed development on the living conditions of the occupiers of No.63 Hurst Rise Road with special regard to visual impact; and whether the submitted plans provided a sufficiently accurate basis on which planning permission might be granted.

The Inspector considered that the proposed development, given its notable proximity to the boundary with No.63 would be sufficiently beyond guideline figures as to be over dominant and intrusive when seen from this property. Added weight was given to this view in that No.63 had a lower lying element abutting the boundary with the appeal property. The proposed property would loom above this area in a domineering fashion and appear greater than single storey in height. Whilst the effect of this might currently be limited by existing garden screening, there was no guarantee that this would remain in place in perpetuity. The Inspector therefore concluded that the proposed development would detract from the living conditions of No.63 with special reference to visual impact and would be in conflict with relevant planning policies.

With regard to the accuracy of the plans, the Inspector noted that there were several instances where measurements on the application plans and elevations varied from one drawing to another. The Inspector considered that cumulatively these did not provide a sufficiently accurate basis upon which planning permission might be granted.

The Inspector therefore dismissed the appeal. No reference to cost was made with the decision letter.

- (ii) Appeal by Mr and Mrs Earl against the Council's decision to refuse to permit a first floor extension over existing garage to provide a studio at 1 St James Road, Radley (RAD/15667/1). The decision to refuse planning permission was made by the Strategic Director under powers delegated to him.

The Inspector considered that the main issue in this case was the effect of the proposal on the appearance of the building and thus on the area on which it stood.

The proposal would add a first floor under a pitched roof with a wide dormer window extending virtually the entire width of the front elevation. Whilst the Inspector acknowledged that the area comprised a very considerable diversity of building form, designs and sizes, in the Inspector's judgement the proposal would stand out as a particularly incongruous structure at a very conspicuous position near the entrance to the site. Not only would its very limited width combine with its considerable height and over dominant dormer to create visually awkward proportions, but it would stand immediately next to number 3 St James Terrace, part of a building of horizontal emphasis and considerable bulk. The Inspector considered that the smaller scale of the prominent building proposed would appear most unsatisfactory and visually uncomfortable. The Inspector therefore concluded that the proposal would harm the appearance of the existing building and that of its surroundings, contrary to planning policies.

The Inspector therefore dismissed the appeal. No reference to costs was made with the appeal decision.

- (iii) Appeal by BP UK Limited against the Council's decision to refuse to permit a totem sign at Buckland Service Station, Oxford Road, Buckland (BUC/3698/24-A). The decision to

refuse planning permission was made by the Strategic Director under powers delegated to him.

The Inspector considered that the main issue in this case was the effect of the sign on the amenity and public safety of the area.

The Inspector considered that the proposal would substantially increase the service area of the sign and as a consequence it would result in a much more prominent sign than that existing at present. In such circumstances the proposed sign, particularly because of its height, would stand out as an unacceptably intrusive feature in this very pleasant rural setting, especially at night when illuminated. The Inspector considered that the existing total sign was visible from sufficient distances away to enable drivers from either direction exercising due care and attention to signal any intention to turn and carry out the manoeuvre without endangering other road users. In these circumstances, the Inspector did not consider that there was any justification for overriding the above amenity objections on public safety grounds.

The Inspector therefore dismissed the appeal. No reference to costs was made with the appeal decision.

- (iv) Appeal by Tape Crown Limited against an enforcement notice, involving the erection of a new building on land east of Coxwell Road, Faringdon (GCO/8275/2-E) requiring:-
- (a) the cessation of all further works on or to the building;
 - (b) the removal of the building and hard-standing; and
 - (c) the removal from the land all building materials, building equipment and rubble arising from compliance with requirement (b) and restoration of the land to its original condition before the breach took place.

The Inspector concluded that the development exceeded the size limit set out for permitted development in Class A of Part 6 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 and constituted a building not designed for agricultural purposes. The development would therefore require express planning permission which it did not have. Accordingly, the appeal failed under Ground C. On consideration of the deemed application, the Inspector concluded that the design of the building possessed an industrial or commercial character of a kind not normally found in the countryside. It was therefore incongruous in its rural setting and Policy EN4 of the Local Plan precluded development which would unacceptably damage the local landscape. The Inspector concluded that the development carried out was contrary to the aims and objectives of national and local planning policies and in the absence of any material circumstances, sufficient to outweigh the objection, should not be granted permission. With regard to the requirements of the notice, the Inspector did not consider these excessive, although given that a substantial building was to be removed, together with substantial amounts of hardcore, the Inspector agreed that the period of one month specified in the notice to comply with its requirements was too short. The Inspector therefore dismissed the appeal and upheld the Enforcement Notice subject to it being varied by deleting the words "one month" and substituting them with "six months" in paragraph 6 and refused planning permission on the application deemed to have been made. No reference to costs was made with the appeal decision.

Recommendation

that the agenda report be received.

10. Forthcoming Public Inquiries and Hearings

(Pages 21 - 23)

A list of forthcoming public inquiries and hearings is presented.

Recommendation

that the report be received.

PLANNING APPLICATIONS

Local Government (Access to Information) Act 1985: The Background Papers for the following applications are available for inspection at the Council Offices, The Abbey House, Abingdon during normal office hours. They include the Oxfordshire Structure Plan, the Adopted Vale of White Horse Local Plan (November 1999) and all representations received as a result of consultation.

To receive and consider report 34/04 detailing the current applications. Any further information received following publication of this agenda will be reported at the meeting.

Application may be considered in a different order in view of the Council's arrangements for public speaking at meetings.

11. **SAH/741/5 - Mr M Winters. 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.**

(Pages 24 - 32)

(Wards Affected: Marcham and Shippon)

12. **GFA/4905/6-X – Cover Construction Co Ltd. Demolition of existing house and construction of 9 houses with revised access. The Willow House, 18 Coxwell Road, Faringdon.**

(Pages 33 - 44)

(Wards Affected: Faringdon and The Coxwells)

13. **NHI/7093/1 – S & H Homes. Demolition of existing dwelling. Erection of five flats with associated car parking. 62 Yarnells Hill, North Hinksey.**

(Pages 45 - 55)

(Wards Affected: North Hinksey and Wytham)

14. **KEN/8988/4 – Mr Thompson. Demolition of existing garage/workshop building and erection of a detached single bed house. 6 Kennington Road, Kennington.**

(Pages 56 - 60)

(Wards Affected: Kennington and South Hinksey)

15. **APT/10011/22 – Mr & Mrs S Jeffreys. Retrospective application for 1.9m high deer fence, Appleton Manor, Easton Road, Appleton**

(Pages 61 - 64)

(Wards Affected: Appleton and Cumnor)

16. **CUM/11898/1 – M Glen. Retrospective application for a vehicle access (Land to the rear of 13 Nobles Close), 13, Nobles Close, Botley (Cumnor Parish)**

(Pages 65 - 72)

(Wards Affected: Appleton and Cumnor)

17. **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.**

(Page 73)

(Wards Affected: Radley)

18. **SUN/17133/1 – Drs N & Mrs P Elwig. Proposed rear extension, new porch and internal alterations, Dairy Cottage, 3, Church Farm, Sunningwell.**

(Pages 74 - 83)

(Wards Affected: Sunningwell and Wootton)

19. **SHI/17672/5 – Mr D Matthews. Erection of replacement dwelling and garage (Retrospective), Hazelwood, Spring Copse, Hinksey Hill.**

(Pages 84 - 91)

(Wards Affected: Kennington and South Hinksey)

20. **NHI/18135/1 – Cranbourne Homes Ltd. Demolition of existing house and garage. Construction of two semi-detached houses and four flats. 2 Yarnells Hill, North Hinksey**

(Pages 92 - 104)

(Wards Affected: North Hinksey and Wytham)

21. **MAR/18842 – Elford Homes. 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.**

(Pages 105 - 112)

22. **ABG/19083 – Mr & Mrs Lynch. Erection of a two storey flank extension encompassing the existing garage and a two storey rear extension. 3 Warwick Close, Abingdon.**

(Pages 113 - 117)

(Wards Affected: Abingdon Northcourt)

23. **Exclusion of the Public, including the Press**

The Chair to move that in accordance with Section 100A(4) of the Local Government Act 1972, the public, including the press, be excluded from the remainder of the meeting to prevent the disclosure to them of exempt information, as defined in Section 100(I) and Part 1 of Schedule 12A to the Act when the following item is considered:-

CUM/11898/1 – 13 Nobles Close, Botley

(Category 4 - Information relating to any particular applicant for, or recipient or former recipient of, any service provided by the authority).

24. **Planning Reference CUM/11898/1, Ms Glen. Retrospective application for a vehicle access over land to the rear of 13 Nobles Close, Botley**

(Pages 118 – 119)

(Wards Affected: Appleton and Cumnor)

To consider an appendix to agenda item 16.

DC.13

MINUTES OF A MEETING OF THE DEVELOPMENT CONTROL COMMITTEE (CONSIDERING NORTH AREA APPLICATIONS)

HELD AT ABINGDON ON
MONDAY 6 JUNE 2005
AT 6.30PM

SECTION I (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, Peter Jones, Richard Gibson, Jenny Hannaby, Monica Lovatt, Briony Newport, Jerry Patterson, Margaret Turner and Pam Westwood.

SUBSTITUTE MEMBERS: Councillor Tessa Ward for Councillor Richard Farrell, Councillor Joyce Hutchinson for Councillor Julie Mayhew-Archer and Councillor Mary de Vere for Councillor John Woodford.

NON-MEMBER: Councillor Jane Hanna.

OFFICERS: S Commins, M Deans, M Gilbert, C Nicholl, G Reade and A Thorley.

NUMBER OF MEMBERS OF THE PUBLIC: 41

DC.10 NOTIFICATION OF SUBSTITUTES AND APOLOGIES FOR ABSENCE

The attendance of Substitute Members who had been authorised to attend in accordance with the provisions of Standing Order 17(1) was recorded, as referred to above, with apologies for absence having been received from Councillors Richard Farrell, Julie Mayhew-Archer and John Woodford.

DC.11 MINUTES

The Minutes of the meeting of the Committee held on 9 May 2005 were adopted and signed as a correct record.

DC.12 DECLARATIONS OF INTEREST

Members declared interests in report 5/05 – Deposited Plans as follows: -

<u>Councillor</u>	<u>Type of Interest</u>	<u>Item</u>	<u>Reason</u>	<u>Minute Ref</u>
Matthew Barber	Personal	Item 3 – GFA/5619/3	Town Councillor but had had no previous consideration of the application	DC.18(3)
Roger Cox	Personal	Item 3 – GFA/5619/3	Town Councillor but had had no previous consideration of the application	DC.18(3)

Peter Jones	Personal	Item 6 – ABG/10710/4	Town Councillor but had had no previous consideration of the application	DC.18(6)
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Councillor Jerry Patterson declared a personal interest in report 10/05 – TPO (Wootton) No. 2 2005 insofar as he was a normal member of the Oxford Preservation Trust and the Trust owned the neighbouring land (Minute DC.19 refers).

DC.13 URGENT BUSINESS AND CHAIR'S ANNOUNCEMENTS

The Chair announced that Agenda Item 12 - Report 10/05 – Tree Preservation Order (Wootton) No.2 2005 would be considered immediately prior to consideration of Agenda Item 11 – Report 5/05 - Deposited Plans.

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

DC.14 STATEMENTS AND PETITIONS FROM THE PUBLIC UNDER STANDING ORDER 32

With notice having been given, one member of the public made a statement under this Standing Order as follows: -

Mrs Gina Birch made a statement on behalf of Sunningwell Parish Council regarding report 10/05 – Tree Preservation Order (Wootton) No.2 2005, thanking the Officers and one of the local Members for attempting to resolve this matter. She expressed delight that the landscape significance of the trees on the Berkeley Road corner had been appreciated and welcomed the suggestion of gradual replacement of new trees of possibly different species. She commented that in front of the Pines on Berkeley Road there appeared to be Ashes and Sycamore trees and the variation in green contributed to the pleasing aspect from the Oxford Preservation Trust land. She referred to a letter from Mr Lane to the Council which she read out in full. Mr Lane, who lived in the neighbouring property, had expressed concern at the proposal to clear all of the Pines and associated foliage along the boundary with his property. He had commented that this could not be in the interest of anyone living in the immediate area, since the trees formed a natural boundary of privacy between the houses on the hill. He advised that he had been misled by the owner of Rainbow House when he had originally objected to the Tree Preservation Order as he had been led to believe that only a limited number of branches were to be pruned and tidied by the owner. He referred to a planning application he had previously submitted when the owners of Rainbow House had objected on the grounds of loss of privacy. He indicated that the loss of the trees on the boundary would result in privacy not being maintained. He reported that none of the trees posed a threat to his property or were listed as dangerous. He specifically referred to a mature Oak tree which he wished to see retained. However, he did support the need to trim and clear dangerous trees that were close to his property but strongly opposed the need to fell mature trees along his boundary with Rainbow House. Mrs Birch commented that the Parish Council had no objections to felling trees along the lane as they posed no privacy threat. However, along Foxcombe Road they provided a sound barrier but the darkness of that stretch of road created a hazard on bright summer days and might have contributed to accidents in the past. Finally, she suggested that the wording in the recommendation should be changed to read “no trees within falling distance of Rainbow House or neighbouring buildings be included in the Order”.

DC.15 STATEMENTS AND PETITIONS FROM THE PUBLIC UNDER STANDING ORDER 33

It was noted that 16 members of the public had each given notice that they wished to make a statement at the meeting, however, 3 members of the public declined to do so.

DC.16 APPEALS

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

RESOLVED

that the agenda report be received.

DC.17 LIST OF FORTHCOMING PUBLIC INQUIRIES AND HEARINGS

The Committee received and considered an agenda report, which advised of 5 Public Inquiries and 11 Hearings.

RESOLVED

that the agenda report be received.

DC.18 DEPOSITED PLANS

The Committee received and considered report 5/05 of the Assistant Director (Planning) detailing planning applications, the decisions of which are recorded below. Applications where members of the public had given notice that they wished to speak were considered first.

- (1) KEN/4313/2 - Demolition of existing garage. Erection of a two storey side extension and single storey rear extension. 17 Bagley Close, Kennington

Further to the report, the Committee was advised that the proposal had been amended in that the proposed rear extension next to the boundary had been reduced to 3.28 metres in length and therefore the extension would extend only one metre further than the existing extension.

Mrs M Smith made a statement objecting to the application, reiterating concerns relating to matters already covered in the report. She expressed concern regarding adverse impact on the neighbouring property, overlooking, encroachment onto her boundary, overhanging, rooflights being obtrusive, potential flooding and commented that she would not permit the neighbour to access her property for the purposes of construction.

Mr Freeman, speaking on behalf of neighbouring residents, also made a statement objecting to the application, raising concerns regarding size, the length of the extension, loss of light, visual impact, design, the proposal being out of character and out of keeping, bulk, intrusiveness and loss of amenity value.

One of the local Members referred to the increase in the extension being only one metre further than the existing extension, commenting that this was insignificant and not sufficient to justify refusal.

The other local Member supported this view and whilst having some reservations, could see no reason for refusal.

In response to a question raised concerning the comments of the neighbour regarding the proposal overhanging her property, the Officers advised that this was a matter dealt with under the Party Wall Act and was therefore not a planning consideration.

By 14 votes to nil, with 3 abstentions, it was

RESOLVED

that application KEN/4313/2 be approved, subject to the conditions set out in the report.

(2) BES/CUM/4742/4 – Two storey extension. Greystones, 6 Henwood, Cumnor

Dr Aplin made a statement objecting to the application, advising that he lived in the neighbouring property, Briony Cottage. He expressed concern at the proposal, commenting that it was identical in footprint and design to the previously refused application. He expressed concern that only the internal arrangements were different. He expressed concern that the extension was set back from the building line; would result in overlooking of neighbouring amenity areas; would have an adverse visual impact; would change the character of the area and would set a precedent. However, he suggested that if planning permission was granted, this should be subject to a condition to provide for single occupancy and a restriction to prohibit its sale as a single unit.

Mr Skyrme, the applicant, made a statement in support of the application, explaining that the previous application had been intended as a self-contained unit for his daughter. His personal circumstances had now changed and the extension was proposed to provide additional living accommodation for his home. He explained that his house currently had two bedrooms only and that the extension would not be used as a separate dwelling. He explained that there would be no overlooking of the neighbouring garden, there would be no adverse visual impact and an adequate turning circle would be retained.

In response to a question raised, the Officers explained that the previous application had been for a self-contained annexe. The current proposal would be better integrated into the existing dwelling and in view of the re-siting of the front door into the extension the Officers considered it unlikely that the applicant would seek to turn the extension into a single unit.

In response to a further question raised as to why the previous extensions had not been taken into account in the increased volume calculation, the Officers explained that the 30% of the volume of the dwelling related to a dwelling as it was in October 1995 and in this case the extensions had been undertaken prior to that date.

By 14 votes to 1, with 2 abstentions, it was

RESOLVED

that application BES/CUM/4742/4 be approved, subject to the conditions set out in the report, with a further condition to require that the proposed front door must be sited in the extension as shown on the plan.

- (3) GFA/5619/3 – Demolition of existing garages. Construction of two houses. Land Adjacent to 57 Bromsgrove, Faringdon

(Councillors Matthew Barber and Roger Cox had each declared a personal interest in this item and in accordance with Standing Order 33 they remained in the meeting during its consideration).

Further to the report, the Committee was advised that should it be minded to approve the application, an additional condition should be added (condition HY24) to address parking layout for dwellings.

Two of the local Members expressed their support for the application.

By 17 votes to nil it was

RESOLVED

that application GFA/5619/3 be approved, subject to the conditions set out in the report.

- (4) LWO/6449/4 – Change of use of the existing workshop buildings to Class B1 with non-compliance of conditions 2 and 3 on Approval LWO/6449/2 and condition 4 on Approval LWO/6449. Orchard View, Appleton Road, Longworth

Further to the report, the Committee was advised of one further letter of representation advising that no objection was raised, provided there would be no increase in traffic, no noise nuisance or air pollution and no extension to the business.

Mr S Foggett made a statement objecting to the application, raising concerns relating to matters already covered in the report. He advised that on purchasing his property he had been given the impression that the unsightly prefabricated building would be removed. He referred to existing operating problems in terms of noise, traffic and operations outside normal working hours. He commented that the permanent use of a building for business purposes would increase traffic noise, exacerbate car parking problems and was inappropriate in this location. He referred to forklift trucks being used; the site being unsightly, commenting that it was unacceptable for the unsightly building to remain in the long term. Finally, he suggested that the proposed change of use was unnecessary and would cause problems.

Mr R Longstaff, the applicant, made a statement in support of the application, commenting that the business was a craft workshop where lasers were used which were quiet. He referred to changes in regulations and the law which necessitated the current planning application. He commented that there would be no change to current practices and that no harm would result in terms of noise or pollution.

One Member referred to the comment made by the applicant that working practices would remain unchanged, noting that the application was for a B1 use. In response, the Officers explained that the applicant could carry on his existing business and not necessarily implement the new planning permission.

By 17 votes to nil it was

RESOLVED

that application LWO/6449/4 be approved, subject to the conditions set out in the report.

- (5) SAH/7257/3 – Addition of a new south east facing gable roof with two new roof lights and for the relocation of two previously approved roof lights on the south east roof slope, (Amendment to SAH/7257/2). 49 Lashford Lane, Dry Sandford

By 17 votes to nil it was

RESOLVED

that application SAH/7257/3 be approved subject to the conditions set out in the report.

- (6) ABG/10710/4 – Demolition of existing car club building. Construction of new car club building. Kimber House, Cemetery Road, Abingdon

(Councillor Peter Jones had declared a personal interest in this item and in accordance with Standing Order 33 he remained in the meeting during its consideration).

Further to the report, the Committee was advised that the proposed building would lie approximately 15 metres from the cottages to the east and approximately 18 to 21 metres from the houses to the rear and that the proposed parking layout had been slightly altered to maintain a more open view near the front of the site.

The Committee noted that the Town Council had raised objections to the amended plans, commenting that the proposal was contrary to Policies DC1, DC5 and DC9 of the second deposit Draft Local Plan. In addition, seven further letters of objection had been received, reiterating concerns previously made, but also including loss of light, visual impact, size, dominance, overlooking and impact on trees.

In response to the comments received, the Officers advised that the buildings were considered acceptable in that they were far enough way from neighbouring properties and as such there would be no loss of light or dominance. However, the Committee was advised that should it be minded to approve the application, further conditions should be required to control the location of the garage and bin store and also to provide for the receipt of amended plans.

Finally, the Committee was advised that the County Engineer had no objection subject to a condition limiting the floor space.

Mr Smith made a statement on behalf of the Town Council, objecting to the application, raising concerns relating to matters already covered in the report. He particularly referred to the proposal being contrary to Policy DC1 in terms of impact on the character of the locality; adverse impact on this Victorian area of the Town and

the street scene and the proposal having no local distinction; the proposal being contrary to Policy DC9 in terms of its unacceptable harmful impact on neighbouring properties which would face the parking area; noise and disturbance; loss of sunlight; and the proposal being contrary to Policy DC5 in terms of increased traffic. He commented that the Town Council was not opposed to modern architecture but considered that this proposal was totally the wrong location.

Mr E Carlin made a statement objecting to the application and speaking on behalf of local residents, raised concerns regarding size; style; the huge frontage; footprint; design (in terms of use of glass, aluminium and modern roof); inadequate turning; insufficient parking; noise; pollution; loss of light; the proposal being contrary to Policies DC1, DC5 and DC9 and lack of consultation. He commented that the proposal would be more suitable to a business park but commented that he wished good relationships between neighbours and the MG Car Club to continue.

Mr G Applin, the applicant's agent, made a statement in support of the application, referring to the history of the Club. He commented that the Club offered comprehensive archive information and that the Club was the only historical remaining link between the MG factory and Cemetery Road. He advised that the current Club's accommodation was two former cottages which were proving inadequate for the Club's needs. He referred to the current proposal which was for a significant quality designed building and the wish to retain the Club at its current site which had been the main entrance to the Pavlova factory and then the MG site where over 1 million cars had been produced. He referred to the wish to retain good relationships with neighbours and commented that the design had been amended so as to minimise impact. He referred to details of the design which would be attractive, including the etching of the glass frontage.

One of the local Members, whilst understanding the Club's aspirations and being aware that the Club had looked elsewhere to relocate in Abingdon, understood the views of residents. He referred to a letter from the John Phillips Planning Consultancy (JPPC) acting on behalf of the objectors, commenting on the three suggested reasons for refusal. He suggested that the parking provision was insufficient for the level of activity proposed, and this would be a ground for refusing permission.

Another local Member raised concern at the proposal. She questioned the level of visitors in view of the increased facilities, suggesting that increased car parking would be required. She commented that the proposal was out of keeping in this location and would have an adverse visual impact on the Victorian dwellings in the area.

The Officers reminded Members that the County Engineer had raised no objection to the proposal and furthermore the Consultant Architect had judged the proposal in the context of its location.

By 8 votes to 6, with 3 abstentions, it was

RESOLVED

that application ABG/10710/4 be approved, subject to the conditions set out in the report.

- (7) CUM/11898/1 – Retrospective application for a vehicle access (Land to the rear of 13 Nobles Close). 13 Nobles Close, Botley

Further to the report, the Committee was advised of one further letter of objection raising concerns regarding aesthetics, setting of a precedent and loss of amenity value.

Ms I Wilson made a statement on behalf of the applicant in support of the application. She explained the reason why the application was retrospective in that the applicant had understood that all the relevant permissions to proceed with the works were in place. In this regard she referred to an Ombudsman's case. She explained that the specification of the vehicle access was that of the County Council and that originally it had been intended that grasscrete would be used. Finally, she explained that the vehicle access was required to provide car parking to the rear of the property and that the proposal had had no adverse affect on the area.

Concern was raised regarding the possibility of similar applications on adjoining gardens and the legal right of way over the land was questioned. Some Members expressed concern regarding such applications on areas of green open space.

The Committee was advised that it needed to consider the planning merits of the application in terms of visual and highway aspects. Whether or not the applicant had obtained a licence from the Council to gain access was not for consideration by this Committee and was irrelevant in determining the planning application.

It was confirmed that a licence had not been granted by the Council as landowner to permit access across the land.

Another Member expressed concern at the proposal questioning whether it would be reasonable to make the planning permission personal to the applicant, thus restricting access to the garage of number 13 Nobles Close only. Furthermore, it was commented that the position of the Council as land owner was unclear and Members expressed concern at making a decision which might pre-empt any decision to be made by the Executive.

A further Member reiterated concerns regarding the loss of the open space, suggesting that any other applicant would be required to provide open space elsewhere. The Officers advised the Committee that it was being asked to judge the application on its planning merits only and that the loss of the open space and its impact in terms of visual and highway aspects needed to be judged. However, Members considered that they needed further information.

By 14 votes to 2, with 1 abstention, it was

RESOLVED

that consideration of application CUM/11898/1 be deferred for a further report to the Committee clarifying all matters surrounding this application.

- (8) RAD/15714/7 and RAD/15714/8-LB – Link house to rear annexe via single storey extension with new lounge and 4th Bedroom. Erection of new garage "Spinneys", 51 Lower Radley

Members considered that the proposal was unsympathetic to the setting of the listed building, was out of keeping and would have a detrimental visual impact.

It was proposed by the Chair that applications RAD/15714/7 and RAD/15714/8-LB be approved, subject to the conditions set out in the report. This was lost by 15 votes to 1, with 1 abstention.

It was proposed by Councillor Jerry Patterson, seconded by Councillor Terry Cox and by 17 votes to nil it was

RESOLVED

that applications RAD/15714/7 and RAD/15714/8-LB be refused with reasons for refusal to be formally endorsed at a future meeting of the Committee, such reasons to include the proposal being an unsympathetic extension to the listed building and inappropriate in design terms.

- (9) KEN/16245/2 – Alterations to Cranbrook Drive to provide access to authorised residential development. Cranbrook House, 154 The Avenue, Kennington

Further to the report, the Committee noted that the Parish Council had no objection.

One of the local Members raised no objection to the proposal but expressed concern that the trees had not been retained which had been a requirement as part of the reserved matters application. The other local Member also spoke in support of the application and agreed that the trees, which should have been retained should be replaced.

By 17 votes to nil it was

RESOLVED

that application KEN/16245/2 be approved subject to the conditions set out in the report and an informative to advise the applicant to replace those trees, which should have been retained as part of the reserved matters application, with mature trees.

- (10) 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 and 5 Mill Road, Marcham.

MAR/18842/1-CA – Demolition of house and outbuildings. 3 & 5 Mill Road, Marcham

Further to the report the Committee was advised of four more letters of objection reiterating concerns relating to matters already covered in the report. Furthermore, the Parish Council had raised objection to the proposal, raising concerns regarding the proposed modern property on Plot 1 and its impact on the listed building; increased vehicular movements; the narrowness of the road; parking difficulties; displaced parking and a concern that 50% of the houses should be affordable. In this regard the Parish Council referred to a case where an Inspector had dismissed an appeal as the proposal had not provided adequate affordable housing.

The Committee was advised that the policy in the emerging Local Plan concerning affordable housing should be given little weight at this time.

Councillor Dr M Evans made a statement on behalf of the Parish Council. The Parish Council had accepted that the site was a brownfield site and could be developed. However, there was a need in Marcham for affordable housing for local people and

this site would present an ideal opportunity to address that need. She specifically referred to Policy H6 and highlighted a recent case concerning affordable housing and asked that consideration of the application be deferred for a redesign to provide affordable housing units.

The local Member commented that she supported the views of the Parish Council, commenting that the weight to be given to planning policy depended on the stages of the Local Plan Inquiry. She indicated that the second stage of the Planning Inquiry was significant and that greater weight should be given to the emerging Local Plan. She commented on the case referred to by the Parish Council, suggesting that this should be taken into account. Finally, she expressed concerns regarding the design of the proposal in terms of its adverse impact on the setting of the listed building, the two storey building being dominant and visually intrusive, the proposed red brick materials being unacceptable, increased traffic and the narrowness of the road. She asked that should the Committee be minded to approve the application, full details of materials, access arrangements and approved plans be agreed in consultation with the local Member.

The Officers advised that they were unaware of the specific case being referred to by the representative of the Parish Council and so were unable to give advice to the Committee in this regard.

Some Members expressed concern that the proposal did not provide for a sufficient level of affordable housing and in this respect it was considered essential that Members were advised of the case referred to and the weight given by the Inspector to emerging Local Plan Policy. To this end it was suggested that consideration of the application be deferred for a further report on this matter.

In considering whether to defer the application, the Committee agreed that it had no objection in principle to the development subject to conditions including a condition to address materials, it being considered that red brick was not appropriate.

It was proposed by Councillor Terry Cox, seconded by Councillor Richard Gibson and by 17 votes to nil it was

RESOLVED

that consideration of applications MAR/18842 and MAR/18842/1-CA be deferred pending a further report to a future meeting of the Committee explaining the case referred to by the Parish Council and its relevance to the consideration of these applications.

- (11) ABG/18954/1 – Demolition of existing garage and single storey extension. Erection of two storey side extension and single storey rear extension (Re-submission), 24 St Peters Road, Abingdon

Further to the report, the Committee was advised of one additional letter in support of the application.

The Committee was advised that should it be minded to approve the application, it should do so subject to a further condition to provide for the removal of the ground floor kitchen window in the proposed north elevation.

Mr Borman made a statement objecting to the application, raising concerns relating to matters already covered in the report. He referred to letters he had written to the

Council and reiterated the concerns raised. He particularly raised concerns regarding car parking, the need for obscure glazing, loss of light, inadequate boundary treatment, visual impact and the levels of the land.

Mr B Fitzpatrick, the applicant, made a statement in support of the application, referring to amendments to the initial application. He commented that the roof had been lowered, a window had been removed to prevent overlooking, the design had been compromised to reduce visual impact and there would be no loss of light or impact on neighbouring properties.

Two of the local Members spoke in support of the application, although it was considered that the door and ground floor window on the north elevation should be obscure glazed.

By 17 votes to nil it was

RESOLVED

that application ABG/18954/1 be approved, subject to the conditions set out in the report, with a further condition to provide for the obscure glazing of the door and window to the ground floor north elevation and a condition to require the removal of the ground floor kitchen window on the North elevation.

(12) KBA/19054 – Extension to provide granny annexe. 12 Draycott Road, Southmoor

By 17 votes to nil it was

RESOLVED

that application KBA/19054 be agreed, subject to the conditions set out in the report.

DC.19 TREE PRESERVATION ORDER (WOOTTON) NO.2 2005

(Councillor Jerry Patterson had declared a personal interest in this item and in accordance with Standing Order 33 he remained in the meeting during its consideration).

The Committee received and considered report 10/05 of the Landscape Officer (Arboriculture) which advised of the circumstances concerning the issue of a Tree Preservation Order (TPO) on a temporary basis to protect trees at Rainbow House, Berkley Road, Boars Hill.

The report outlined the reasons for the TPO and the objections received to it. In addition to the report, the Committee had regard to the statement made by a member of the public earlier in the meeting (Minute DC.14 refers).

Further to the report, the Committee was advised that it was intended that the Order should relate to trees along the boundary and not trees between Rainbow House and the neighbouring property which were not of public amenity value in that they were not clearly visible.

One of the local Members referred to the ongoing dialogue she had had between the Council's Officers and the land owner regarding this matter. She referred to the recommendation set out in the report and agreed that this was an appropriate way to deal with this matter.

One Member referred to the difficulties in liaising with the land owner and to this end it was considered that the Oxford Mediation Service should be approached for its assistance if necessary.

By 17 votes to nil it was

RESOLVED

- (a) *that Tree Preservation Order (Wootton) No. 2 2005 be confirmed with conditions and a modified plan, it being agreed that no tree within falling distance of Rainbow House or neighbouring buildings shall be included; and*
- (b) *that should Mrs Khalvaty carry out a safety inspection of the remaining trees, any recommendations for work, as long as they are agreed by the Council's Landscape Officer (Arboriculture) shall be carried out, it being noted that the use of the Oxford Mediation Service might be necessary in this regard.*

SECTION II (Exempt Information under Section 100A(4) of the Local Government Act 1972).

None.

The meeting rose at 9.35pm

List of Forthcoming Public Inquiries and Hearings

Date	Appeal reference	Planning reference	Appellant	Location	Development	Hearing/ Public Inquiry	Witness	Area	Decision
8.3.05	APP/V3120/A/04/1151 545	EHE/521/3	Thomas	Fordybrook Ford Lane East Hendred Wantage Oxon OX12 8JU	Erection of two new houses, garages and work thereto. Alterations and extensions to existing house.	Hearing	Emma Phillips	South	Dismissed
19.4.05	APP/V3120/A/04/1157 635	LOC/12028/4	Beaumont	Andersey Farm Grove Park Drive Lockinge Wantage Oxon	Conversion of agricultural building into holiday letting accommodation units.	Hearing	Ken Dijksman	South	Dismissed
Not confirmed	APP/V3120/A/04/1168 964	WAN/13787/3	Mr Reed	25-26 Market Place Wantage Oxon OX12 8AE	Proposed development comprising of 2 x 2 bed flats, 1 x 1 bed flat and conversion of existing single storey building into a 2 bedroom dwelling (re- submission). (Access off Church Street).	Hearing	Emma Phillips	South	
Not confirmed	APP/V3120/A/05/1171 680	DRA/445/25- X	Mrs J Ray	East Paddocks Milton Road Drayton Abingdon Oxon OX14 4EZ	Erection of three detached houses with garages and parking spaces.	Hearing	Laura Hudson	South	
Not confirmed	APP/V3120/A/05/1172 984	WAN/18492/1	Mr H Gibson	5 Belmont Wantage Oxon OX12 9AS	Demolition of single storey extension. Extension and alterations to existing dwelling. Erection of new dwelling.	Hearing	Emma Phillips	South	
16.8.05	APP/V3120/A/05/1177 869	WAN/7226/1	Pegasus Retirement Homes Plc	61 Mill Street Wantage Oxon OX12 9AN	Erection of a two storey block and 2/3 storey block of 44 apartments for the retired together with residents lounge, guest suite, estate managers office, access and parking provisions (Existing workshops to be demolished)	Public Inquiry	Geraldine LeCointe	South	

Date	Appeal reference	Planning reference	Appellant	Location	Development	Hearing/ Public Inquiry	Witness	Area	Decision
16.8.05	APP/V3120/E/05/1179 797	WAN/7226/2- CA	Pegasus Retirement Homes Plc	61 Mill Street Wantage Oxon OX12 9AN	Demolition of buildings.	Public Inquiry	Geraldine LeCointe	South	
28.6.05	APP/V3120/C/04/1161 877 / 78 APP/V3120/A/05/1171 115	NHI/6287/13- E	Caisbrook	Land to the rear of The Fold Harcourt Hill North Hinksey	Enforcement/ Planning Appeals against unauthorised building and hardstanding and unauthorised use of land	Public Inquiry	M Deans	North	
Not confirmed	APP/V3120/A/04/1166 048	ABG/7375/7	Abingdon Bowls Club	Park Road Abingdon	Construction of new all weather bowling green with associated fencing, hedging and external work. Remove existing leylandii and fir hedging. (Re-submission).	Hearing	Mark Chattoe	North	
Not confirmed	APP/V3120/A/04/1162 005	ABG/7375/6	Abingdon Bowling Club	Park Road Abingdon Oxon	Extend bowling green to provide All Weather green.	Hearing	Mark Chattoe	North	
Not confirmed	APP/V3120/A/04/1166 096	GFA/4905/4-X	Cover Construction	The Willow House 18 Coxwell Road Faringdon Oxon SN7 7EZ	Outline application for residential development for 9 dwellings (Demolition of existing house & outbuildings). Revised access and service road. Erection of acoustic fence and alterations to No.20 Coxwell Road. (Site area approximately 0.48 hectares).	Public Inquiry	Martin Deans	North	

Date	Appeal reference	Planning reference	Appellant	Location	Development	Hearing/ Public Inquiry	Witness	Area	Decision
Not confirmed	APP/V3120/A/05/1174 751	ABG/1781/3	Mr Miah	116 Oxford Road Abingdon Oxon OX14 2AG	Demolition of detached dwelling. Erection of 2 storey building of 4 x 2 bed flats and 3 x 1 bedroom flats. Parking for 11 cars, landscaping and ancillary works.	Hearing	Martin Deans	North	
Not confirmed	APP/V3120/A/05/1178 169	ABG/17140/1	Builders Ede Ltd	Land Adjacent To The Police Station Colwell Drive Abingdon Oxon OX14 1AU	Erection of 18 x 1 bed apartments, 21 x 2 bed apartments and 23 houses.	Hearing	Martin Deans	North	
Not confirmed	APP/V3120/A/05/1178 302	ABG/9504/2	Mr J R & Mrs N C Dagnell	186 Wootton Road Abingdon Oxon OX14 1JZ	Erection of two storey side extension and sub-division of proposed extended property to form 2 x 2 bedroom flats and 2 x 1 bedroom flats. Provision of 4 car parking spaces, cycle and bin stores.	Hearing	Martin Deans	North	
Not confirmed	APP/V3120/A/05/1178 957	KEN/17076/1- X	Infill Land Consultants	Land To Rear Of 179 - 189 Poplar Grove Kennington Oxford Oxon OX1 5QS	Erection of 12 dwellings & creation of a new access following demolition of 185 Poplar Grove.	Hearing	Martin Deans	North	

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Report No. 34/05
4 July 2005

SAH/741/5 - Mr M Winters

**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.**

1.0 The Proposal

- 1.1 The application site is located in the Green Belt to the south of Manor Farm, Church Lane, Dry Sandford. The site location plan is in **Appendix 1**. The redundant farm building which is sited on the northern side of the application site mainly comprises of a stone plinth with timber stud support walls clad with timber boarding on the outside, with a clay tiled roof. It has the appearance of a traditional agricultural building which has fallen into disrepair. The proposal is to carry out the necessary refurbishment and upgrading so that the building can be used for Class B1 use, i.e. offices, research and development or light industry. The applicant's structural report is in **Appendix 2**.
- 1.2 The former cart shed is located on the western boundary of the application site and comprises of a part open sided structure. It is supported on its western side by a solid stone wall up to eaves height and on the eastern side with upright oak posts mounted on stone plinths. The timber roof structure is covered with clay tiles. It appears to be in a relatively good state of repair. The proposal is to convert this to garaging. Vehicular access would be obtained via the existing access to the site off Church Lane.
- 1.3 This application comes before Committee because more than 1 objection has been received from local residents.

2.0 Planning History

- 2.1 In November 1974 outline planning permission was refused for the erection of two detached dwellings and for the conversion of the open fronted barn into 4 private garages (2 per dwelling). In November 1978 outline planning permission was refused for the erection of a dwelling house and garage, which included the existing outbuildings being demolished. In June 2000 a full planning application was refused for the erection of a new dwelling incorporating conversion of the small barn and extension of the cart shed for garaging. In April 2003 planning permission was granted for the installation of a pair of gates and a new access.
- 2.2 A planning application similar that now proposed was withdrawn in February 2005 as the application did not include a structural report relating to the proposed conversion of the redundant farm building.

3.0 Planning Policies

- 3.1 Policies C11 and G8 of the adopted Vale of White Horse Local Plan support the re-use of traditional buildings in the Green Belt, provided the conversion can proceed without major reconstruction, and provided the impact of the re-use causes no harm to the Green Belt.

Policies D2 and D3 require all new development to have an acceptable impact on neighbours and to have satisfactory access and parking arrangements.

- 3.2 Policies GS3, GS8, DC5 and DC9 of the Second Deposit Draft Local Plan are similar to the above.

4.0 Consultations

- 4.1 St Helen Without Parish Council has no objections.

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4.2 Local residents – 3 letters have been submitted which include the following objections:-

- i) The proposed B1 use would have a harmful impact on the area and is inappropriate development for the village.
- ii) Will set a precedent for future residential development or change of use.
- iii) The proposed B1 use conflicts with Green Belt policy in terms of re-use of buildings
- iv) No mention is made by the applicant of the previous planning history on the site

4.3 The County Engineer has no objections.

5.0 **Officer Comments**

5.1 There are four main issues:-

1. the impact on the Green Belt
2. the visual impact on the character and appearance of the area
3. the amenity of neighbours and the future occupiers of the proposal
4. highway safety

5.2 Green Belt policy supports the re-use of existing buildings, provided the implications of the re-use do not harm the openness of the Green Belt or conflict with the purposes of including land within the Green Belt. In this case, the outbuildings already exist and there would be a minimal requirement for parking of vehicles on site. Consequently, Officers consider that the conversion of the redundant farm building to B1 business use and the former cart shed to garaging will not have a harmful impact on either the openness of the Green Belt or on the character and appearance of this part of the Green Belt.

5.3 Officers consider that due to its relative positioning away from neighbouring properties and the conversion of the redundant farm building to B1 use, the proposal will not have any harmful impact on neighbours in terms of noise, dust or any other forms of disturbance.

5.4 The existing access off Church Lane would be used to serve the converted farm building and garaging. Officers do not consider that any harm to neighbours' amenity will occur from vehicular traffic serving the proposal.

5.5 Regarding highway safety, the use of the existing access is supported by the County Engineer.

6.0 **Recommendation**

6.1 *That planning permission be granted subject to:*

1. *TL1 - Time Limit.*
2. *MC2 - Materials Samples*
3. *Prior to the commencement of the development hereby approved a detailed schedule of the proposed works shall be submitted to and agreed in writing by the District Planning Authority. The schedule shall include how much repair, replacement and renewal of the structure is to be carried out. The works shall be carried out in accordance with the approved schedule.*

GFA/4905/6-X – Cover Construction Co Ltd

Demolition of existing house and construction of 9 houses with revised access

The Willow House, 18 Coxwell Road, Faringdon

1.0 **The Proposal**

- 1.1 Members may recall a previous outline application on this site for 9 houses (ref GFA/4905/4-X) which was presented to the Meeting on 31 August 2005. Members resolved to refuse the application, and the refusal was agreed on 27 September 2005. Details of that application are in **Appendix 1**. The applicant has lodged an appeal against the refusal, which is due to be heard by public inquiry on 18 October 2005.
- 1.2 This new application is in outline for the same number of houses using the same access but has been supplemented by additional information aimed at addressing the concerns expressed about the previous application. The differences between the previous proposal and the new one are:-
1. An acoustic fence, 1.8 m in height, is proposed alongside both neighbouring houses, Nos. 6 and 20 Coxwell Road.
 2. An “acoustic gate” is proposed in the fence alongside No 16 to allow the occupants to exercise their right of access from the driveway – details of this gate are in **Appendix 2**.
- 1.3 In addition, a noise report has been produced by an acoustic consultant. This uses continuous measurements taken between a Friday evening and Tuesday morning in February 2005 from a recording meter attached to the rear of No 20 Coxwell Road to establish the background noise level in the rear garden area. The report then applies predicted noise levels from national standards for cars using the proposed access, modified to take account of the presence of the proposed acoustic fence, to give predicted noise levels in the rear garden and inside each neighbouring house. A copy of this report is in **Appendix 3**.
- 1.4 This application comes to Committee due to objections being received from the Town Council and local residents.

2.0 **Planning History**

- 2.1 In addition to the previous application mentioned above, an application for the redevelopment of No 18 using an access from Elm Road was presented to Committee on 9 May 2005 (ref GFA/4905/5-X). Members resolved to delegate authority to grant planning permission to the Chief Executive in consultation with the Chair subject to the completion of a Section 106 Obligation for financial contributions. This application still awaits determination.

3.0 **Planning Policies**

- 3.1 Policies D1, D2 and D3 of the adopted Vale of White Horse Local Plan require all new development to be acceptable in terms of issues such as plot coverage, layout, relationship to nearby properties, overlooking, noise, and access. Policies DC1, DC5 and DC9 from the Second Deposit Draft Local Plan 2011 are similar.

4.0 **Consultations**

- 4.1 Faringdon Town Council – “Object for the following reasons:-
- The proposed access is too narrow – concern was also expressed regarding accessibility by emergency vehicles
 - Over-development of the site with an excessive number of houses which are out of character with the surrounding area

- The environmental impact of the site on its neighbours
- It is a backland development.”

4.2 Local Residents – 7 local households have written objecting to the application, and 2 have written to support the application. The grounds of objection are:-

- i) noise and disturbance from traffic using the access
- ii) increased traffic onto Coxwell Road
- iii) the proposed driveway is inadequate
- iv) the drawings appear inaccurate
- v) over-development of the site / out of keeping with the locality
- vi) the acoustic fence will block a right of way to No 16 Coxwell Road
- vii) the acoustic gate will allow noise to penetrate the garden
- viii) additional strain on local services
- ix) loss of security

4.3 County Engineer – no objection subject to conditions.

4.4 Assistant Director (Environmental Health) – no objection subject to conditions.

5.0 **Officer Comments**

5.1 When the previous application (GFA/4905/4-X) was considered at Committee, Members had no objection to the impact of the proposal on the character and appearance of the area or to the safety of the access. As the number of proposed dwellings and the proposed access are identical in this new application, Officers will consider only the issue of impact on traffic using the driveway on the amenities of Nos 16 and 20 Coxwell Road.

5.2 The applicants argue the acoustic fence will provide important protection to both adjacent properties. The occupiers of No 16 state they have a right of way from the drive to their property. This issue in itself is not material to the consideration of the planning application, and the applicants propose to provide an access via a proprietary “acoustic gate”. It is understood that this gate, if installed correctly, will provide a tight acoustic seal. Officers have no reason to assume it will not be installed correctly.

5.3 The applicant’s acoustic report shows that the average ambient noise level in the rear garden area of Nos 16 and 20 is approximately 50 dB during daylight hours, even on Sunday, due to vehicles passing on Coxwell Road. At night, the average drops to approximately 35 dB, although individual noise spikes of 55 dB or more do occur several times at night, again caused by passing vehicles.

5.4 Calculations have been made for cars from the proposed houses using the driveway with the acoustic fencing in place and travelling at 15 mph. It is argued that 15 mph is a reasonable speed to take given the low-speed design of the driveway. These calculations show average noise figures in the busiest hours of 25 dB in the rear gardens of Nos 16 and 20. This is well below the average ambient noise level. Noise levels inside the houses will be reduced – national standards state that even a part open window acts to reduce average noise levels inside by 15 dB. It is estimated an individual car using the driveway at night travelling at 15 mph would create a noise spike of 59 dB at the nearest first floor rear window in No 16, which is similar to the measured overnight noise spikes from the faster traffic on Coxwell Road.

5.5 Unlike No 16, No 20 has side facing first floor windows facing the driveway, which cannot be protected by the acoustic fence. The noise levels at these windows will be greater. The applicant owns No 20 and proposes to acoustically treat these windows. This can be controlled by condition (Condition 9 below).

5.6 The Assistant Director (Environmental Health) has examined the acoustic report and considers it reasonable and well-argued, and has no objection with its conclusions. In the face of this new evidence, Officers consider that an objection to the proposal on the grounds of noise from vehicles using the drive cannot be sustained. Although the refusal reason for the previous application included smell and other forms of disturbance in addition to noise, Officers consider that noise is the primary concern. Without an objection on noise grounds, Officers would not recommend refusal of the application.

6.0 **Recommendation**

6.1 *Permission subject to the following conditions:-*

1. TL2 Time Limit - Outline Application
2. OL2 Standard Outline Condition (Excluding Access)
3. *This planning permission is for no more than 9 dwellings*
4. HY3 Access in accordance with Specified Plan
5. HY4 Access to Specification (3m) (Commencement of Development)
6. HY18 New Estate Roads
7. *Prior to the commencement of development, details of the means of lighting on the driveway shall be submitted to, and approved in writing by, the District Planning Authority. The lighting shall be installed, and thereafter maintained, in accordance with the approved details.*
8. *Prior to the commencement of development, the acoustic fencing and acoustic gate shall be installed in accordance with details which shall have been first submitted to, and approved in writing by, the District Planning Authority. The fencing and gate shall be maintained in good repair at all times thereafter*
9. *Prior to the first occupation of the development, the existing first floor side facing windows in No 20 Coxwell Road shall be acoustically treated in accordance with a scheme that shall have been first submitted to, and approved in writing by, the District Planning Authority*

NHI/7093/1 – S & H Homes

**Demolition of existing dwelling. Erection of five flats with associated car parking.
62 Yarnells Hill, North Hinksey.**

1.0 The Proposal

- 1.1 This application seeks planning permission for the demolition of the existing dwelling and the erection of a three storey building comprising 5 x 2 bed flats with associated parking.
- 1.2 The property is currently a large detached dwelling located on the western side of Yarnells Hill and is bounded by similar dwellings to the north and south. To the rear lie the rear gardens of residential properties in Laburnum Road.
- 1.3 The proposed building, contemporary in design, would be set slightly forward of the front elevation of the existing dwelling but will remain behind the nominal building line of adjoining properties. It has been designed to look like a large dwelling, in a similar architectural style to no 64 which lies immediately to the south. A copy of the plans showing the location of the proposal, its design and the applicant's supporting statement are attached at **Appendix 1**.
- 1.4 The application has been amended to take account of the views made by the Consultant Architect, which are outlined below and now provides 8 parking spaces as requested by the County Engineer.
- 1.5 The application comes to Committee because several letters of objection have been received and the views of North Hinksey Parish Council differ from the recommendation.

2.0 Planning History

- 2.1 Planning permission was granted in 1983 for a ground floor and first floor extension to the existing building.

3.0 Planning Policies

- 3.1 Policy H4 of the adopted Vale of White Horse Local Plan provides for residential development within North Hinksey.
- 3.2 Policy H11 confirms that the sub-division of properties into flats will be permitted provided the proposed units would be self contained, would have adequate amenity / living space and car parking provision, and would not undermine the established character of the area or the amenities of neighbouring properties.
- 3.3 Policies D1, D2 and D3 seek to ensure that all new development is of a high standard of design, does not cause harm to the amenity of neighbours and is acceptable in terms of highway safety.
- 3.4 Similar policies to those above have been included in the Second Deposit Draft Local Plan 2011. The corresponding policies are H9, H13, DC1, DC5 and DC9.

4.0 Consultations

- 4.1 North Hinksey Parish Council has objected to the application stating:

"Councillors were concerned that the footprint of the proposed flats would almost double the size of the existing house. The proposal was for a total of 14 bedrooms and only 7 onsite parking spaces, which would invariably mean that resident's cars will be parked on Yarnells Hill, a road that is considered to be unsuitable for street parking. The V.W.H.D.C. had been informed of the possibility of restricted covenants on the property. Councillors also felt that the

design of a three storey flat roofed block of flats would be out of keeping with the predominantly large detached dwellings of mainly two storeys with pitched roofs. The same cannot be said of the existing flat roofed building at 64 Yarnells Hill as this cannot be taken as a precedence as the proposed block of flats is much larger, higher and of a very different design. There is a large Maple tree on site, which the V.W.H.D.C. should consider protecting by the issuing of a Tree Preservation Order (T.P.O.).”

“Councillors UNANIMOUSLY AGREED to OPPOSE the application on the grounds that the proposed development would be out of character with the other properties in Yarnells Hill (excluding no. 64) and there was insufficient on-site parking provided. It was believed that the proposed development contravened: - V.W.H.D.C. Adopted Local Plan 1999 – Policies D1, D2, H4, H11 V.W.H.D.C. Second Deposit Draft Local Plan 2011 Policy DC1. Ask that the V.W.H.D.C. to consider issuing a Tree Preservation Order (T.P.O.) on the large Maple tree onsite.”

- 4.2 County Engineer – no objections (subject to conditions).
- 4.3 Drainage Engineer – No objections.
- 4.4 Arboricultural Officer – “Having visited the site, the Norway Maple at the front is not worthy of a TPO. As this is the only significant tree to be affected, I have no objection to this development.”
- 4.5 Environmental Health – No objections.
- 4.6 Consultant Architect – comments attached at **Appendix 2**.
- 4.7 30 letters of objection have been received, which are summarised as follows:
- The development will create a precedent, making it impossible in future to resist similar unsuitable developments.
 - Five flats with a total of 10 bedrooms is an over intensive use for the size of the site. The proportion of plot covered would be much greater than is the pattern for the area.
 - Flats are inconsistent with the character of the area. The proposal undermines the established family home character of the area and is inappropriate here.
 - The ‘box shape / warehouse’ style has no consideration for the privacy of neighbouring residents and would be overbearing on its neighbours.
 - The design is ‘ugly, utilitarian and unsympathetic’ to the conventional style of other houses in the area.
 - The size and height of the building are considered excessive and out of scale with nearby properties and is detrimental to the street scene.
 - The proposal will lead to a loss of view from neighbouring properties (this is not a material planning consideration).
 - The flats are likely to bring a young transient population with all the attendant problems that the letting situation brings (this is not a material planning consideration).
 - Parking provision is insufficient and will lead to on street parking. There is no provision for visitor parking. The flats will also result in an increase in traffic on Yarnells Hill near to a dangerous bend.
 - The flats will cause noise / disturbance problems to neighbouring dwellings.
 - There are restrictive covenants on the property that prevent flat developments (this is not a material planning consideration).

5.0 **Officer Comments**

- 5.1 The main issues in this case are considered to be 1) the principle of the development in this location, 2) the impact of the proposal on the character and appearance of the area, including

its design, 3) the impact of the proposal on neighbouring properties, 4) the safety of the access and parking arrangements, and 5) precedent.

- 5.2 On the first issue, the principle of replacing a dwelling with flats, Members may recall a recent proposal at 10 Cumnor Hill, which was similar to the current proposal, being to replace a house with a building containing flats. That scheme has been built and is considered to fit in well with the character of the area. Latest Government advice in PPG3, 'Housing', encourages the use of innovative approaches to achieve higher densities within existing settlements. The principle of a development of flats is therefore considered acceptable. The proposed residential units are considered to be an appropriate form of development in this area and would provide small units to meet the needs of an increasing number of one and two person households.
- 5.3 Regarding the second issue, the contemporary form proposed is not considered to be out of keeping with the locality and is certainly not an overdevelopment of the site. Its siting is set back within the site, and its bulk and massing are similar to and no larger than neighbouring properties.
- 5.4 The design takes reference from the Art Deco design of no 64, and has the appearance of a spacious house. Whilst objectors have stated that they find it ugly and utilitarian in appearance, Officers consider the design to be acceptable. Furthermore, the Consultant Architect has commented that it is a carefully considered form of design that has a distinct quality that should certainly be supported.
- 5.5 Turning to the third issue, the impact on neighbouring properties, it is considered that no harm is caused to the immediate neighbours. The proposed building is not on the common boundaries and is no longer in depth than the existing dwellings on either side. The upper storey elements have been designed so as to meet with the Council's amenity standards. Any adverse impact on loss of light or loss of privacy is not considered to be sufficiently harmful to warrant refusal.
- 5.6 On the issue of the parking and access, the proposed arrangements are considered acceptable. The parking provision shown of 8 spaces is considered to be sufficient in this location. Furthermore, the County Engineer has no objection to the proposal.
- 5.7 With regard to precedent, whilst this can be material where other sites possible suitable for similar development can be identified in the locality, Committee will be aware that each proposal must be considered on its own merits. In this case, there are other potential sites in the vicinity that could be the subject of a similar proposal. However, given the thrust of Government Guidance on new housing, particularly in terms of making more efficient use of land within settlements, Officers consider that the issue of precedent is not such as to warrant refusal of this individual proposal.
- 5.8 Of the other objections made, Members will be aware that any covenants on the property are not material to the consideration of the planning merits of the application.

6.0 **Recommendation**

6.1 *That planning permission be granted subject to the following conditions:*

1. *TL1 – Time Limit*
2. *MC2 – Sample materials*
3. *RE7 – Submission of boundary details*
4. *HY3 – Access in accordance with specified plan*

5. *HY25 – Car parking layout (Building)*
6. *HY29 – Surface water*
7. *LS4 – Landscaping scheme (incorporating existing trees) to be submitted*

Report No. 34/05
4 July 2005

KEN/8988/4 – Mr Thompson

Demolition of existing garage/workshop building and erection of a detached single bed house.

6 Kennington Road, Kennington.

1.0 **The Proposal**

- 1.1 Planning permission was granted in December 2002 for the extension and conversion of a single-storey garage / workshop building at the end of the garden of 6 Kennington Road to form a one bedroom dwelling. The garage / workshop building has since been demolished.
- 1.2 This application, therefore, seeks planning permission to erect the approved conversion scheme as a new build for the erection of a one bedroom dwelling.
- 1.3 The site is currently vacant, and was formerly part of the rear garden of no 6 Kennington Road. It comprises of a piece of land that adjoins neighbouring residential gardens which is accessed directly off Upper Road. 2 on site parking spaces accessed off Kennington Road already exist for no 6. The proposed new dwelling has an integral garage and 1 parking space to the front.
- 1.4 A copy of the plans showing the location of the property and the design of the proposed dwelling, together with the applicants supporting statement, are at **Appendix 1**.
- 1.5 The application has been referred to Committee because the observations of Kennington Parish Council differ from the recommendation.

2.0 **Planning History**

- 2.1 In December 2002 planning permission was granted for the conversion of the garage / workshop building as detailed above.

3.0 **Planning Policies**

- 3.1 Policy H5 of the adopted Vale of White Horse Local Plan enables small scale new housing development within the larger villages such as Kennington.
- 3.2 Policies D1, D2, D3 seek to ensure that all new development is of a high standard of design, does not cause harm to the amenity of neighbours, and is acceptable in terms of highway safety.
- 3.3 Similar policies to those above have been included in the Second Deposit Draft Local Plan 2011. The corresponding policies are H10, DC1, DC5 and DC9.

4.0 **Consultations**

- 4.1 Kennington Parish Council objects to the application stating;

“Despite the previous approval of a conversion by the District Council, the Parish Council continues to object to this proposal for the demolition of the garage and a replacement dwelling for the following reasons:

The demolition of this garage / workshop and its replacement with a single bedroom house would set a precedent for similar developments in the village. There are a number of detached garages on sites within the village which could be replaced by similar dwellings.

The small garage/workshop is built up to the boundary on both sides and is very close to the proposed replacement garage of no 4 Kennington Road. It would form a very cramped and un-neighbourly development. It would result in a poor quality residential environment.

The design creates a building with large windows over-looking the garden of no 6 Kennington Road. The increase in the ridge to accommodate the high level roof lights for the sleeping loft produces an ugly roof line."

4.2 County Engineer – No objections subject to conditions.

4.3 Drainage Engineer – No objections.

4.4 No neighbour objections have been received.

5.0 **Officer Comments**

5.1 The main issues in this case are considered to be 1) the impact of the proposed development on the character and appearance of the surrounding area, and 2) the impact of the proposed development on the amenities of neighbouring properties.

5.2 On the first issue, the principle of building a dwelling on this site has been established by the previous planning permission. Whilst the Parish Council is concerned with precedent and that the new dwelling would be a cramped form of development, the previous permission to convert the garage building has effectively overruled this concern by granting consent on the siting shown.

5.3 Your Officers consider that the contemporary design, height and materials proposed are in keeping with the locality, and a refusal on these grounds could not be supported, especially given the previous permission for an identical building.

5.4 Turning to the second issue, the potential harm to neighbours, your Officers consider the dwelling would not have a harmful impact on neighbours.

6.0 **Recommendation**

6.1 *That planning permission is granted subject to the following conditions:*

1. *TL1 Time Limit*
2. *MC2 Materials*
3. *RE3 Restriction on extensions and alterations to dwelling*
4. *RE14 Garage accommodation*

Report 34/05
4 July 2005

APT/10011/22 – Mr & Mrs S Jeffreys
Retrospective application for 1.9m high deer fence
Appleton Manor, Easton Road, Appleton

1.0 **The Proposal**

- 1.1 This application seeks retrospective planning permission for the erection of a 1.9m high wire mesh deer fence, erected along the boundary of Appleton Manor, running from the main access on Eaton Road to the west through to the boundary with properties in Park Lane to the south.
- 1.2 The Manor is located in the heart of the village, and lies within the Appleton Conservation Area.
- 1.3 Normally fences no higher than 2m can be erected under permitted development rights provided they are not adjacent to a highway, or in the grounds of a listed building etc. Planning permission is required in this case because of the Grade II* listed status of the property.
- 1.4 A copy of the plans showing the location of the fence and its length are attached at **Appendix 1.**
- 1.5 The application comes to Committee because several letters of objection have been received and the views of Appleton with Eaton Parish Council differ from the recommendation.

2.0 **Planning History**

- 2.1 Planning permission was granted in February 2005 for the erection of new stone pillars and gates at the vehicular entrance onto Eaton Road.

3.0 **Planning Policies**

- 3.1 Policy HE1 of the adopted Vale of White Horse Local Plan provides for development within Conservation Areas, and confirms that the Council will use its powers to preserve or enhance the special character and appearance of such areas. It goes on to state that the Council will pay particular attention to the siting, scale, design and boundary treatments of new development, aiming to ensure they are appropriate to the area and sympathetic to adjoining buildings.
- 3.2 Policy HE7 seeks to retain existing walls, open spaces (including garden areas) and other features which make a positive contribution to a Conservation Area. Policy HE15 confirms that development which does not preserve the setting of a listed building will not be permitted.
- 3.3 Policies D1, D2 and D4 seek to ensure that all new development is of a high standard of design / landscaping and does not cause harm to the amenity of neighbours.
- 3.4 Similar policies to those above have been included in the Second Deposit Draft Local Plan 2011. The corresponding policies are HE1, HE5, DC1, DC6 and DC9.

4.0 **Consultations**

- 4.1 Appleton with Eaton Parish Council has objected to the proposal stating:

“The fence as installed is of an unsuitably urban design and unnecessarily obtrusive in the Conservation Area and at the heart of the village. The adjoining properties are not shown on the submitted drawings. The appearance of the fence to these properties is too obtrusive. The Council believes that the fence is higher than BTCV recommendation for deer fencing.”

4.2 County Engineer – No objections.

4.3 English Heritage – “After considering the application, we do not wish to make any representations on this occasion. We recommend that this case be determined in accordance with Government guidance, development plan policies and with the benefit of Conservation advice locally.”

4.4 Two letters of objection have been received stating:

- The fence was erected without prior notice.
- It is unsightly, being bare steel / chicken mesh with steel posts and greatly detracts from the character of the conservation area and the village.
- The fence should be a colour which would blend into the surroundings.
- If the Council is minded to approve, it is requested that the steel posts are replaced with timber ones and the mesh to be of a green colour, and the fence is repositioned to the Manor side of the laurel bushes along the boundary with Thistledown.
- The erection of the fence has led to the felling of a laurel tree and the lopping of others.

5.0 **Officer Comments**

5.1 The main issues in this case are considered to be: 1) The impact of the proposal on the character and appearance of the area, including its impact on the conservation area and the setting of the listed building and 2) The impact of the proposal on neighbouring properties.

5.2 On the first issue, the fencing as erected is not considered to be out of keeping with the locality or harmful to the conservation area. It is constructed out of a light mesh which does not obstruct views or create a solid or visually enclosed structure. The fence posts are slim and unobtrusive and are difficult to see from the public realm where existing vegetation exists. They certainly do not stand out and any visual impact is not sufficiently harmful to warrant refusal. Officers also consider the fence is not harmful to the setting of the listed building.

5.3 Objectors have requested that, if approved, the fence is replaced with a coloured material mesh. Your Officers are concerned however, that this may have a more noticeable appearance than the light mesh fence which has been erected.

5.4 Regarding the second issue, the impact on neighbouring properties, it is considered that no harm is caused to those properties directly adjoining the boundary with Appleton Manor where the fence has been erected. Whilst the occupiers of these properties can clearly see the fence, it does not cause demonstrable harm to their amenity in terms of loss of light or privacy or dominance.

6.0 **Recommendation**

6.1 *That planning permission be granted with no conditions.*

Report No. 34/05

4 July 2005

CUM/11898/1 – M Glen

Retrospective application for a vehicle access (Land to the rear of 13 Nobles Close) 13, Nobles Close, Botley (Cumnor Parish)

1.0 The Proposal

- 1.1 This is a retrospective planning application for the creation of a vehicular access across an area of incidental open space located to the rear of No 13, Nobles Close. A location plan is at **Appendix 1**.
- 1.2 The proposal, recommended for approval, was considered at Committee on 9th June 2005 when Members deferred their decision due to uncertainties about the Council's responsibilities as both local planning authority and landowner. A confidential report prepared by David Quayle, the Monitoring Officer and Solicitor, on the issue of the Council's dual responsibility is included on this agenda. A letter from the applicant has been received since the last Meeting and is attached as **Appendix 2**,
- 1.3 The application comes to Committee as the land is in the Council's ownership.

2.0 Planning History

- 2.1 Planning permission was refused in September 1990 for the erection of a new garage and new access onto Orchard Way. Permission was refused for the following reason: "The proposal would be detrimental to the amenity of this part of Orchard Road, as such it is contrary to Policy H9 of the Oxford Fringe and Green Belt Local Plan (October 1988). If approved, it would also set a precedent for further similar undesirable proposals". Extracts of the planning application are at **Appendix 3**.

3.0 Planning Policies

- 3.1 Policies D1 and D2 of adopted Vale of White Horse Local Plan and DC1 and DC9 of the Second Deposit Draft Local Plan refer to the design of new development and impact on neighbouring properties.
- 3.2 Policy D3 of adopted Vale of White Horse Local Plan and DC5 of the Second Deposit Draft Local Plan refer to the provision of safe and convenient accesses both within sites and to and from the adjoining highway.

4.0 Consultations

- 4.1 Cumnor Parish Council have no objections and have made the following comments: "In view of the fact that the area is already used for parking cars, the Council has no objections providing that the ownership of the verge and maintenance can be established"
- 4.2 The County Engineer raises no objections, subject to conditions.
- 4.3 One letter of objection has been received from neighbours raising the following concern:
- i) Visual impact of the new detached garage that has been erected adjacent to the rear boundary of the proposal site.

5.0 Officer Comments

- 5.1 The new access with dropped kerb and driveway has been constructed to the rear boundary fence of No13, Nobles Close.

- 5.2 The driveway has been constructed with black tarmacadam and concrete edging and is approximately 2.2 metres wide and 16 metres in length; it crosses over an area of incidental open space planted with trees which is located between Nos. 2 and 3 Orchard Road.
- 5.3 Wooden boundary gates have been constructed to the rear of No13, Nobles Close in order to gain access into the rear garden and subsequently into the new detached garage which has been erected adjacent to the rear boundary fence. Due to its dimensions and its distance away from the public highway this new garage constitutes permitted development and therefore does not require planning permission.
- 5.4 Officers consider that the proposed new access and driveway will have a minimal impact on the open character and appearance of the area. The existing trees on the area of open space restrict the usability of the space and help to minimise the visual impact of the new driveway. These trees have matured since the previous refusal in 1990 and, as they provide an effective softening of the appearance of the new access, this is considered to be a material change in circumstances to justify granting planning permission.
- 5.5 The County Engineer raises no objections provided that cars are not parked on the new access.

6.0 **Recommendation**

6.1 *That planning permission is granted subject to the following conditions:*

1. *The driveway /access shall be permanently kept free of any parked cars*
2. *HY29 – Surface Water*

Report No. 34/05

4 July 2005

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.**

1.0 **The Proposal**

- 1.1 These applications seek planning permission and listed building consent for extensions to link an existing converted outbuilding to the main house, and for a double garage to be located in the side garden. No. 51, Lower Radley, is a Grade II listed building and it also lies within the Oxford Green Belt.
- 1.2 The proposal, recommended for approval, was considered at Committee on 24th May 2004 when Members resolved to refuse the planning permission and listed building consent, with the reasons to be agreed at a subsequent Meeting. The following reasons are suggested:

RAD/15714/7

In the opinion of the District Planning Authority the proposed extension by reason of its design, siting, height and mass would detract from the special interest and character of Spinneys, 51, Lower Radley which is a listed building. As such, the proposal is contrary to the adopted Vale of White Horse Local Plan, in particular Policies D1 and HE11 and the Second Deposit Draft Local Plan to 2011, in particular Policies DC1, HE5 and HE6.

RAD/15714/8-LB

In the opinion of the District Planning Authority, the proposed extension by reason of its design, siting, height and mass would detract from the special interest and character of Spinneys, 51, Lower Radley which is a listed building. As such, the proposal is contrary to the advice in PPG15.

Report No. 34/05

4 July 2005

SUN/17133/1 – Drs N & Mrs P Elwig

Proposed rear extension, new porch and internal alterations

Dairy Cottage, 3, Church Farm, Sunningwell.

1.0 **The Proposal**

- 1.1 This application seeks planning permission for the erection of single storey rear extensions and the replacement of the existing front porch and internal alterations to provide a new kitchen area, utility room, bathroom and an extended master bedroom. Dairy Cottage, Sunningwell is a previously converted farm building and lies within the Oxford Green Belt.
- 1.2 Following negotiations, the ridge height and the width of the proposed single storey rear extension have been reduced in order to reduce the impact on the neighbouring property at Old Dairy Cottage, Church Farm and to reduce the impact of the proposal on the character of the existing group of converted farm buildings.
- 1.3 A location plan, together with proposed floor plans and elevations are at **Appendix 1.**
- 1.4 This application comes before Committee as the Parish Council has objected to the proposal.

2.0 **Planning History**

- 2.1 In 1994 planning permission was granted for the conversion of the existing farm buildings to six dwellings.
- 2.2 In October 2001 planning permission was granted for the erection of a front porch.

3.0 **Planning Policies**

- 3.1 Policy H18 of the adopted Vale of White Horse Local Plan 1999 and Policy H24 of the Second Deposit Draft Local Plan to 2011 deal with extensions to properties and their impact on neighbours. Policy G5 of the adopted Local Plan and GS3 of the Second Deposit Draft Local Plan refer to extensions to properties in the Green Belt.

4.0 **Consultations**

- 4.1 Sunningwell Parish Council object for the following reasons:
- “We are uncertain about the volume rules in this case
We are concerned about the affect on the neighbouring property
The proposed work is not in keeping with the original development”
- 4.2 Local residents – 1 letter of support and 1 letter of objection have been received to the amended plans, containing the following grounds of objection:-
- i) overshadowing/loss of light to bedroom windows/overbearing
 - ii) loss of view/negative effect on the value of property
 - iii) impact on foundations/boundaries/damage to fabric of building/flooding
- 4.3 County Engineer – no objection.
- 4.4 Consultant Architect – supports the revised proposal (his comments are at **Appendix 2.**

5.0 **Officer Comments**

- 5.1 The main issues to consider in determining this application are: 1) the impact on the Green Belt; 2) whether the proposal would have a detrimental impact on the character and appearance of the area; and 3) the impact on the amenity of neighbouring properties.
- 5.2 The volume of the proposed extension does comply with Policy GS3 of the Second Deposit Draft Local Plan, which limits extensions to dwellings of this size in the Green Belt to a 40% increase in the volume of the original dwelling.
- 5.3 The proposed single storey master bedroom extension which includes a new bathroom and utility room will be located directly adjacent to the southern boundary. It will extend 1.97 metres towards the rear garden and will measure 6.9 metres wide. The proposed flat roof will have an eaves height of 2.4 metres.
- 5.4 The proposed single storey kitchen extension will be located midway in relation to the existing rear elevation of the existing dwelling. It will extend a maximum of 5.9 metres towards the rear garden and will measure 5 metres wide. The proposed pitched roof will have an eaves height of 2.5 metres and a ridge height of 4.7 metres, 0.45 mm lower than the existing ridge of the main house.
- 5.5 It is also proposed that the existing open front porch will be removed and replaced with a slightly larger enclosed glazed porch.
- 5.6 In terms of the character and appearance of the area, Officers consider that the proposed design of the new extensions both front and rear will not have a harmful impact on the existing group of converted farm buildings.
- 5.7 In terms of residential amenity, the nearest neighbouring property is to the south, The Old Dairy Cottage. This is also a previously converted farm building which forms part of the original farm development. Windows on the rear elevation nearest to the proposals consist of two bedroom windows serving one bedroom. Officers consider that, due to their size and orientation, the proposed single storey rear extensions would not have a harmful impact on the adjoining neighbour in terms of overshadowing and dominance.
- 5.8 Officers also consider that Condition 3 below will be necessary in order to prevent any future potential of overlooking of neighbouring properties. This condition will take away permitted development rights for the insertion of windows in the north and south elevations of the proposed extensions.
- 5.9 Concern for the loss of view, the negative effect on the value of property, the possible damage to foundations, to boundaries and to the fabric of the building during building works are not material planning considerations.

6.0 **Recommendation**

6.1 *That planning permission be granted subject to:*

1. *TL1 Time Limit - Full Application.*
2. *MC2 - Materials Samples*
3. *MC8 – No additional windows shall be inserted at ground floor level, first floor level and above in the north and south elevations of the proposed single storey rear extensions*
4. *MC20 – Amended plans*

Report No. 34/05

4 July 2005

SHI/17672/5 – Mr D Matthews
Erection of replacement dwelling and garage (Retrospective)
Hazelwood, Spring Copse, Hinksey Hill.

1.0 **The Proposal**

- 1.1 This application seeks retrospective planning permission for the erection of a replacement dwelling and detached garage building.
- 1.2 The site is situated on the western side of Spring Copse, a single track road serving a couple of dwellings. The site itself is on a steep slope running approximately on a north – south axis with the southern aspect of the site at the higher level. The dwelling has been constructed and is largely complete, but to date, only the garage building foundations have been constructed. The dwelling as built is sited approximately mid-way on this slope with its front elevation facing north. It is surrounded by similar sized detached dwellings in medium sized plots, with those to the north set down at a lower level.
- 1.3 A copy of the plans showing the location of the proposal, the siting of the dwelling and garage and their design are attached at **Appendix 1**.
- 1.4 The application has been amended twice to take account of the views made by local residents concerning the accuracy of plans submitted. Your Officers are content that the plans now appended accurately reflect the house as built, albeit there remains a boundary dispute on the northern boundary with the adjacent property, Hillside House and a concern over the accuracy of the garage in relation to this property.
- 1.5 The application comes to Committee because several letters of objection have been received.

2.0 **Planning History**

- 2.1 In October 2002, planning permission was refused for a replacement dwelling with garage. The reasons for refusal were that the proposal exceeded the Green Belt Policy limit of 30% increase in volume.
- 2.2 Planning permission was granted in July 2003 for an alternative replacement dwelling and garage scheme which was a completely revised design.
- 2.3 In January 2004, planning permission was granted for the erection of a dwelling with further revisions to the design approved in July 2003.
- 2.4 Planning permission was granted in May 2004 for a further revised design, similar to the design of the current proposal. In July 2004 another application was submitted after it was discovered that the scheme approved in May 2004 had been drawn incorrectly in relation to the site slope. This was approved in September 2004.
- 2.5 In implementing this permission, it was brought to the Council's attention that the dwelling was not being built in accordance with the approved plans, and that the dwelling had been twisted on its axis to an angle greater than approved.

3.0 **Planning Policies**

- 3.1 Policy G5 of the adopted Vale of White Horse Local Plan provides for replacement dwellings in the Oxford Green Belt, subject to a limitation on any increase in volume.
- 3.2 Policies D1, D2, D3 and D4 seek to ensure that all new development is of a high standard of design / landscaping, does not cause harm to the amenity of neighbours and is acceptable in terms of highway safety.

3.3 Similar policies to those above have been included in the Second Deposit Draft Local Plan 2011. The corresponding policies are GS3, GS7, DC1, DC5, and DC9.

4.0 **Consultations**

Original plans

4.1 No response was received from South Hinksey Parish Council in response to consultations to the plans as originally submitted.

4.2 County Engineer – No objections.

4.3 Drainage Engineer – No objections.

4.4 Four letters of objection were received which can be summarised as follows:

- Plans are incorrect, in particular the position and orientation of the house.
- The house has been erected in a position which now directly overlooks neighbouring properties.
- The house is more visually prominent in the locality due to its reorientation.
- As the house is 90% complete, it would not be practical for changes to be made. Therefore some high level evergreen screening should be planted on the site to remove the overbearing impact of this dwelling on neighbour's amenity areas. Permitted development should also be taken away for any additional windows over those which exist.
- The garage will add further to the impact and massing of the dwelling.
- As the garage has accommodation above, together with the dwelling it has an increase of 37% over the previous dwelling and is contrary to Policy G5. The garage therefore should be reduced in size to keep the volume within the Policy G5 limit of 30%.
- The garage building is much closer to neighbouring property than previously approved and thus will be overbearing. It should be amended to be no more than 4m high to address this and should not be used for living accommodation.

Amended plans (1)

4.5 South Hinksey Parish Council – No objections.

4.6 County Engineer – No objections.

4.7 Four letters of objection were received stating:

- Plans are still incorrect. House movement is twice as great to that shown.
- Nothing in these drawings changes views and concerns previously expressed.
- The garage building should be single storey.

Amended plans (2)

4.8 South Hinksey Parish Council does not object to the proposal but request that the following issues be given consideration:

“The Parish Council is concerned that the buildings are not being built in accordance with plans – and the developer is being allowed to dictate – with the planning authority appearing not to overrule.”

4.9 Two letters of objection have been received stating:

- There still appear to be inaccuracies in the drawings, with particular reference to the fence / north boundary line.
- Nothing in these drawings changes views and concerns previously expressed.
- The house is 35% - 36% larger than the previous bungalow in clear violation of Policy G5.
- The house is taller than previously approved and is in a more prominent position.
- The location of the large garage building is more prominent and closer to neighbouring properties. It should be reduced in height to no more than 4m.

5.0 **Officer Comments**

- 5.1 The main issues in this case are considered to be: 1) Whether the proposal still accords with Policy G5 in terms of volume increase and 2) The impact of the proposal on neighbouring properties.
- 5.2 On the first issue, the house design and more crucially its size is as previously approved. Whilst the slab level is 100mm higher than previously, no additional living space is gained by this. Therefore your Officers consider that the dwelling still complies with Policy G5.
- 5.3 Objectors have made reference to the garage being larger than the one it replaces and when taken together with the dwelling the combined volume exceeds the 30% tolerance. However the garage size is as previously approved and, in assessing volume calculations for replacement dwellings, the volumes of detached outbuildings are not included in the allowance. There is no conflict, therefore, with Policy G5 in this respect.
- 5.4 Whilst the house has been twisted on its axis, and has a 100mm higher slab than originally proposed, Officers consider the visual impact of the proposal on the character of the area to be acceptable. The changes do not harm the openness of the Green Belt when compared to the approved scheme.
- 5.5 Regarding the second issue, the impact on neighbouring properties, a judgement has to be made as to whether the change in axis of the dwelling is harmful to the amenity of neighbouring properties.
- 5.6 Your Officers consider that no additional harm would be caused to those properties that lie to the north of the proposal by the twisting of the dwelling on its approved axis. If anything it actually improves the privacy situation for Hillside House due to the greater angle involved. Whilst the dwelling now faces more directly towards Dingle Dell, there is approximately a face to face distance of 65m – well in excess of the Council's minimum standard distance of 21 metres.
- 5.7 Concern has been expressed over the garage. Its size is as previously approved and as it lies between the dwelling and the boundary with Hillside House, it should help to obscure views of the rear garden to this property.
- 5.8 The owner of Hillside House has also raised concern that the garage will be more dominant by virtue of it being closer to the boundary. The accuracy of the drawing on this is being investigated and will be reported orally to the meeting. It is anticipated that a positive recommendation will be made.

6.0 **Recommendation**

- 6.1 *That subject to the accuracy of the revised drawings, it is recommended that authority to grant planning permission is delegated to the Chief Executive in consultation with the Chair.*

NHI/18135/1 – Cranbourne Homes Ltd

Demolition of existing house and garage. Construction of two semi-detached houses and four flats

2 Yarnells Hill, North Hinksey

1.0 The Proposal

1.1 The application site comprises a large detached house in a substantial plot on the corner of Yarnells Hill and Westminster Way. In May 2004, outline planning permission was granted on appeal for the replacement of the existing house with three dwellings. The appeal decision is in **Appendix 1**.

1.2 This new application seeks to replace the existing house with two buildings, one orientated towards Westminster Way and containing 4 flats, the other orientated towards Yarnells Hill and comprising two semi-detached houses. The existing vehicular access would be modified to provide improved visibility towards the junction. Off-street parking would provide 2 spaces for each house and 1.5 spaces for each flat. Extracts from the application drawings are in **Appendix 2**.

1.3 This application comes to Committee due to objections being received from the Parish Council and local residents.

2.0 Planning History

2.1 As in Section 1 above

3.0 Planning Policies

3.1 Policies D1, D2 and D3 of the adopted Vale of White Horse Local Plan require all new development to be acceptable in terms of design, impact on neighbours and highway safety. Policies DC1 DC5 and DC9 of the Second Deposit Draft Local Plan are similar.

4.0 Consultations

4.1 North Hinksey Parish Council – Object for the reasons given in **Appendix 3**.

4.2 Local Residents – 7 households object to the application for the following reasons:-

- i) overdevelopment of the site and out of keeping with the character of the area
- ii) increased traffic on a steeply inclined road near to a busy and dangerous junction
- iii) increased on-street congestion adding to problems associated with the church opposite the site
- iv) some of the flats may be rented leading to a harmful social mix
- v) the development will lead to drainage problems

4.3 County Engineer – no objections subject to conditions.

4.4 Consultant Architect – supports the proposal (see comments in **Appendix 4**).

4.5 Architects' Advisory Panel – "Attractive scheme".

4.6 Arboricultural Officer – no objection subject to conditions.

4.7 Principal Engineer – no objection subject to details of drainage being agreed.

5.0 **Officer Comments**

5.1 There are three main issues for Members to consider –

- i) the impact of the proposal on the character and appearance of the area
- ii) the effect on neighbours
- iii) access and parking

5.2 In the appeal decision of May 2004, the Inspector noted that the locality of the site, from No 2A to No 12 Yarnells Hill, comprises varied residential development, including a pair of semi-detached houses, a relatively narrow plot containing 2 flats and a detached house. He concluded that a higher density development on the site would not necessarily be viewed as out of keeping with the lower density surroundings because the large rear gardens of neighbouring houses, which largely create the lower density, are not visible from the public highway. He therefore considered that the site could accommodate a higher density form of development, provided the layout and design retained sufficient green space to complement the surrounding area. The Inspector's comments concerning the illustrative plan of 3 houses considered at the appeal indicate that he did not object to the form of development proposed by this application.

5.3 The applicants argue that the layout of the new application differs little from the illustrative plan considered by the Inspector. A comparison of the footprint of both proposals is in **Appendix 5**, and Officers agree that, in light of the Inspector's comments, the differences are not sufficient to warrant refusal. Significant space between the proposed buildings and the site's boundaries is retained. In fact, in one respect the current proposal is considered better than the appeal plan in that the proposed building closest to Westminster Way would now face the road rather than present a side wall, as the appeal plan suggested.

5.4 In terms of layout, the proposal has been designed to respect the 40-degree line from the nearest neighbouring houses. One building would face Westminster Way and one would face Yarnells Hill with sufficient space between to respect the typical corner relationship found throughout the area. The building containing the flats has been carefully designed to reflect the domestic scale of surrounding houses, with split level access to make use of the significant drop in levels across the site. Slab levels need to be controlled for this reason (Condition 4 below). All of the surrounding screen planting is to be retained except for a section of the hedge nearest to the access, which is to be replanted further back to provide visibility splays. For this reason, the Arboricultural Officer has no objections. Local vernacular details have been incorporated into the design based on a contextual analysis and the Consultant Architect considers the scheme to be "ingenious". Overall, Officers consider the proposal would be sympathetic to the defined character and appearance of the area.

5.5 The second issue is the effect on neighbours. The two closest neighbours are No 108 Westminster Way and No 2A Yarnells Hill. As mentioned above, the proposal conforms to the 40-degree rule with respect to the nearest windows in these neighbours' houses. Potential harm from overlooking has been eliminated through the use of high-level rooflights on sensitive elevations. Overshadowing would not occur due to the location and orientation of the proposed buildings. The Council's Principal Engineer has a concern over drainage and recommends that details be agreed (Condition 7 below). Officers conclude that the impact on neighbours is acceptable, but consider it prudent to remove permitted development rights for extensions and alterations to ensure continued protection for neighbours (Condition 3 below).

5.6 The final issue is access and parking. Visibility from the existing access towards the junction of Westminster Way and Yarnells Hill is poor due to an intervening hedge. This visibility will be greatly improved by the proposed removal of a section of the hedge and its re-planting further back. In terms of parking, Botley is one of the most sustainable locations in the Vale, and there is a bus stop located almost in front of the site on Westminster Way. Covered cycle

parking is included in the proposal. For these reasons, the County Engineer considers the access and parking details are acceptable and does not object.

5.7 Objections have been made to the potential social mix arising from the proposal. The type of tenure of the proposed dwellings is not material to the consideration of the application.

6.0 **Recommendation**

6.1 *Permission subject to the following conditions:-*

1. *TL1 Time Limit - Full Application*
2. *MC2 Submission of Materials (Samples)*
3. *RE2 Restriction on Extensions and Alterations to Dwellings*
4. *RE22 Floor/Slab Levels (Dwellings)*
5. *RE7 Submission of Boundary Details*
6. *Prior to the commencement of development, details of all proposed retaining walls, including facing materials, shall be submitted to, and agreed in writing by, the District Planning Authority. The retaining walls shall be built in strict accordance with the approved details.*
7. *RE8 Submission of Drainage Details (Surface Water and Foul Sewage)*
8. *LS4 Implementation of Landscaping Scheme (incorporating existing tree(s)) - to be submitted*
9. *LS11 Protection of Trees/Hedges during Building Operations*
10. *HY3 Access in accordance with Specified Plan*
11. *HY10 Visibility (access)*
12. *HY24 Car park Layout (Dwelling)*
13. *HY16 Turning Space in accordance with Specified Plan*
14. *Prior to first occupation of the development, covered cycle parking and bin storage shall be provided in accordance with the approved drawings and shall be permanently retained for such uses thereafter.*

Report No. 34/05
4 July 2005

MAR/18842 – Elford Homes

**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**

MAR/18842/1-CA – Elford Homes

**Demolition of house and outbuildings
3 & 5 Mill Road, Marcham**

1.0 The Proposal

- 1.1 Members will recall these applications were deferred at the Meeting on 6 June 2005 to consider the implications of an appeal decision highlighted by Marcham Parish Council. This decision concerned affordable housing on a housing development in the village of Crick in Daventry District. Copies of the appeal decision, together with a related appeal decision on a site in West Hadden, another village in the same District, are in **Appendix 1**. A copy of the previous Committee report is in **Appendix 2**.

2.0 Planning History

- 2.1 See previous report in **Appendix 2**.

3.0 Planning Policies

- 3.1 See previous report in **Appendix 2**. In addition it should be noted that Policy H16 of the Second Deposit Draft Local Plan 2011 requires that, for developments of four or more dwellings on sites in villages, 50% of the dwellings should be affordable.

4.0 Consultations

- 4.1 See previous report in **Appendix 2**.

5.0 Officer Comments

- 5.1 The two appeal decisions, made within 3 months of each other, both deal with small new housing schemes in villages. One Inspector decided that affordable housing should be provided (the Crick decision), whilst the other decided that it should not be provided (the West Hadden decision). It is important to appreciate why these different decisions were made.
- 5.2 National advice in PPS1 on the weight to be attached to policies in an emerging Local Plan states that the weight can be increased as the Local Plan progresses through the various stages towards final adoption. However, even at Second Deposit stage, it is clear that limited weight can be attached to policies which are subject to objections to be heard at the Local Plan Inquiry. This is because the Inspector, having weighed the evidence for and against at the Inquiry, may decide to recommend changes to the policy. Applicants can therefore be unfairly treated if a contested emerging policy is applied before it is finally adopted. It is for this reason that the relevant Government circular on affordable housing, Circular 6/98, advises that thresholds for the requirement of affordable housing should only be adopted through the Local Plan process.
- 5.3 The Inspector in the Crick decision departed from Government guidance in that he applied an emerging policy which was the subject of objection before it had been ratified by the Local Plan Inspector. Paragraphs 6–8 of his decision letter explain why he did this. By contrast, the Inspector in the West Hadden decision applied Government guidance and decided that only limited weight could be attached to the emerging policy. Paragraphs 11 – 14 of his decision letter explain his application of this guidance.

- 5.4 Members need to carefully consider this issue. Officers' advice to Members in the past has been that limited weight can be attached to the emerging policy on affordable housing, and this remains the case. It is far more likely that, at appeal, an Inspector will follow Government guidance rather than depart from it. Consequently, it is unlikely that a refusal of the application on this ground would be upheld at appeal.
- 5.5 One further point to note is that the emerging policy in these appeal cases had only one objection to be considered at the Local Plan Inquiry. This was an important factor for the Inspector in the Crick decision. By contrast, a total of 12 objections have been made to the Vale's policy on affordable housing. If anything, this places greater uncertainty on the adoption of the emerging policy in the Vale.

6.0 **Recommendation**

MAR/18842

6.1 *Permission subject to the following conditions:*

1. *TL1 Time Limit - Full Application*
2. *MC2 Submission of Materials (Samples)*
3. *CN8 Submission of Full Details*
4. *Prior to the commencement of development, a schedule of works for the repair of the dovecote wall shall be submitted to and agreed in writing by the District Planning Authority. The approved works shall be carried out in accordance with the timetable in the approved schedule.*
5. *RE3 Restriction on Extensions and Alterations to Dwelling*
6. *RE7 Submission of Boundary Details*
7. *RE14 Garage Accommodation*
8. *RE10 Submission of Drainage Details (Foul Sewage)*
9. *LS4 Implementation of Landscaping Scheme (incorporating existing tree(s)) - to be submitted*
10. *LS11 Protection of Trees/Hedges during Building Operations*
11. *HY3 Access in accordance with Specified Plan*
12. *HY16 Turning Space in accordance with Specified Plan*
13. *HY24 Car park Layout (Dwelling)*
14. *Prior to the commencement of development, details of the improvement to vision at the junction of Packhorse Lane and Mill Road shall be submitted to and agreed in writing by the District Planning Authority. The improvement works shall be carried out in accordance with the approved details prior to the first occupation of the development.*
15. *CN18 Watching Brief*

MAR18842/1-CA

6.2 *Permission subject to the following conditions:*

1. *TL4 Time Limit - Listed Building/Conservation Area Consent*

ABG/19083 – Mr & Mrs Lynch

Erection of a two storey flank extension encompassing the existing garage and a two storey rear extension.

3 Warwick Close, Abingdon.

1.0 The Proposal

- 1.1 This is an application for a two storey flank extension, encompassing the existing garage to provide a new kitchen, utility room and garage on the ground floor and a bedroom with en-suite facilities on the first floor. The two storey rear extension provides a loggia on the ground floor and extends bedroom 4 on the first floor. **Appendix 1** details a location plan and the proposed floor and elevation plans.
- 1.2 The plans have been amended from those originally submitted. The original elevations are shown at **Appendix 2**. The floor plans remain unchanged. The amended plans show the position of No 1 Warwick Close and the window to the principal bedroom has been reduced in size.
- 1.3 This application comes to Committee due to objections being received from the Town Council and a local Member.

2.0 Planning History

- 2.1 None.

3.0 Planning Policies

- 3.1 Policies D1, D2 and D3 of the adopted Local Plan seek to ensure that new development has a high standard of design, does not cause harm to neighbours and is acceptable in terms of highway safety. Similar policies in the Second Deposit Draft Local Plan 2011 are DC1, DC5 and DC9.

4.0 Consultations

- 4.1 Abingdon Town Council object for the following reasons:
- "Over development, over looking neighbours and out of keeping with the street scene".
- 4.2 Local residents: 3 letters of objection have been received raising the following concerns:
- i) impact on the street scene
 - ii) impact on neighbours
 - iii) precedent for future development
- 4.3 One local Member objects on the grounds of impact on the neighbours at No 1 Warwick Close.
- 4.4 County Engineer – no objection subject to conditions.

5.0 Officer Comments

- 5.1 The two main issues are considered to be the impact on the street scene and impact on neighbours.
- 5.2 No 3 Warwick Close lies north of Abingdon Town Centre in a cul-de-sac of 1970s detached houses built of brick with white cladding to the first floor elevations.

- 5.3 The "cat slide" design concept of the flank extension above the existing garage, incorporating a small dormer window to the front, mitigates the potential for any terracing effect given the proximity of the adjacent property (No 1). The two storey flank extension, therefore, would not be harmful in the street-scene or detract from the articulated layout of the original development.
- 5.4 In terms of impact on the neighbours, the original proposal provided a large window to the principal bedroom, which has now been reduced in size to reflect the design of the original windows.
- 5.5 The two storey element, above the existing garage, extends 1.3m beyond the rear elevation of the adjacent property. This complies with the 40° rule within the Council's House Extensions Design Guide and is considered, therefore, to be acceptable.
- 5.6 The rear two storey extension, due to its location and size (extending less than 1 metre), does not have a harmful impact on neighbours or result in a significant loss of garden space.
- 5.7 In your Officer's opinion the proposed extensions are not considered to result in a development which causes sufficient harm to either the amenity of neighbouring properties or the street scene to warrant refusal of the application. The proposal, therefore, is considered to be acceptable.

6.0 **Recommendation**

6.1 *Permission subject to the following conditions:*

1. *TL1 Time Limit - Full Application*
2. *RE1 Matching Materials*
3. *RE14 Garage Accommodation*
4. *HY24 Car Park Layout (Dwelling)*
5. *MC20 Amended Plans*

