

# DC.81

## MINUTES OF A MEETING OF THE DEVELOPMENT CONTROL COMMITTEE

HELD AT THE GUILDHALL,  
ABINGDON ON MONDAY, 26TH  
SEPTEMBER, 2005 AT 6.30PM

### Open to the Public, including the Press

PRESENT:

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

SUBSTITUTE MEMBERS: Councillor Tessa Ward for Councillor Briony Newport.

NON MEMBERS: Councillors Harry Dickinson.

OFFICERS: Sarah Commins, Martin Deans, Mike Gilbert and Carole Nicholl.

NUMBER OF MEMBERS OF THE PUBLIC: 9

### DC.128 NOTIFICATION OF SUBSTITUTES AND APOLOGIES FOR ABSENCE

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

### DC.129 MINUTES

The minutes of the meeting of the Development Control Committee held on 30 August 2005 were adopted and signed as a correct record subject to the following amendments: -

- (i) Minute DC.99 - The deletion of the word "agrees" in the last sentence in the sixth paragraph and the substitution thereof with the word "agreed".
- (ii) Minute DC.103 - The deletion of the word "ther" in the fourth paragraph and the substitution thereof with the word "their".
- (iii) Minute DC.103 - The deletion of the words "planning" in the penultimate paragraph and the substitution thereof with the words "Local Plan/Local Development Framework".

### DC.130 DECLARATIONS OF INTEREST

Councillors declared interests in report 120/05 – Planning Applications as follows: -

<u>Councillor</u>	<u>Type of Interest</u>	<u>Item</u>	<u>Reason</u>	<u>Minute Ref</u>
Roger Cox	Personal	GFA/19230	Member of Faringdon Town Council's Planning Committee which had considered the application and Governor of the Infant	DC.143

			School adjacent the site	
Matthew Barber	Personal	GFA/19230	Member of Faringdon Town Council's Planning Committee which had considered the application	DC.143

DC.131 URGENT BUSINESS AND CHAIR'S ANNOUNCEMENTS

The Chair advised that agenda item 14 – CUM/18082/2 would be considered immediately following agenda item 10 – Forthcoming Public Inquiries and Hearings.

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

DC.132 STATEMENTS AND PETITIONS FROM THE PUBLIC UNDER STANDING ORDER 32

Mr N Lyzba, the Agent acting for the owner of 10 Hids Copse Road, Cumnor Hill had given notice that he wished to make a statement in respect of report 121/05 – Enforcement Report.

Mr Lyzba made a statement advising that in relation to the planning process it was foolhardy for someone to undertake development without the benefit of planning permission, although it was not a criminal offence. He commented that enforcement action was to put right a misdemeanour but the Council had a duty to consider whether such enforcement action was expedient. Part of such consideration would be to determine whether planning permission should be granted with appropriate conditions to address any harm. He referred to the report on the agenda regarding the reasons for refusal of a planning application at 10 Hids Copse Road, Cumnor Hill, commenting that there would be no overlooking from the bathroom window; the bedroom window faced the parking area and front garden; the window in the north-west elevation was very close to an approved window and the angle was not unacceptable; the garage had been widened but had an improved appearance and positioning; there would be no significant impact on neighbouring properties and there was adequate screening. In his opinion it was not appropriate for the Council to take enforcement action. He suggested that planning permission should be granted in that it conformed with Council standards; provided an improved scheme to that approved and that there were no reasons for refusal. He commented that the applicant felt that he had been duly reprimanded for not having obtained planning permission prior to construction but that in this case it was not reasonable to take enforcement action.

The Chair thanked Mr Lyzba for his statement.

DC.133 QUESTIONS FROM THE PUBLIC UNDER STANDING ORDER 32

None.

DC.134 STATEMENTS AND PETITIONS FROM THE PUBLIC UNDER STANDING ORDER 33

Three members of the public had given notice that they each wished to make a statement at the meeting. However one declined to do so.

DC.135 MATERIALS

None.

DC.136 APPEALS

The Committee received and considered an agenda item which advised of three appeals which had been lodged with the Planning Inspectorate for determination, one which had been dismissed and one which had been withdrawn.

One Member drew the Committee's attention to the Appeal's report, welcoming a copy of the decision notice in respect of the dismissed appeal. He suggested this was an excellent idea and furthermore arrangements should be made for a training session for Members of the Committee on the outcome of appeals decisions and how they should be taken into account when considering future applications.

In response to a question raised it was noted that decision notices were made available to the Chair, Vice Chair and Opposition Spokesman of the Committee and thereafter were included on Committee agendas.

*RESOLVED*

*that the agenda report be received.*

DC.137 FORTHCOMING PUBLIC INQUIRIES AND HEARINGS

The Committee received and considered details of forthcoming Public Inquiries and Hearings.

*RESOLVED*

*that the agenda report be received.*

DC.138 ENFORCEMENT REPORT

The Committee received and considered report 121/05 of the Assistant Director (Planning) which sought approval to take enforcement action in four new cases. Details of each case were considered.

In respect of 10 Hids Copse Road, Cumnor Hill it was noted that there was no requirement upon the owner to remedy the development which had taken place without the benefit of planning permission and it was noted that often appeals against an Enforcement Notice ran alongside an appeal against refusal of planning permission.

In respect of The Red House, Coxwell Road, Faringdon it was noted that authority to take enforcement action was being sought for slightly different development to that previously considered. Although the retention of the foundations was a matter in the original enforcement case the Officers explained that it would be possible to take some direct action against all matters if the enclosure was included in the current enforcement proposal.

On consideration of enforcement generally, one Member sought an occasional interim report to Committee providing details of ongoing enforcement cases. The Officers undertook to provide such interim reports in the future.

*RESOLVED*

*that the Chief Executive, in consultation with the Solicitor and Monitoring Officer and the Chair and/or Vice-Chair of the Development Control Committee be delegated authority to take*

enforcement action in the following cases if in their judgement it is considered expedient to do so:-

- (i) *To cease any residential use, and secure the removal of, an unauthorised dwelling at the rear of 6 Swinburne Road, Abingdon, (agreed by 17 votes to nil);*
- (ii) *To secure the blocking up of two unauthorised window openings and the reduction in size of the two storey garage/playroom tower at 10 Hids Copse Road, Cumnor Hill, to accord with the approved plans relating to Notice of Permission CUM/18082/1, (agreed by 9 votes to 7 with 1 abstention. Councillor Richard Farrell voted against and asked that this be so recorded in the Minutes);*
- (iii) *To cease the unauthorised use of agricultural land for the storage of building materials and non agricultural items, and to secure the removal of a fenced compound which facilitates the unauthorised use, on land adjacent to The Red House, Coxwell Road, Faringdon, (agreed by 17 votes to nil); and*
- (iv) *To secure the removal of an unauthorised raised and enclosed patio area to the rear of The Maybush (Public House), Newbridge, Kingston Bagpuize, (agreed by 17 votes to nil).*

## **PLANNING APPLICATIONS**

The Committee received and considered report 120/05 of the Assistant Director (Planning) detailing planning applications, the decisions of which are set out below. Applications where members of the public had given notice that they wished to speak were considered first.

DC.139 NHI/5147/2 – PROPOSED FIRST FLOOR EXTENSION TO SIDE AND REAR, SUBDIVISION TO PROVIDE 2 X 1 AND 2 X 2 BEDROOM FLATS WITH OFF STREET PARKING. 22 LABURNUM ROAD, BOTLEY

The Committee recalled that consideration of this application had been deferred at a previous meeting to enable clarification to be sought from the County Engineer regarding the acceptability of the parking arrangement in terms of highway safety, details of which were considered.

Notwithstanding the comments of the County Engineer, one of the local Members was of the view that the boundary hedge should be reduced in length to improve visibility and this view was supported by the Committee.

By 16 votes to 1 it was

### **RESOLVED**

*that application NHI/5147/2 be approved subject to the conditions set out in the report to the Committee dated 30 August 2005 together with an additional condition to require the boundary hedge to be reduced in length.*

DC.140 ABG/16935/1-D – CONSTRUCTION OF 86 DWELLINGS. FORMER KINGFISHER SCHOOL, BLACKNALL ROAD, ABINGDON

Further to the report the Committee noted that a model of the proposal was available for inspection at the meeting. In addition the Environment Agency had withdrawn its holding objection and had now recommended approval subject to conditions.

At this point in the meeting it was proposed by the Chair and

*RESOLVED*

*that the meeting of the Committee to adjourn for 10 minutes to allow Members to view the model of the proposal.*

The meeting reconvened at 7.15pm.

Further to the report the Committee noted that a request had been received from the County Council for a contribution of £1,995 towards fire hydrants. However, Officers were of the view that this request should have been made at the outline stage and therefore the proposal was not supported.

Mr Hocken was due to make a statement at the meeting objecting to the application but declined to do so.

Mr B Nedelkoff, the applicant's agent, made a statement in support of the application referring to the significant amount of consultation which had taken place in preparing the scheme. He indicated that the scheme was of high quality with a sense of place in this important part of Abingdon. He referred to the opportunity to create a site with permeability and commented on the ability for nearby residents to enjoy the scheme. Finally he reiterated the time, care and attention which had gone into the design of the proposal and urged the Committee to approve the application.

Members considered the objections listed in the report but agreed that these were insufficient to outweigh the presumption of granting permission. Members supported the scheme but considered that boundary treatment to public open spaces should be brick walls instead of close boarded fencing. Furthermore one Member considered that utility boxes should not be located on external walls and the Chair of the Committee undertook to take this view on board when consulted on the application.

Reference was made to the request of the County Council for a contribution towards fire hydrants and it was decided that a letter should be written advising the applicant of the request and suggesting that a payment might be appropriate. It was noted that the County Council was now taking a more serious stance on financial contributions and it was unlikely that at the outline stage this issue would have been highlighted.

The Committee noted that various amendments to the proposal had been made which now satisfied the consultant architect.

By 17 votes to nil it was

*RESOLVED*

*that the Chief Executive in consultation with the Chair and/or the Vice Chair of the Development Control Committee be delegated authority to approve application ABG/16935/1-D subject to conditions including materials, boundary treatments (brick walls instead of close boarded fencing), highway surface treatment, street furniture, landscaping, details of drainage, the design of any electricity sub-stations, the design of cycle sheds and bin stores and parking and a letter to request that the applicant considers making a payment to the County Council towards the provision of fire hydrants.*

DC.141 CUM/18082/2 – PART RETROSPECTIVE APPLICATION FOR ALTERATIONS, EXTENSION AND NEW VEHICULAR ACCESS (AMENDMENT TO APPROVAL CUM/18082/1) 10 HIDS COPSE ROAD, CUMNOR ROAD, CUMNOR HILL

Further to the report the Officers clarified that concerns had previously been raised regarding the windows in the north-west elevation of the dwelling in terms of overlooking.

One of the local Members expressed concern at the proposal in terms of its increased height and bulk which was out of keeping with the locality and he considered that there would be overlooking and loss of privacy.

Another local Member reiterated his comments made at the last meeting concerning design and fenestration and the flouting of the planning system by the applicant.

One Member commented that he was in no way influenced by the application being retrospective. He believed that the scheme was harmful to the locality and in terms of the planning merits of the application it should be refused in terms of height, bulk and overlooking. Another Member endorsed that each application should be considered on its merits but commented that in his view the proposal was acceptable.

By 8 votes to 7 with 2 abstentions (Councillor Richard Farrell voted against and asked that this be so recorded in the Minutes) it was

*RESOLVED*

*that application CUM/18082/2 be refused for the reasons set out in the report.*

DC.142 WTT/19158 – PROPOSED EXTENSION AND 10FT CONVERSION INCLUDING RAISING THE ROOF WITH ACCOMMODATION WITHIN 23 HOME CLOSE, WOOTTON

Further to the report the roof lights to be deleted were explained and it was recommended that an additional condition should be attached to any permission to ensure that the rooflight serving the ground floor bedroom only served that room.

One of the local Members spoke in support of the application but expressed concern that a precedent had already been set and it was likely that similar proposals would come forward for other properties in the area.

Two Members referred to development in the area over many years, agreeing that cumulatively such proposals had impacted on the character of the area.

By 17 votes to nil it was

*RESOLVED*

*that application WTT/19158 be approved subject to the conditions set out in the report.*

DC.143 GFA/19230 – DEMOLITION OF EXISTING COMMERCIAL BUILDINGS AND CONSTRUCTION OF 24 DWELLINGS TETRONICS, 5B LECHLADE ROAD, FARINGDON

Councillors Roger Cox and Matthew Barber had each declared a personal interest in this item and in accordance with Standing Order 34 they remained in the meeting during its consideration.

Further to the report the Committee was advised that a revised plan had been received showing the tightening up of the carriageway. Additionally, it was noted that the County Engineer had required a new Traffic Order to extend existing double yellow lines along Canada Lane. Furthermore, it was noted that the Police Architectural Liaison Officer had suggested a gated scheme which the applicants had agreed to provide. Finally, a petition of 76 signatures objecting to the application due to congestion along Canada Lane during peak hours during and after construction had been received. However, it was noted that much of the traffic associated with the residential scheme was likely to be outside the hours for peak traffic associated with the nearby school.

Mr P Waddy, the applicant's agent, made a statement in support of the application referring to the helpful contribution of the Officers in putting forward this proposal. He advised that there were no objections from the statutory consultees and that the scheme was of high quality and made good use of this site.

One of the local Members spoke in support of the application, commenting on its good design and layout. However he expressed concern regarding traffic and advised of the existing traffic problems in the area.

Another local Member also spoke in support of the application but expressed concern regarding inadequate car parking and the likelihood of displaced car parking in an area where there were already parking difficulties. He questioned the usefulness of double yellow lines and requested that the local Members be consulted.

Other Members also supported the application, but noted that the parking provision met the County standards and furthermore in relation to traffic the Committee needed to be mindful of the amount of traffic which would normally be generated from the extant commercial use of the site. Members commended the scheme in terms of its design and layout and noted the availability of Gloucester Street car park for parking for parents collecting and dropping off children at the nearby school.

One Member referred to the need for cycle gutters alongside the proposed steps on the Lechlade Road access and requested that these were included in the scheme.

The Committee noted that the Environmental Health Officer had raised no objection to the proposal.

One Member raised concern regarding the proposed gating of the access to Lechlade Road, although it was noted that often a visual barrier resulted in less disruptive behaviour in areas which might be conducive to criminal activity such as dark alleyways and unlit paths.

One Member suggested that the County Council might wish to seek a contribution towards the Better Ways to Schools programme. However it was noted that Faringdon had been a pilot town for this scheme.

By 17 votes to nil it was

**RESOLVED**

*that the Chief Executive in consultation with the Chair and/or Vice Chair of the Development Control Committee and the local Members be delegated authority to approve application GFA/19230 subject to:-*

- (i) *the completion of a Section 106 Obligation with Oxfordshire County Council on financial contributions to social infrastructure such as schools and libraries, and to amend the parking restrictions on Canada Lane;*
- (ii) *conditions, to include external materials, details of the buildings (doors, windows, bays, lintels, cills, eaves, verges, vents, flues, chimneys, and the open roofing over the patio areas), the cill heights of windows and rooflights, de-contamination, road surfacing, details of the revised Lechlade Road access, hard and soft landscaping, boundary treatments, street furniture, visibility splays, parking, cycle parking, cycle gutters, bin storage, and the design of any sub-station; and*
- (iii) *discussions with the Police Architectural Liaison Officer regarding the gating of the access from the site to Lechlade Road.*

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

None.

The meeting rose at 8.20pm.