

DC.120

MINUTES OF A MEETING OF THE DEVELOPMENT CONTROL COMMITTEE

HELD AT THE GUILDHALL,
ABINGDON ON MONDAY, 19TH
DECEMBER, 2005 AT 6.30PM

Open to the Public, including the Press

PRESENT:

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

SUBSTITUTE MEMBERS: Councillor Mary de Vere and Peter Saunders.

EX-OFFICIO MEMBER: Councillors Melinda Tilley.

OFFICERS: Sarah Commins, Mike Gilbert, Rodger Hood, Carole Nicholl, Stuart Walker and George Reade.

NUMBER OF MEMBERS OF THE PUBLIC: 7

DC.208 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 Roger Cox and Tony de Vere.

DC.209 MINUTES

The Minutes of the meeting of the Committee held on 21 November 2005 were adopted and signed as a correct record.

DC.210 DECLARATIONS OF INTEREST

Councillors declared interests in report 199/05 – Planning Applications as follows:-

<u>Councillor</u>	<u>Type of Interest</u>	<u>Item</u>	<u>Reason</u>	<u>Minute Ref</u>
Monica Lovatt	Personal & Prejudicial	Report 201/05 - TPO Cumnor	Very well acquainted with one of the neighbours	DC.218
Matthew Barber, Terry Cox, Peter Jones, Monica Lovatt, Terry Quinlan, Peter Saunders, Margaret Turner, Pam Westwood	Personal	Report 200/05 – Enforce ment Report	Acquainted with the owner of Hazelwood	DC.223

DC.211 URGENT BUSINESS AND CHAIR'S ANNOUNCEMENTS

The Chair announced that report 200/05 - Enforcement Programme would be considered immediately before the consideration of planning applications.

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

Finally, the Chair conveyed seasons greetings to everyone and asked Officers and Members to join her for refreshments after the meeting.

DC.212 STATEMENTS AND PETITIONS FROM THE PUBLIC UNDER STANDING ORDER 32

Dr Goodhead made a statement in respect of report 200/05 – Enforcement Programme. He explained that he had had legal advice suggesting that he should first see through all of the Council's procedures before recourse through other channels. He referred to the ongoing tensions suffered for the past 13 months advising that there were many instances of wrong information from the applicants and prevarication and "whitewashing" by the Council's enforcement officers who he thought had tended to deny the facts and support the applicant. He explained that the Officers had given misleading summaries to Members as part of their decision making. He suggested that the applicants and the enforcement officers had frustrated an honest approach to decision making. He explained that if the current house and garage had been presented to the Council they would have been refused. He commented that with the house volume increased by much greater than 30% in the Green Belt, it would have been incumbent on the Council to refuse it. He advised that the Council had approved the newly built house with a volume increase of some 37% over the original bungalow. He advised that the Officers had avoided giving an explicit figure, although he claimed they had accepted that the volume increase was well over the limit. Dr Goodhead explained that he was now aware that it was not within the Council's remit to exceed the 30% or even the 33% margin without special procedures. He referred to a long series of well documented deviations from proper procedures which would need to be reviewed. He reported that the Committee had been misled in several ways at its meeting in October when the garage had been considered. He explained that the report now before the meeting identified one of these. He commented that the applicant had submitted visibly incorrect drawings, claiming that the garage had been built 32.5cm higher than the plans approved in July. He explained that the Officers had endorsed this and had advised the Committee that the height of the garage had increased. He reported that Members had accepted the Officer's statements. However, subsequently he had challenged the figures and the Officers had now admitted as set out in the report that the garage was even higher.

Dr Goodhead commented that the Committee had been misled at its meeting in October when the applicant had claimed late discovery that a higher roof was needed to fit an entrance door to the first floor room. He claimed that this was not a late discovery, as in July the applicant had assembled the roof struts for the taller roof. Furthermore, measurements on the original plans had indicated that there was no need to raise the roof to fit in a normal sized door and ceiling, as there was adequate room. Dr Goodhead explained that he had written to the Officers asking them to confirm this but a response had yet to be received.

Dr Goodhead questioned why there appeared to be so much deception. He suggested that the applicants might have always intended to build a larger first floor room above the garage but had not wished to declare it. He suggested that truthfulness had not been a characteristic of this application from the beginning, with false information from the applicants and negligence by the Officers. He commented that the proper planning process had been distorted resulting in considerable inconvenience and expense.

The Chair thanked Dr Goodhead for his statement advising that the Committee would have regard to it when considering report 200/05 (Minute DC.223 refers).

DC.213 QUESTIONS FROM THE PUBLIC UNDER STANDING ORDER 32

None.

DC.214 STATEMENTS AND PETITIONS FROM THE PUBLIC UNDER STANDING ORDER 33

One member of the public had given notice that he wished to make a statement at the meeting.

DC.215 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 allowed, one which had been dismissed and one which had been withdrawn.

RESOLVED

that the agenda report be received.

DC.216 MATERIALS

None.

DC.217 FORTHCOMING PUBLIC INQUIRIES AND HEARINGS

The Committee received and considered a report which set out details of forthcoming public inquiries and hearings.

One Member commented that details of the decisions and dates for some earlier appeals were not included. The Officers responded that the report was correct advising that there was an enormous backlog of appeals yet to be determined by the Planning Inspectorate.

RESOLVED

that the report be received.

DC.218 TREE PRESERVATION ORDER (CUMNOR)

Councillor Monica Lovatt had declared a personal and prejudicial interest in this item and in accordance with Standing Order 34 she withdrew from the meeting during its consideration.

The Committee received and considered report 201/05 of the Landscape Officer (Arboricultural) which advised that a provisional Tree Preservation Order had been made in respect of a horse chestnut tree at 66 Glebe Road, Cumnor. Objections to the Order had been received details of which were considered. In response to the concerns raised, the Officer advised that he did not consider the tree to be a major threat to the surrounding properties and a crown reduction would further reduce that possibility.

The local Member reported that he supported the views of the Officer and considered that the Order should be confirmed. Other Members also supported this view, agreeing that the felling of the tree would be harmful to the character and appearance of the area.

By 16 votes to nil it was

RESOLVED

that Tree preservation Order (Cumnor) No.8 be confirmed.

PLANNING APPLICATIONS

The Committee received and considered report 199/05 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.219 NHI/9352/7 – CHANGE OF USE FROM RESIDENTIAL TO OFFICES. 12A & 12B, THE SQUARE, WEST WAY, BOTLEY (NORTH HINKSEY PARISH).

The local Members commented that whilst they did not welcome the application they could see no reason for refusing it.

One Member commented that with the housing shortage it seemed odd to be considering an application which would result in the loss of flats. However he accepted that the existing flats were not very desirable with few amenities for people living there.

By 16 votes to 1 it was

RESOLVED

that application NHI/9352/7 be approved subject to the condition set out in the report.

DC.220 ABG/11371/4-LB – PROPOSED NEW ENTRANCE DOORS TO THE GUILDHALL FROM ROYSSE COURT. THE GUILDHALL, ABBEY CLOSE, ABINGDON

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

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 be delegated authority to approve application ABG/11371/4-LB subject to:

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(1) *the application being referred to the Secretary of State and the Secretary of State raising no objection; and*

(2) *the conditions set out in the report.*

DC.221 LWO/13682/4-X – ERECTION OF A DWELLING. WAYSIDE HOUSE, BEGGARS LANE, LONGWORTH.

The Committee noted that a petition signed by 6 residents provided by the applicant had been received.

The Committee noted that the site was well screened and comprised “previously developed land”. However, Member’s attention was drawn to an Inspector’s decision regarding an earlier application on the site. The Committee was advised that the applicant was willing to sign a legal agreement relating to the balance of the holding, it being noted that this application related to part of the former appeal site only.

The local Member expressed her support for the application commenting that the current proposal (for one dwelling) was different to that dismissed on appeal (for four dwellings) in that only part of the site was intended for development and the applicant was willing to enter into a legal agreement to prevent any further development on the remainder. She referred to the specific circumstances of the applicant who required the accommodation to provide fostering care.

Some Members concurred with the view of the local Member agreeing that the proposal was acceptable, commenting that many of the issues in the Inspector’s report did not apply to this part of the site. It was suggested that the Inspector had looked at the whole site and not specifically at the current application area. It was considered that it did not necessarily follow that because an appeal for four dwellings on a larger site had been dismissed, the Inspector would find one dwelling on part of the site unacceptable. It was considered that this part of the site was within the scope of the village.

The Officers responded that the main issue related to the built form of the village. Reference was made to a case in Garford where a proposed dwelling in a garden was seen as extending the built form of the village even though the proposal was within a garden. The Officers further advised that just because a garden was classified as previously developed land did not necessarily mean that the land was suitable for development.

With regard to the suggestion of a legal agreement to prevent the development of the remainder of the site, the Officers advised that under more recent legislation, applicants could appeal against the terms of a Section 106 obligation. It was reported that an obligation should serve a planning purpose.

However, other Members spoke against the application commenting that the specific reasons for the new dwelling did not outweigh the harm caused by development in the open countryside. It was suggested that the specific reasons reported were insufficient to warrant the setting aside of policy. It was suggested that to allow this application would set a precedent for similar applications.

By 12 votes to 4, with 1 abstention it was

RESOLVED

that application LWO/13682/4 be refused for the reasons set out in the report.

DC.222 MAR/19315 – CHANGE OF USE FROM RETAIL TO RESIDENTIAL. 12, HAINES COURT, MARCHAM.

By 17 votes to nil, it was

RESOLVED

that application MAR/19315 be approved subject to the condition set out in the report.

DC.223 ENFORCEMENT PROGRAMME

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

The Committee received and considered report 200/05 of the Assistant Director (Planning) which sought to inform and rectify an error made in a previous report to the Committee concerning consideration of enforcement action in respect of Hazelwood, Spring Copse, Hinksey Hill (SHI/17672/5).

In considering this item, the Committee had regard to the statement made by Dr Goodhead as referred to elsewhere in these Minutes.

The Committee noted the error as set out in the report relating to the height of the garage being higher than previously reported. However, Members agreed with the Officers that this was not considered to result in a harmful impact.

One of the local Members commented that every mistake had resulted in the building becoming taller and larger and nearer to the neighbouring dwelling. He suggested that as now presented the Committee might not have granted planning permission. He commented that according to Dr Goodhead, the proposal was 37% larger than the original dwelling and just because the application was retrospective was not a material consideration and should have no bearing on Member's determination of the matter. Finally, he expressed sympathy with Dr Goodhead's view.

In response to a question raised, the Officers were unable to confirm the percentage volume increase, but advised that the volume of the garage would not have been included in the calculation required under Policy G5 as it specifically excluded outbuildings.

One Member commented that as the application was retrospective, it had been possible for Members to view the dwelling and garage as built and so assess on the impact of the proposal. He reported that he had based his consideration on the built form and not on the faulty figures in the report.

In response to a question raised regarding the distance between the garage and the neighbouring property, the Officers advised that this had been reported previously and that the relationship was shown on the site layout plan appended to the report.

One Member expressed sympathy for the views expressed by Dr Goodhead. Other Members shared this view but having considered the proposal in its built form on site could not agree that enforcement action was appropriate.

By 11 votes to 2 with 4 abstentions it was

RESOLVED

that the error in report 152/05 be acknowledged but that no further action be taken in the case of Mr D Matthews and the increase in height and pitch of the garage roof at Hazelwood, Spring Copse, Hinksey Hill (SHI/17672/5).

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

None.

The meeting rose at 7.31pm.