

DC.169

MINUTES OF A MEETING OF THE DEVELOPMENT CONTROL COMMITTEE

HELD AT THE GUILDHALL,
ABINGDON ON MONDAY, 13TH
MARCH, 2006 AT 6.30PM

Open to the Public, including the Press

PRESENT:

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

SUBSTITUTE MEMBERS: Councillor Mary de Vere for Councillor Jerry Patterson and Councillor Eddy Goldsmith for Councillor Peter Jones.

NON MEMBERS: Councillors Harry Dickinson and Gervase Duffield.

EX-OFFICIO MEMBER: Councillor Melinda Tilley, Leader of the Opposition.

OFFICERS: Sarah Commins, Martin Deans, Rodger Hood, Carole Nicholl and Emma Phillips.

NUMBER OF MEMBERS OF THE PUBLIC: 22

DC.296 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 Peter Jones and Jerry Patterson.

DC.297 DECLARATIONS OF INTEREST

Councillor Briony Newport declared a personal interest in report 250/05 – CUM/19444 in so far as she had been acquainted with the applicant years previously (Minute DC.308 refers).

DC.298 URGENT BUSINESS AND CHAIR'S ANNOUNCEMENTS

The Chair explained that Non-Members of the Committee and Ex-Officio Members were able to address the Committee but were not permitted to vote.

The Chair reminded Councillors and members of the public to switch off their mobile telephones during the meeting.

DC.299 STATEMENTS AND PETITIONS FROM THE PUBLIC UNDER STANDING ORDER 32

None.

DC.300 QUESTIONS FROM THE PUBLIC UNDER STANDING ORDER 32

None.

DC.301 STATEMENTS AND PETITIONS FROM THE PUBLIC UNDER STANDING ORDER 33

Eight members of the public had each given notice that they wished to make a statement at the meeting.

DC.302 MATERIALS

None.

DC.303 APPEALS

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

In respect of the part allowed and part dismissed appeal, one Member commented that it might be helpful to applicants if the Council was able to give an opinion on part of an application. However, it was noted that each application needed to be considered on its merits.

RESOLVED

that the report be received.

DC.304 FORTHCOMING PUBLIC INQUIRIES AND HEARINGS

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

RESOLVED

that the report be received.

PLANNING APPLICATIONS

The Committee received and considered report 250/05 of the Deputy Director detailing planning applications, the decisions of which are set out below. Applications where members of the public had given notice that they wished to make a statement were considered first.

DC.305 SUT/2124/1 – ERECTION OF A DETACHED DWELLING WITH ANNEXE AND GARAGE. NEW DUAL ACCESS TO SERVE EXISTING AND PROPOSED DWELLINGS. BEECHFIELD HOUSE, ABINGDON ROAD, SUTTON COURTENAY

The Committee was reminded that a revised report had been circulated prior to the meeting which set out proposed conditions.

The Committee noted that amended plans had been received omitting the garage from the site plan and omitting the roof lights from the front elevation.

It was reported that the County Engineer had no objection to the proposal but had suggested conditions requiring that the existing access be closed off; the new access be constructed to Oxfordshire County Council specifications; vision splays should be provided in accordance with the drawings and there should be no additional gates other than those shown on the plans.

Finally, the Committee was advised of an amendment to the report in that Thames water had not been consulted. However, the Council's engineer had been consulted, details of which were included in the amended report.

Mr D Hignall made a statement on behalf of the Parish Council objecting to the application raising concerns regarding further development in Sutton Courtenay regardless of whether there were material planning considerations. He commented on the poor quality of the report which it was considered lacked balanced arguments and reference to Planning Policy Guidance, in particular PPG3. He drew attention to the policies referred to in the report, suggesting that the proposal was in conflict with all of them. He advised that the site was not within the built up area of the village; it would be harmful to the character and appearance of the area, in particular through loss of openness; would appear cramped in that the development was being "shoe horned" into the site; and would set a precedent. Finally, he referred to an appeal on a site elsewhere in the village which had been dismissed by a Planning Inspector highlighting similarities with this application.

Mrs Buchanan the applicant made a statement in support of the application. She referred to the consultation with Officers and the amendments made to the proposal to address the comments received. She reported that she had been informed that the principle of an infill dwelling in this site would be in accordance with policy. She reported that the design had been amended twice; the access revised and there were no highway objections.

The Local Member expressed his objection to the proposal, concurring with the views of the Parish Council. He raised concern regarding the amount of traffic along Abingdon Road; the inadequacy of the screening; the "shoe horning" in of a large house into a very small area; development in the northern part of the village; the need to preserve the area; the proposal being out of character; the three storey element being out of keeping; and the need to protect the beauty of the northern part of Sutton Courtenay.

One Member suggested that a bungalow might have been more appropriate as infill in this location commenting that the house would be very large. However, it was noted that the merits of the application as presented needed to be considered.

One Member referred to the comments made by the Parish Council regarding this Council's reluctance to oppose development in Sutton Courtenay. He commented that the curtilage of the application site was very large and that the proposed house was oddly positioned within it, but this was not a reason to refuse permission.

In response to comments made regarding planning policy, the Officers clarified that the Parish Council had referred to Policy D1 of the Adopted Local Plan relating to design which included subjective views; Policy D2 relating to demonstrable harm to neighbours such as loss of daylight and Policy H5 relating to infill in villages such as Sutton Courtenay.

Other Members spoke in support of the application noting that the County Engineer had raised no objection; whilst the building would be three storey it would be no higher than Beechfield House; the distance from adjoining properties was acceptable; the amenity land of the new house was adequate and the proposal would not be out of character. However, it was commented that there were other larger plots in the area where similar applications could be put forward, which cumulatively could affect the character of the area.

One Member queried the detail of the rear and north elevations commenting that there were slight discrepancies in the plans. It was therefore considered that clarification should be sought on this. Furthermore, it was considered that a slab levels condition would be necessary in this case to ensure that the new building was no higher than the existing dwelling.

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 SUT/2124/1 subject to: -

- 1. the conditions set out in the amended report;*
- 2. further conditions to address slab levels, the comments of the County Engineer; amended plans; and*
- 3. clarification of the elevations.*

DC.306 KBA/3105/8 – DEMOLITION OF HOUSE AND GARAGE. CONSTRUCTION OF 6 SEMI-DETACHED HOUSES. RESTWOOD, FARINGDON ROAD, SOUTHMOOR

Further to the report, the Committee was advised that the Arboricultural Officer had now advised that he had no objection to the application subject to a condition to protect a number of trees on the frontage of the site.

Mr P Uzzell made a statement in support of the application explaining that he had been asked by the applicant to carry out an assessment of the proposal and address the Committee on his findings. He reported that the scale and design of the proposal were consistent with other frontages along Faringdon Road, which consisted of a wide variety of designs and sizes. He commented that any impact that might result would be mitigated by existing trees and landscaping. He considered that overlooking was not relevant in this case due to the hedging and fencing which would provide screening. He commented that the access from the rear and the single storey design were acceptable. He clarified that all the distances were in excess of the Council's minimum standards and the proposal accorded with emerging Local Plan Policy H14 in terms of density. Finally, he commented that one concern might be that plots 4 and 1 had side facing windows which might result in overlooking. However, to avoid this continuing the relevant windows could be omitted from the scheme or could be provided at a higher level.

The Local Member spoke against the application agreeing with the views expressed by the Parish Council in terms of highway safety, noting that the road speed restriction had been amended. She referred to an application for a single dwelling in the village which had been refused recently partly of the grounds of highway safety, commenting that the Committee should be consistent in its decision making and refuse this application for the same reason.

Some Members spoke in support of the application noting the views of the County Engineer raising no objection to the proposal. Reference was made to the concerns of the Parish Council that the buildings would be well forward of the building line. However, this was considered to be insignificant and certainly not sufficient to warrant refusal of the application. In response to a question raised regarding building lines, the Officers explained that in terms of planning there was no real concept of building lines. Instead in determining an application consideration needed to be given as to how harmful a proposal was in terms of the character and the street scene. In this case there was a wide range of properties in the street and the proposal would not be harmful in that respect.

Reference was made to backland development generally and it was commented that it was necessary to demonstrate that specific harm would be caused. It was considered that insufficient harm would be caused in this case to warrant refusal of the application.

One Member raised concern regarding the need to retain the boundary treatment at the end of the rear gardens of plots 5 and 6. It was noted that should the Committee be minded to approve the application, a condition to address boundary treatment was suggested but that an informative could be added to specifically specify the need to retain this boundary.

By 16 votes to nil with 1 abstention 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 KBA/3105/8 subject to: -

- 1. conditions to address materials, access, parking, boundary treatment, landscaping, tree protection and the deletion of specified windows;*
- 2. an informative advising of the need to retain the boundary treatment at the end of the rear gardens of plots 5 and 6.*

DC.307 SUN/7291/5 – DEMOLITION OF EXISTING 8 FLATS AND CONSTRUCTION OF REPLACEMENT BUILDING CONTAINING 8 FLATS LINCOMBE LODGE, FOX LANE, BOARS HILL

The Committee was advised of an amendment to the report in that reference should be made to Foxcombe Lodge Hotel and not Lincombe Lodge Hotel.

The Committee was advised that the applicant had reported that the volume increase was 29.7% and that the Consultant Architect and the Architect's Panel had no objection to the proposal.

Furthermore, the Committee was informed that Wootton Parish Council had no objection to the application, but Sunningwell Parish Council had objected raising concerns regarding the volume increase which it suggested was more than stated by the applicant; the way in which the volume increase had been calculated it being considered that on average each flat would increase by 60%; size; height; precedent; the re-siting of the building further into the site; the amount of traffic on the road and traffic generation. The Parish Council had commented that it would welcome a meeting with the developers for them to explain how they had calculated the volume increase.

The Officers explained that the volume percentage was calculated based on the external volume of the building which was the requirement in the Local Plan. It was noted that a slight increase in an external volume could lead to a considerable increase in the internal volume of habitable space within a dwelling.

The Committee was advised on two representations received objecting to the application raising concerns regarding the access and vision splays in terms of safety; the increase in volume; breach of the building line (although it was noted that the building was to be pushed back further into the site); loss of amenity; increased traffic; car parking; harmful impact on the character and appearance of the area and the lawful use of the building for flats.

The Committee noted that an application on this site had previously been refused because the proposal would have resulted in a volume increase in excess of 40%, contrary to Green Belt Policy.

The Committee was advised that should it be minded to approve the application, authority to do so should be delegated to the Chief Executive in consultation with the Chair and/or Vice-

Chair of the Committee subject to the conditions set out in the report together with conditions to address parking and access, vision splays, landscaping boundary treatment and an archaeological watching brief.

Mr Nichol on behalf of Sunningwell Parish Council made a statement objecting to the application raising concerns relating to matters reported earlier in the meeting. He reiterated concerns regarding the volume increase which it was considered would be 60%; height; loss of amenity; breach of the building line; overlooking; the location of the car parking; traffic generation; and the setting of a precedent. He commented that other homes on Boars Hill had been subdivided and that approval of this application would lead to other applications in the area.

Mr I Fletcher the applicant's agent made a statement in support of the application reminding the Committee that the previous application had been refused because of the volume increase and that to raise other issues of concern at this stage would be unreasonable, such as the relationship of the building with the Lodge, car parking and height. He suggested that as these matters had been acceptable at the time of the earlier application then they should be acceptable now. Referring to the volume increase he commented that for the last application, it had been argued that a 50% volume increase was permissible and that a barrister's view on this had been obtained. However, the applicant now sought to comply with the Council Officers' advice and the volume increase proposed was less than 30%. Finally he commented that the proposal was in accordance with relevant planning policies.

One Member spoke in support of the application noting that the applicant had been careful not to include windows which would result in overlooking; the volume percentage was acceptable and the County Engineer had no objection.

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 SUN/7291/5 subject to: -

- 1. the conditions set out in the report;*
- 2. additional conditions to address parking and access; vision splays; landscaping; boundary treatment and an archaeological watching brief.*

DC.308 CUM/19444 – DEMOLITION OF 109 EYNHAM ROAD AND ERECTION OF EIGHT DWELLINGS. LAND TO REAR OF 101 – 109 EYNHAM ROAD, BOTLEY

Councillor Briony Newport had declared a personal interest in this item and in accordance with Standing Order 34 she remained in the meeting during its consideration.

Further to the report it was noted that the County Engineer had no objection in principle subject to some issues being addressed such as the applicant entering into a private road agreement.

It was clarified that the measurement from the nearest proposed gable wall to the nearest neighbour's front wall was 40 metres and from window to window was 60 metres.

Dr P Hawtin made a statement on behalf of Cumnor Parish Council raising concerns relating to matters already covered in the report. He commented that the development would extend to the rear of No.111 Eynsham Road and that as there was additional land behind No.s 113

and 115 it was likely that a proposal for further development would be received for that area. He raised concerns regarding this in terms of density and increased traffic using the access. He particularly raised concerns regarding the affect of the proposal on the residents of No.s 117 and 111 Eynsham Road in terms of noise and disturbance from vehicles and pedestrians along the access which would be immediately adjacent to their properties. He commented that a gated access would only increase noise and disturbance. He commented that there were bungalows to the rear of the site, occupied mostly by old age pensioners who were not in a position to object to the proposal but probably would have done. Finally, he asked that consideration be given to reducing the density which he considered would lessen the impact and would result in less traffic.

Mrs Weston made a statement objecting to the application. Speaking on behalf of her parents who were the neighbours she raised concerns regarding maintenance of the existing boundary wall; the width of the access in terms of its sufficiency to accommodate a road and a footpath; use and siting of foul water waste pipes; sewage connections, it being noted that there was already a problem with the sewage system in the area; consultation and negotiation on the application; property ownership and sales and the possibility of further backland development in this area; increased traffic; and refuse collection in terms of HGV access. Finally she commented that there was a covenant on the land restricting development.

Malcolm Jux the architect made a statement in support of the application commending the recommendation set out in the report. He commented that the site was sustainable in terms of its proximity to shops and facilities and there were public transport connections. He reported that the proposal accorded with PPG3 in respect of previously developed land and that the proposed density of 36 dwellings per hectare was acceptable. He commented that the scheme would make efficient use of the site and would contribute to meeting local housing needs. He explained that there would be no adverse impact on neighbouring properties in view of the distances involved. He reported that boundary treatment was proposed and that the design was acceptable in view of the mixed character of houses in this area. He commented that materials would be in keeping; and parking would be sufficient. Finally, he commented that in view of the concerns raised the applicant would be willing to remove the gated access from the scheme.

One of the Local Members reported that he agreed with the comments of the Parish Council. He referred to Policy D2 commenting that the development should not cause any harm to the neighbours. He considered that this would not be the case with this proposal and that harm would be cause in terms of noise and disturbance from traffic using the access road. He commented that with more houses on the site there would be more traffic. He referred to No.107 which would abut directly onto the access road. He explained that there would be traffic next to the side wall of the house and that there was bound to be noise. He suggested that if the Committee was minded to grant planning permission further conditions should be added (a) requiring that a substantial wall be built against the access road to an appropriate height; (b) the gates should be removed from the scheme; and (c) that any foul water drainage was separate to the existing system.

Some Members spoke in support of the application but expressed concern regarding possible adverse impact on the neighbours at No.s 107 and 111 in terms of noise and disturbance from traffic. To this end it was considered that the gates should be removed from the access as this would result in waiting traffic at this location which would add to any nuisance. Furthermore it was considered that appropriate boundary treatment should be provided along the boundary of the houses at No.s 107 and 111, possibly a brick wall which the applicant would provide and maintain. It was also suggested that the surface material of the road should be careful chosen to minimise the noise.

It was noted that some of the comments made by the objector such as sewage disposal and covenants, were not material considerations and should not be taken into account in determining the planning application.

It was commented that in Faringdon where an access ran by a neighbours house, an acoustic fence had been required and it was suggested that such a barrier might be appropriate in this case rather than a wall. The Officers responded that an informative should be added to any permission advising that the Council would seek the most effective boundary treatment in terms of reducing noise and that this could be either a fence or a wall.

Consideration was given to speed restriction measures such as road humps, but it was agreed that such measures were likely to increase any noise.

Consideration was given to the width of the access and it was noted that as this would be a private road, with probably few vehicle movements even at peak times there was no intention to incorporate a pavement. In response to a question raised, it was agreed that should the Committee be minded to approve the application a condition requiring a scheme of lighting along the access should be added. Furthermore it was considered that a condition should be added requiring a scheme for the collection of refuse.

One Member questioned whether a condition should be added regarding the hours of construction. However, it was noted that this was a matter dealt with un Environmental Health legislation.

Finally, in response to a further question raised it was noted that a condition was proposed regarding landscaping.

At this point in the meeting upon the invitation of the Chair 4 Members indicated that the gates should be sited further along the access and 13 Members indicated that the gates should be removed from the scheme.

By 17 votes to nil, it was

RESOLVED

that application CUM/19444 be approved subject to: -

- 1. the conditions set out in the report ;*
- 2. further conditions to*
 - (i) require the removal of the gates from the scheme;*
 - (ii) provide for the submission of a lighting scheme for the access road;*
 - (iii) require the submission of a scheme for dealing with refuse collection; and*
- 3 an informative advising of the concern that noise may result and therefore appropriate surface materials should be used for the access road and that the most effective acoustic boundary treatment in terms of either fences or walls should be provided along the side boundaries with the neighbouring properties at No.s 107 and 111.*

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

None.

The meeting rose at 8.30pm.