

DC.60

MINUTES OF A MEETING OF THE DEVELOPMENT CONTROL COMMITTEE

HELD AT THE GUILDHALL,
ABINGDON ON MONDAY, 4TH
SEPTEMBER, 2006 AT 6.30PM

Open to the Public, including the Press

PRESENT:

MEMBERS: Councillors John Woodford (Vice-Chair), Roger Cox, Terry Cox, Tony de Vere, Richard Farrell, Richard Gibson, Jenny Hannaby, Monica Lovatt, Jim Moley, Briony Newport, Jerry Patterson, Peter Saunders and Pam Westwood.

SUBSTITUTE MEMBERS: Councillor Bob Johnston for Councillor Terry Quinlan and Councillor Peter Jones for Councillor Margaret Turner.

NON MEMBER: Councillor Derek Rawson.

OFFICERS: Sarah Commins, Rodger Hood, Geraldine Le Cointe, Carole Nicholl, Andrew Thorley and Stuart Walker.

NUMBER OF MEMBERS OF THE PUBLIC: 27

DC.108 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 Terry Quinlan and Margaret Turner.

Councillor John Woodford – Vice-Chair in the Chair.

DC.109 MINUTES

The Minutes of the meetings of the Development Control Committee held on 24 and 26 July and 14 August 2006 were adopted and signed as correct records.

However, the Chair commented that he considered that the minute at DC.96 – Appeals was rather bland and that in his opinion more had been said about the Inspector's comments. However, he did not seek an amendment to that minute but asked that his comments made now be so recorded in these minutes unless Members thought otherwise. Subsequently there were no further comments.

DC.110 DECLARATIONS OF INTEREST

One Member declared interests in report /06 – Planning Applications as follows: -

<u>Member</u>	<u>Application</u>	<u>Type of Interest</u>	<u>Reason</u>	<u>Minute Ref</u>
Councillor Briony Newport	ABG/1797/3	Personal and Prejudicial	One of the objectors was a close friend	DC.119

DC.111 URGENT BUSINESS AND CHAIR'S ANNOUNCEMENTS

The Chair advised the Committee, that Councillor Terry Quinlan had been ill but was now feeling much better.

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

The Chair reminded Members that there was a supplementary agenda item.

DC.112 STATEMENTS AND PETITIONS FROM THE PUBLIC UNDER STANDING ORDER 32

None.

DC.113 QUESTIONS FROM THE PUBLIC UNDER STANDING ORDER 32

None.

DC.114 STATEMENTS AND PETITIONS FROM THE PUBLIC UNDER STANDING ORDER 33

It was noted that 10 members of the public had each given notice that they wished to make a statement at the meeting. However two members of the public declined to do so.

DC.115 MATERIALS

The Committee received and considered materials in respect of the following application: -

MIL/59/139(a) - External Materials 96 (97) Milton Park

By 15 votes to nil it was

RESOLVED

that the use of the following materials be approved: -

- (1) *Trespa Meteon cladding panel in anthracite*
- (2) *Synthatec polyester powder coating (PPC) in anthracite*
- (3) *Gobelin brick by Hanson*
- (4) *Reglit glass*
- (5) *Aluminium window curtain section by kawneer (window colour will be PPC anthracite, as noted above)*
- (6) *Coloured glass by Vanceva*

DC.116 APPEALS

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

One Member made reference to the appeal lodged with the Planning Inspector for determination in respect of the site at Abingdon Motorcycles, Marcham Road, Abingdon and sought details of the proposal and the reasons for its refusal. The Officers explained that the proposal was for 14 flats and had been refused by the Strategic Director under delegated authority for 6 reasons, 4 of which were being defended at appeal. One of the reasons not being defended related to policy E1 (parking) which had now changed with the adoption of the new Local Plan. It was also likely that the highway reason for refusal might be resolved. However, the other reasons included the proposal being detrimental to the amenity of future residents in terms of noise and disturbance from Marcham Road and the impact on the Ock Valley.

One Member referred to the dismissed appeal in respect of a 17.5m streetworks column together with ground equipment, cabinet and associated ancillary equipment on highways land outside the Abingdon Football and Social Club, Oxford Road, Abingdon. He welcomed the decision and asked the Committee to note that the Inspector had made such a decision in relation to a telecommunications mast.

RESOLVED

that the agenda report be received.

DC.117 FORTHCOMING PUBLIC INQUIRIES AND HEARINGS

The Committee received and considered an agenda report which advised of forthcoming public inquiries and hearing.

RESOLVED

that the agenda report be received.

PLANNING APPLICATIONS

The Committee received and considered report 64/06 of the Strategic 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 speak were considered first.

DC.118 DRA/477/9-X – DEMOLITION OF EXISTING BUILDINGS. ERECTION OF 3 DWELLINGS AND GARAGES. LAND ADJOINING 1 THE GREEN, DRAYTON

Miss S Kyle was due to make a statement objecting to the application but she was not present at the meeting.

The Committee was reminded that access and siting only were to be determined. The two main issues raised were the loss of the Poplar trees and the use of the bridleway. Members' attention was drawn to the views of the Arboricultural Officer and it was noted that a mature Oak tree in the neighbouring garden would be retained.

It was reported that an application for a dwelling on part of the site had previously been resolved to be approved subject to the removal of the garage by way of Section 106 agreement. However this agreement had never been signed and hence permission had not been granted.

It was explained that the Rights of Way Officer had raised concerns regarding the use of the bridleway.

Further to the report it was noted that (1) a letter had been received from the owner of the neighbouring property stating that the garage had not been used for over 15 years; the access along the bridleway was not used and even when it had been used it had been for accident vehicles only; there was an unauthorised gate further down the bridleway; (2) a letter received from the Land Registry showed that there was no access and (3) a letter from a solicitor was available stating that the bridleway was to be used only for bridle way uses.

Also further to the report a letter had been received from the applicant's agent stating that the bridleway had been in use since the 1940s up until recently for access; access to the site was via the lane and the gates had been operational as part of the business.

The Officers explained that it had yet to be demonstrated that the bridleway had been used as a vehicular access to this site. Therefore, the Committee was asked to consider an amended recommendation, namely that the Chief Executive, in consultation with the Chair and/or Vice-Chair of the Committee be delegated authority to approve application DRA/477/9-X subject to the conditions set out in the report and subject to evidence being received that a right of way exists along the bridleway and that should such evidence not be demonstrated, the Chief Executive be delegated authority to refuse the application.

In response to a question raised the Officers explained that access was a material planning consideration in this case as the proposed access was via a bridleway and there could be a conflict of uses between vehicles and horses.

One Member referred to the loss of the Poplar trees commenting that Poplar trees were a short lived species and these trees were likely to become dangerous and would be in need of felling within a few years in any event.

In response to a question raised the Officers clarified that proof of a right of way would include documented evidence such as land registry details or conveyance details, although prescriptive rights over land the land could have been established.

One Member referred to the timescale in which the applicant should demonstrate such evidence and he suggested that 90 days was appropriate. However, the Officers expressed some reservations regarding this, commenting that it was essential that the applicant was given sufficient time to research proof of access and come forward with evidence.

One Member commented that the principle of development on this site was acceptable and that it might be possible to gain access from the north of the site to the rear of the gardens. He suggested that siting of the dwellings proposed for the adjoining site should be taken into account when the layout was being finalised. The Officers pointed out that the current application was for outline permission for siting and access only.

It was proposed by Councillor Jerry Patterson, seconded by Councillor Tony de Vere that the Chief Executive be delegated authority to approve application DRA/477/9-X subject to the conditions set out in the report and subject to evidence being received within 6 months that a right of way exists along the bridleway and that should such evidence not be demonstrated, the Chief Executive be delegated authority to refuse the application. On being put, this was lost by 9 votes to 6.

It was then proposed by the Chair and by 15 votes to nil, it was

RESOLVED

that the Chief Executive be delegated authority to approve application DRA/477/9-X subject to the conditions set out in the report and subject to evidence being received that a right of way exists along the bridleway and that should such evidence not be demonstrated, the Chief Executive be delegated authority to refuse the application.

DC.119 ABG/1797/3 – PROPOSED TWO STOREY SIDE AND GROUND AND FIRST FLOOR REAR EXTENSION. 7 NORTH AVENUE, ABINGDON

Councillor Briony Newport 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 was advised that one rear window had been omitted from the scheme to reduce overlooking.

Mr Hine, one of the neighbours made a statement objecting to the application raising concerns regarding loss of light to the inside of his property, namely in the lounge and dining room; the resultant need for him to use artificial lighting; restriction of light to the rear of his house; loss of natural light in other areas; the proposal being out of keeping and possible damage to his property during construction due to the proximity of the proposal. Finally, he commented that he could not understand why such a proposal could be allowed although he did not object to the side extension.

Mr Tyne the applicant made a statement in support of the application commenting that he had resided in Abingdon for 10 years and did not want to move away from the area. He explained that with a growing family he needed to extend his property. He reported that there would be no impact in terms of overshadowing or loss of light; the original design had been reduced in size; the kitchen window had been omitted to lesson overlooking; the main windows of the neighbouring property did not face the side extension; an independent advisor had reported that there were no grounds for refusal and that the right of way would be retained and kept clear during construction as much as possible.

One of the local Members accepted that an extension to this property was acceptable in principle although he expressed concern regarding the impact on the neighbouring property which had a small rear garden in terms of overshadowing.

He referred to a ground floor window which would face the pedestrian access and questioned whether a top opening window should be required for safety reasons.

It was noted that this window would be to a utility room and the Officer advised that a top opening would be reasonable.

One Member spoke in support of the application noting that the impact of the proposal was not so harmful as to warrant refusal of permission and that on balance the proposal was acceptable particularly having regard to other extensions to properties in the vicinity and in Abingdon.

By 14 votes to nil, with 1 of the voting Members having withdrawn from the meeting, it was

RESOLVED

that application ABG/1797/3 be approved subject to the conditions set out in the report and a further condition to require that the utility window be top opening only.

DC.120 MIL/6026/4-X – DEMOLISH BUILDINGS, ERECT NEW BUILDINGS TO FORM TRUNK ROAD SERVICES, RESTAURANT/TAKE AWAY, CAR/LORRY PARK, BREAK DOWN RECOVERY AND REPAIR, ACCESS, LANDSCAPING, ASSOCIATED WORKS. LAND ADJACENT TO THE APPLE CART, MILTON HEIGHTS, MILTON

The Committee was reminded that this was an outline application and that access was the only point for consideration.

Further to the report it was noted that the Environment Agency had withdrawn its holding objection and proposed conditions from the Agency were awaited.

It was reported that a number of concerns had been raised regarding the uses suggested on the plan, such as the trunk road accident recovery. However, it was emphasised that the plan was for illustrative purposes only and that none of the uses were any more than illustrative.

Mr Strange made a statement on behalf of Milton Parish Council objecting to the application commenting that Back Hill Lane was a public road which had been locked; the public were permitted to use the road which was not a disused farm track; the Parish Council objected to the proposal notwithstanding the Local Plan; development of the site should not be carried out in a piecemeal way; the site was inadequate for the illustrative uses; the site was too small for a lorry park particularly having regard to vehicle numbers and size of vehicles and further regard should be given to the vehicle numbers provided by the Highway Agency.

Dr Hords made a statement on behalf of Didcot Town Council expressing concern regarding the impact of the proposal on traffic on other routes and accesses; numbers of vehicles at specific periods; parking and piecemeal development. He suggested a single point of entry and a single point of exit might be acceptable. However, these would be onto and off a very busy stretch of road.

Mr T Gashe, the applicant's agent made a statement in support of the application commenting that considerable time had been taken to prepare this application; the area was allocated for development in the Local Plan; the site had a long standing allocation; the area was in multiple ownership and the landowners had agreed a scheme to provide an improved access; there would be a new access to Site One Milton Park; the Local Plan Inspector had advised that provided there was a comprehensive access scheme then such a proposal would be acceptable; this interim arrangement would not compromise future development; traffic to and from the site would be outside peak hours; there would be improved highway safety; the exits were satisfactory; there were no objections from the County Council and the Section 106 was about to be signed.

In response to a question raised the Committee was advised that in making comments the County Council would have had regard to the impact on the nearby trunk road and would require contributions towards the programme of highway improvement planned for the Didcot area.

In response to a concern raised, the Officers reiterated that the uses on the plan were for illustrative purposes only and that detail of the proposed uses and associated matters would form an integral part of a reserved matters application.

In response to a further question raised it was clarified that the existing access and egress situation in respect of MacDonald's and the petrol filling station would remain and there would be a new separate access for the current application site.

One Member expressed concern regarding the need for improvements to the interchange and the problems with traffic at present. However, the Committee's attention was drawn to the letter received from the County Council attached to the report at Appendix 4 and the comments on traffic impact were highlighted.

By 15 votes to nil it was

RESOLVED

- (a) *that the Chief Executive in consultation with the Chair and/or Vice Chair of the Development Control Committee be delegated authority to approve application MIL/6026/4-X subject to the signing of a Section 106 agreement to secure highway contributions and subject to conditions, including the submission of the outstanding reserved matters; the provision of an access road to the southern boundary of the site and any conditions proposed by the Environment Agency; and*

- (b) *that in the event that the Section 106 agreement is not signed and completed by 21 September 2006, the Chief Executive in consultation with the Chair and/or Vice Chair of the Development Control Committee be delegated authority to refuse application MIL/6026/4-X for the reason that the necessary contributions required to mitigate the impact of the development on the local highway network have not been secured.*

DC.121 NHI/6423/2 – DEMOLITION OF EXISTING SINGLE STOREY GARAGE. ERECTION OF A TWO STOREY SIDE EXTENSION. 40 WESTMINSTER WAY, NORTH HINKSEY

The Committee noted that the application was a resubmission of a previous scheme. The proposal had been amended to remove two roof lights details of which were set out in the report. Members were asked to consider the effect of the proposal on the character of the area and the impact on neighbours.

It was suggested that there would be some impact on the amenity of No 42 Westminster Way but that this was not sufficient to warrant refusal, it being noted that the neighbour had a further window to his kitchen and the facing wall would be rendered a light colour allowing reflection of light back into the kitchen.

Mr Stevens made a statement on behalf of North Hinksey Parish Council objecting to the application raising concerns regarding the maximum width of the existing house and its proximity to the boundary; the proposal being overbearing; design, in that there would be a long blank wall along the boundary; unneighbourliness; the extension being out of character particularly the pitched roof and the staggered front; the stepping back not overcoming the objections raised; the proposal being contrary to Policy H24 in terms of scale, mass and position, design and appearance causing demonstrable harm and loss of amenity; loss of privacy; overlooking; overshadowing; the proposal being contrary to Planning Policy Guidance in terms of the proximity to the neighbouring boundary and the proposal being harmful to the street scene.

Mr Carpenter, the neighbouring resident made a statement objecting to the application raising concerns regarding loss of natural light to his property; adverse impact on the street scene; the principle of infill development and blight which would result; the setting of a precedent and harmful visual impact in that there would be the illusion of a terraced property.

Mr Mohammed the applicant made a statement in support of the application commenting that the property had been unoccupied for 3 years and had been neglected for 10 years. He advised that he had sought a design which was sympathetic to the character and appearance of the area and that he had consulted the neighbours regarding the proposal. He reported that the design was aimed at limiting overshadowing and that the proposal had been reduced in size and set back to reduce terracing. He reported that his property was overshadowed. He commented that a sky light to the bathroom had been removed and the extension had been reset at various points. He explained that the site had been tidied up and that the proposal accorded with planning policy.

One of the local Members referred to concerns raised locally regarding this development. She referred to the building and its proximity to the boundary and agreed that rendering and painting the facing wall might mitigate some concerns regarding loss of light. She referred to a building constructed in the garden of the application site although it was noted that this was allowed under permitted development rights. Finally, she referred to the state of the footpath and grassed area fronting the highway which was untidy due to building works and she questioned whether the applicant could be required to make these areas good.

The Officers clarified that the proposal complied with design guidelines and that the design respected the privacy of the neighbours. It was explained that an informative could be added

to any permission advising of the need to make good any damage caused to the footpath and grassed area as a result of the building works.

Some Members spoke in support of the applicant considering that there was insufficient harm caused to warrant refusal of the application. Furthermore, the site was to the North East of the neighbouring property and the windows affected by the development were secondary and Planning Inspectors tended to place less emphasis on the need to safeguard levels of amenity offered by secondary windows.

By 15 votes to nil it was

RESOLVED

that application NHI/6423/2 be approved subject to the conditions set out in the report and to an Informative advising that the Council would expect the applicant to restore the path and grass area adjoining the highway.

DC.122 GRO/7326/4 – PROPOSED ALTERATIONS & EXTENSIONS TO FORM FAMILY ANNEX. 7
BRUNEL CRESCENT, GROVE

Mrs J Stock had given notice that she wished to make a statement on behalf of the Parish Council but she was not present at the meeting.

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

By 15 votes to nil it was

RESOLVED

that application GRO/7326/4 be approved subject to the conditions set out in the report.

DC.123 DRA/19663 - TWO-STOREY REAR EXTENSION AND CONVERSION OF ROOF SPACE TO
FORM TWO BEDROOMS AND BATHROOM, PLUS INTERNAL ALTERATIONS. 6
CRABTREE LANE, DRAYTON

The Committee was advised that there had been an amendment to the proposal in that roof lights were also being proposed on the elevations, the sill heights of which were above 1.7m to prevent overlooking.

Members spoke in support of the application. One Member commented that the dormers were very large but on this dwelling in this situation they were acceptable, although he would not wish to see similarly large dormers being proposed elsewhere.

In response to concerns raised regarding the views expressed by the Parish Council resulting in the application needing to be considered by the Committee, the Officers advised that advice was given to Parish Councils on the types of issues which were material planning considerations. It was reported that it was neither practicable nor feasible for the Officers to enter into negotiations with Parish Councils regarding their comments or to simply ignore them. It was explained that Parish Councils had a right to make representations and that further training and advice for them in this regard was being considered.

By 15 votes to nil it was

RESOLVED

that application DRA/19663 be approved subject to the conditions set out in the report.

DC.124 CUM/1079/3 – ERECTION OF 9 APARTMENTS WITH ASSOCIATED GARAGING AND PARKING (RE-SUBMISSION). 7 DEAN COURT ROAD, CUMNOR HILL

The Committee was advised that the ridge height of the building had been reduced and the side of the roof amended. Furthermore there were some key design changes. It was noted that the proposal would resemble a large house in an “arts and crafts” style; there was a softening of the architectural details; proposed windows had been replaced with roof lights and the access would be upgraded.

Mr B Ahern made a statement objecting to the application advising that he represented the views of 70% of the residents in the area. He raised concerns relating to matters already covered in the report and specifically expressed concerns regarding planning design; the appearance of the property; the proposal being contrary to policy; the style and design being out of keeping in an area of detached family houses; pedestrian safety; stability of the community; percentage of small units; over development of the site; the proposal being too large; loss of amenity; overlooking; noise from vehicles; light pollution; loss of privacy; adverse impact on wildlife and damage to natural habitats; refuse disposal; traffic and highway safety; the narrowness of the road; the inconvenience of rear car parking; the likelihood of on-street parking; traffic and access.

Simon Marson the applicant’s agent made a statement in support of the application advising that regard had been given to the character and appearance of houses in the area; there were large houses in large gardens and the proposal would be in keeping; the site was well screened with mature trees; although there would be loss of 4 trees, 10 new trees would be planted; there would be limited views only of the property; the gable and hipped bay window would be an attractive entrance feature; the design was interesting; the bulk and massing had been minimised; the proposal accorded with planning policies in terms of density; the Green Belt and open countryside were protected; the design was domestic and traditional natural materials would be used and finally, the Council’s Consultant Architect supported the proposal.

One of the Local Members explained that most of the residents were not opposed to a new large house but to the density proposed. He referred to Policy H15 suggesting that the density should be not less than 30 houses per hectare as this site was within Cumnor village. He explained that the character of the area was changing marginally but that such a high density development in this area was not appropriate. He referred to Policy D6 and expressed concern regarding the impact on wildlife. He commented that a 5m strip to protect wildlife had been demanded as part of permission granted at a house nearby and he suggested that a similar measure would be reasonable in this case. He referred to development elsewhere in the area where small units of accommodation would be provided and that this development was not necessary. Finally he asked that should the Committee be minded to approve the application, permitted development rights should be removed and discussions should be entered into to seek six flats rather than nine. However, it was noted that flats did not have permitted development rights.

Another local Member raised no objection to the proposal but expressed some reservation regarding density.

In response to the comments made the Officers explained that the Local Plan was clear in that this area was one of the main built up areas identified in the Local Plan. Reference was made to Policy H15(1) and the requirement to seek higher densities. Members were advised that they would need to identify the harm from the proposal in terms of its design if this was to be a reason for refusal.

One Member reminded the Committee of the need to have regard to material considerations only, despite the popularity or otherwise of an application and furthermore, that the Committee should consider the application as presented and not what might be preferred. He commented that this application was acceptable in terms of the Local Plan density requirements. He suggested that there was no reason to refuse the application but requested that a condition requiring that a slab level to be agreed and then inspected prior to development should be added to any permission.

One Member welcomed the design. He commented that there was a need for smaller units of accommodation.

The Officers drew Members' attention to Local Plan Policy H15 which was read out for clarification.

Another Member welcomed the application, commenting on its high quality design which he considered in keeping in this location, but agreed that the wildlife should be protected during construction. The Officers' considered that condition 14 set out in the report would be sufficient. However, Members considered that there was a need to protect the natural habitat of wildlife.

In response, the Officers explained that the exact location of any wildlife habitats was unknown and to specifically request their protection would be unreasonable without more information. It was therefore considered that an informative should be added to any permission granted to advise the applicant of the need to maintain a corridor of a least one metre wide along the boundary of the site.

One Member whilst welcoming the application raised concern regarding the necessity of the garages. She commented that additional parking could be provided if they were omitted from the scheme. However, the Committee noted that the application needed to be considered as presented and that the garages were not sufficiently harmful to require removal from the scheme.

By 15 votes to nil it was

RESOLVED

that application CUM/1079/3 be approved subject to: -

- (1) the conditions set out in the report;*
- (2) a further condition regarding slab levels to be agreed and inspected;*
- (3) an informative to advise the applicant of the need to maintain a corridor of a least one metre wide along the boundary of the site to protect wildlife.*

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

None.

The meeting rose at 8.55 pm