

# DC.70

## MINUTES OF A MEETING OF THE DEVELOPMENT CONTROL COMMITTEE

HELD AT THE GUILDHALL,  
ABINGDON ON MONDAY, 25TH  
SEPTEMBER, 2006 AT 6.30PM

### Open to the Public, including the Press

PRESENT:

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

SUBSTITUTE MEMBERS: Councillor Terry Fraser for Councillor Jerry Patterson and Councillor Eddy Goldsmith for Councillor Monica Lovatt.

NON MEMBER: Councillor Harry Dickinson.

OFFICERS: Sarah Commins, Martin Deans, Mike Gilbert, Laura Hudson, Carole Nicholl and George Reade.

NUMBER OF MEMBERS OF THE PUBLIC: 11

### DC.125 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 Monica Lovatt and Jerry Patterson.

### DC.126 MINUTES

The Minutes of the Meeting of the Development Control Committee held on 4 September 2006 were adopted and signed as a correct record.

### DC.127 DECLARATIONS OF INTEREST

One Member declared an interest in report 73/06 – Planning Applications as follows:-

<u>Member</u>	<u>Type of Interest</u>	<u>Item</u>	<u>Reason</u>	<u>Minute Ref</u>
Councillor Eddy Goldsmith	Personal and Prejudicial	WAN/19629	He was a member of the Town Council's Planning Committee which may have considered the application.	DC.139

### DC.128 URGENT BUSINESS AND CHAIR'S ANNOUNCEMENTS

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

For the benefit of members of the public, the Chair explained that non Members of the Committee were able to speak on items in their Ward but were not permitted to vote.

DC.129 STATEMENTS AND PETITIONS FROM THE PUBLIC UNDER STANDING ORDER 32

One Member of the public had given notice that she wished to make a statement as follows: -

Mrs J Wilkinson had given notice that she wished to make a statement regarding report 72/06 – Tree Preservation Order (Sutton Courtenay) No.4 2006. Prior to her statement Mrs Wilkinson indicated to the Chair that she wished to circulate a map. However, the Chair declined to allow her to do so, advising her that speakers at this meeting were not normally allowed to distribute this type of material (paragraph 9.2 of the Local Code of Good Conduct for Members and Officers Dealing with Planning Matters 2003 refers). He explained that a map was appended to the Officers report.

Mrs J Wilkinson expressed concern regarding the retention of the walnut tree making the following comments: -

- The tree was inappropriate for the space in which it grew.
- She had planted the tree.
- She had only been aware that this meeting would be considering the TPO 10 days previously.
- She had been unable to get a copy of the report.
- She had 8 trees in her garden which were over crowded.
- She had a small garden.
- The walnut tree was not particularly visible. The only place it could be seen was from the lane at the back of her property. The tree was marginally visible by 3 feet above the ivy hedge and was set well into the boundary.
- She was concerned regarding the cost of maintenance.
- She was a widow on a low income with no other support and would find it financially difficult to afford the works required and ongoing maintenance.
- She reported that she had had a quote for the work required which was in excess of £1,000.
- To maintain the tree by way of cutting back and keeping it in shape and a size proportionate to the garden would cost approximately £300 plus VAT per annum. She could not afford this.
- There was significant leaf fall resulting in lots of clearing up.
- The tree attracted squirrels and these annoyed the neighbours. The squirrels made a huge mess and carried flees and mites.
- She was forced to make many trips to the skip to dispose of toxic leaves which could not be composted.
- She was unable to grow anything.
- The tree overhung her vegetable patch and she was therefore unable to successfully grow her vegetables.
- The walnut tree overshadowed a quince tree which could grow substantially if the walnut tree was removed and was more suitable.
- The tree grew very close to the drain of her property.

Despite concerns raised by Mrs Wilkinson, the Democratic Services Officer confirmed that she had had 5 minutes in which to make her statement and that the time recording device was working.

The Chair thanked Mrs Wilkinson for her statement advising that Members would have regard to her comments when considering report 72/06 later in the meeting (minute DC.135 refers).

DC.130 QUESTIONS FROM THE PUBLIC UNDER STANDING ORDER 32

None.

DC.131 STATEMENTS AND PETITIONS FROM THE PUBLIC UNDER STANDING ORDER 33

It was noted that 4 members of the public had each given notice that they wished to make a statement at the meeting. However, one member of the public declined to do so.

DC.132 MATERIALS

None.

DC.133 APPEALS

The Committee received and considered an agenda item which advised of two appeals which had been part allowed and part dismissed.

One of the local Members questioned whether enforcement action would be taken in respect of those parts of the appeals which had been dismissed by the Inspector. He commented that there was a perception that taking enforcement action was a slow process and that neighbours were anxious to know the time scales involved. He sought a reassurance that immediate neighbours would be kept informed of enforcement action as it proceeded.

The Officers explained that works to remedy the breach needed to be complied with within 2 months, which was before 24 October in this case. Attention was drawn to the comments of the Inspector who had considered that 2 months for compliance was reasonable. It was explained that the Council did not have practices and procedures in place to update local residents of such matters, but that they could contact the Council themselves for this information. However, it was confirmed that local Members would be kept informed.

One of the local Members expressed concern that he was of the opinion that no action would be taken and he confirmed that he would wish to be notified if the works to remedy the breach were not carried out within the specified timeframe.

One Member drew the Committee's attention to the comments of the Inspector regarding fenestration. He commented that due to an existing decision, although the fenestration might be inappropriate, it was not refusable. He asked that in considering refusing applications in the future, the Committee should be made aware of such matters, particularly when any previous consents made refusal of elements of an application not defensible at appeal.

Another Member commented that the Committee should take greater care in confirming reasons for refusal.

*RESOLVED*

- (a) *that the agenda report be received; and*
- (b) *that the local Members be notified if the works to remedy the breach in respect of the dismissed part of the appeals set out in the agenda are not carried out within the specified timeframe.*

DC.134 FORTHCOMING PUBLIC INQUIRIES AND HEARINGS

The Committee received a list of forthcoming public inquiries and hearings.

*RESOLVED*

*that the list be received.*

DC.135 TREE PRESERVATION ORDER (SUTTON COURTENAY) NO. 4 2006

The Committee received and considered report 72/06 of the Landscape Officer (Arboriculture) which advised that an application had been received on 1st February 2006 to carry out works at 2 The Green, Sutton Courtenay which was in a Conservation Area. The site had been inspected to see if the works were appropriate. It was explained that four trees in the garden were to be felled, including an early mature walnut tree. One sycamore tree was to be pollarded.

A letter of objection had been received from Sutton Courtenay Parish Council asking that the walnut tree should remain. It was reported that of the trees in the garden the walnut tree had the most merit and would soon develop into a tree that could be seen clearly by the public and would be an asset to the Conservation Area. Therefore it had been decided that the tree should be protected with a Tree Preservation Order.

An objection to the Order had been received from the resident Mrs J Wilkinson, details of which were set out in the report. Furthermore, the Committee noted that Mrs Wilkinson had made a statement earlier in the meeting and Members were asked to have regard to her comments in considering the matter.

Photographs of the trees were displayed at the meeting and it was noted that Mrs Wilkinson had permission to remove 3 trees and pollard a sycamore tree.

In response to the statement made by Mrs Wilkinson the Landscape Officer (Arboriculture) advised that if the walnut tree was "crowned" the light restricted to the detriment of the surrounding fruit trees would be reduced; the leaves did not in his view sour the land although they did contain certain compounds; the leaves were biodegradable and were non toxic; squirrels could be annoying but their presence was insufficient to warrant the removal of a healthy tree and in his view there was scope to relocate the vegetable plot within the garden.

The Landscape Officer (Arboriculture) advised that trees such as this walnut tree were trees which should be protected for the future. He commented that the tree would be outstanding in years to come and that the Council had a duty to secure a succession of trees for the future. He accepted that some trees could result in some inconvenience but that this did not outweigh the benefit which would be achieved from this tree which would be a magnificent specimen in the future. Finally, with regards to the cost of the works required and ongoing maintenance he suggested that the amounts quoted by Mrs Wilkinson were excessive and that he would be able to give advice on alternative tree surgeons whose prices would be more competitive. Furthermore, the Council had a grant scheme where grants were available for works required to trees the subject of tree preservation orders.

In response to a question raised the Landscape Officer (Arboriculture) advised that it was not unusual for a walnut tree to be preserved.

One Member expressed concerned about controlling what an individual could or could not do within their own garden, particularly when this would result in financial hardship on that person. However, the Landscape Officer (Arboriculture) reported that the Council was bound by the provisions of the Town and Country Planning Act 1990 in this regard.

By 11 votes to 2, with 2 abstentions it was

*RESOLVED*

*that Tree Preservation Order (Sutton Courtenay) No.4 be confirmed.*

## **PLANNING APPLICATIONS**

The Committee received and considered report 73/06 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.136 CUM/95/5 – CONSTRUCTION OF TWO STOREY DETACHED HOUSE WITH CAR PORT AND OUTBUILDING TO REAR (REVISION TO PERMISSION CUM/95/3). 205A CUMNOR HILL

Paul Blake the applicant's agent made a statement in support of the application commenting that the number of vehicle movements would not be inappropriate; there would be no visible harm; the extension would be obscured by the previously approved dwelling; there would be a one metre gap to the boundary; the size of the proposal was reasonable; and the two dwellings on the neighbouring site were taller and closer to the boundary than this outbuilding.

One of the local Members concurred with the views of the Officers and considered that the proposal was acceptable.

By 15 votes to nil it was

*RESOLVED*

*that application CUM/95/5 be approved subject to the conditions set out in the report.*

DC.137 CUM/5932/3-X - DEMOLITION OF DWELLING AND GARAGE. ERECTION OF 2 DWELLINGS WITH GARAGES. CUM/5932/4-X - DEMOLITION OF GARAGE. ERECTION OF 1 DWELLING AND 2 GARAGES 98 OXFORD ROAD, CUMNOR

It was noted that no comments had been received from the Parish Council.

Anita Maqdhavan made a statement objecting to the applications raising concern relating to matters already covered in the report. She specifically raised concerns regarding increased traffic, particularly during school time; access to the highway; loss of privacy particularly to her garden; noise and disturbance from vehicles; the character and appearance of the area changing. She expressed a preference for application CUM/5932/4 and sought details of the height of the new building commenting that she had concerns that it might adversely affect her amenity.

Mike Giles had given notice that he wished to make a statement objecting to the applications but he declined to do so.

Jen Joynson, the applicant of application CUM/5932/4-X made a statement in support of the application commenting that there was adequate screening in that on one side there was a mature laurel hedge which was approximately 12 feet high stretching along the garden boundary; the access was adequate and the road was one way with a single lane of traffic travelling at slow speeds; neighbouring houses had suffered from subsidence and therefore trees had been removed to address that; tree removal would be kept to a minimum; and vehicle movements would not be unacceptable and that at one time there had been 5 cars entering and leaving the site.

One of the local Members commented that he had been asked to represent the views of the neighbour. He explained that the site was adjacent to the Green Belt but also close to the village. He commented that in his opinion the most significant objection was the loss of privacy due to the construction of a second dwelling at the back of the site. He suggested that there would be overlooking of the neighbouring houses and garden and also neighbouring gardens further down the road. He asked that a condition be attached to any permission to require that the dwelling to the rear of the site should be single storey and that the hedges should be retained.

One of the local Members supported the applications but considered that a slab levels condition should be added to both permissions if Members were minded to approve the applications.

One Member commented that in his view there was no reason to refuse the applications but he expressed concern regarding the removal of the trees and sought clarification regarding which ones were to be removed and the impact of this on the general landscape. The Officers explained which trees were likely to be removed commenting that they were not worthy of preservation in any event. It was suggested that an informative could be added to any permission advising that the Council would wish to see the hedgerows retained.

Other Members spoke in support of the applications noting that a number of matters were reserved such as height, appearance and landscaping.

On considering the applications one Member raised a general question regarding consultation with Thames Water. The Officers explained that Thames Water was a utility provider and had asked to be consulted when a proposal provided for 10 dwellings or more, although Thames Water had previously requested to be advised of applications in an area where there were known water associated problems. It was also commented that the Council's drainage engineer provided advice on planning applications.

By 15 votes to nil it was

*RESOLVED*

- (a) *that application CUM/5932/3 - X be approved subject to the conditions set out in the report and a further slab level condition and an informative to advise the applicant that the Council would wish to see the hedgerows retained; and*
- (b) *that application CUM/5932/4 – X be approved subject to the conditions set out in the report and a further slab level condition and an informative to advise the applicant that the Council would wish to see the hedgerows retained.*

DC.138 SAH/19660/1 – VARIATION OF CONDITION 3 TO SAH/19660 – ERECTION OF REPLACEMENT DWELLING. THE ORCHARD, 76 HONEYBOTTOM LANE, DRY SANDFORD

By 15 votes to nil it was

*RESOLVED*

*that application SAH/19660/1 be approved subject to the condition set out in the report.*

DC.139 WAN/19629 – FLAT ROOF EXTENSION TO REAR FOR ADDITIONAL KITCHEN SPACE, UTILITY ROOM & WC/SHOWER ROOM. SINGLE STOREY EXTENSION TO THE SIDE FOR ADDITIONAL LIVING SPACE. 78 HAMFIELD, WANTAGE

Councillor Eddy Goldsmith had declared personal and prejudicial interest in this item and in accordance with Standing Order 34 he withdrew from the meeting during its consideration.

The Chair reported that the application was being considered by the Committee at the request of one of the local Members who unfortunately had been unable to attend the meeting. However, she had submitted written comments which were read out in full by the Chair and had been circulated to all Members of the Committee prior to the meeting.

The other local Member whilst noting the comments made raised no objection to the proposal explaining that there was no reason to refuse the application.

One Member questioned how the effect of the extension had been assessed on the neighbour's kitchen window. In response the Officers explained the configuration of the rooms and the fenestration.

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

*RESOLVED*

*that application WAN/19629 be approved subject to the conditions set out in the report.*

DC.140 CHD/19720 – RETENTION OF ROOFLIGHTS. 1 LAWRENCE CLOSE, CHILDREY

Helen Lawton made a statement objecting to the application raising concerns relating to matters already covered in the report. She specifically raised concern that the development was contrary to a restrictive covenant; the size of the roof lights; loss of privacy; overlooking; lack of consultation; devaluation of neighbouring properties; and the proposal being out of keeping and visually harmful. She commented that obscure glazing and limited opening of the lower roof lights was insufficient and that the lower roof lights should be removed entirely.

The Committee noted that the application was retrospective. Members commented that they would have preferred this to have been made clear in the application description although it was noted that the description referred to the "retention" of the rooflights. Members were reminded that they should consider the proposal on its merits and that the advice of the Officers would have been the same even if this had not been a retrospective application.

Some Members were sympathetic to the views expressed by the objector and considered that the proposal was visibly harmful and would result in loss of privacy. It was commented that the windows were unsightly and that even if there was obscure glazing, this would not overcome the concerns of the neighbours in terms of the perception that they were being overlooked. Furthermore, one Member referred to the approval of the houses on this sensitive site in the first instance commenting on the length of deliberations regarding design and style. She commented that a significant amount of thought went into the development at that time and this proposal was inappropriate especially on this prominent plot. It was suggested that the application should be refused as being contrary to Policy DC9 in terms of a harmful impact on neighbours.

Other Members did not consider that there was sufficient harm to warrant refusal. It was noted that the site was not in the Conservation Area and that the obscure glazing would address the concerns regarding overlooking.

On consideration of this application one Member sought clarification as to whether planning permission was required for the solar panels. The Officers responded that in this case planning permission was required as permitted development rights had been removed. It was explained that the removal of such rights did not mean that such development was unacceptable, but that the Local Planning Authority would retain control. It was confirmed that the current application did not include the solar panels and it was suggested that the applicant ought to be encouraged to submit an application to regularise the unauthorised development. To this end it was considered that an informative should be added to any permission advising the applicant of the need to apply for permission.

By 8 votes to 6, with 1 abstention it was

*RESOLVED*

*that application CHD/19720 be approved subject to the conditions set out in the report and subject to an informative advising that an application for planning permission for the unauthorised solar panels should be submitted.*

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

None.

The meeting rose at 8.10 pm