

# DC.121

**MINUTES OF A MEETING  
OF THE DEVELOPMENT CONTROL  
COMMITTEE**

**HELD AT THE GUILDHALL, ABINGDON ON  
MONDAY, 8TH JANUARY, 2007 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, Margaret Turner and Pam Westwood.

SUBSTITUTE MEMBERS: Councillors Mary de Vere in place of Councillor Terry Quinlan and Councillor Peter Jones in place of Councillor Peter Saunders.

NON MEMBER: Councillor Derek Rawson.

OFFICERS: Sarah Commins, Mike Gilbert, Laura Hudson, Stuart Walker and Jason Lindsey.

NUMBER OF MEMBERS OF THE PUBLIC: 52

DC.220 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 Peter Saunders.

DC.221 DECLARATIONS OF INTEREST

Councillor	Type of Interest	Item	Reason	Minute Ref
Briony Newport	Personal	CUM/8320/1	Acquainted with one of the objectors.	DC.231
Jerry Patterson	Personal	DRA/14126/20	Acquainted with the applicant.	DC.232
Derek Rawson	Personal	CUM/19835 CUM/8320/1 NHI/1660/1	Resident of Cumnor Hill but not close enough to the application sites to warrant receipt of a neighbour notification letter.	DC.230 DC.231 DC.234

DC.222 CORRECTION TO MINUTES PREVIOUSLY ADOPTED

It was noted that the Minutes of the meeting of the Committee held on 7 November 2006 had been adopted and signed as a correct record at the last meeting. However, since that time notification had been received from one of the members of the public who spoke at the meeting asking that corrections be made to her statement and furthermore that a correction be made elsewhere in the Minutes.

The corrections were set out as an Appendix to the agenda.

*RESOLVED*

*that the corrections be noted.*

DC.223 URGENT BUSINESS AND CHAIR'S ANNOUNCEMENTS

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

DC.224 STATEMENTS AND PETITIONS FROM THE PUBLIC UNDER STANDING ORDER 32

None.

DC.225 QUESTIONS FROM THE PUBLIC UNDER STANDING ORDER 32

None.

DC.226 STATEMENTS AND PETITIONS FROM THE PUBLIC UNDER STANDING ORDER 33

It was noted that 7 members of the public had each given notice that they wished to make a statement.

DC.227 MATERIALS

None.

DC.228 APPEALS

The Committee received and considered an agenda report which advised of one appeal which had been lodged with the Planning Inspectorate.

*RESOLVED*

*that the agenda report be received.*

DC.229 FORTHCOMING PUBLIC INQUIRIES AND HEARINGS

A list of forthcoming public inquiries and hearings was presented.

*RESOLVED*

*that the list be received.*

**PLANNING APPLICATIONS**

The Committee received and considered report 147/06 of the Deputy Director (Planning and Community Strategy) 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.230 CUM/19835 - DEMOLITION OF DWELLING & GARAGE (NO 3). ERECTION OF 2 DETACHED DWELLINGS AND 2 BLOCKS OF 6 APARTMENTS. ASSOCIATED CARPORTS, GARAGES, PARKING, CYCLE & BIN STORES. RELOCATION OF ACCESS. 1 & 3 DEAN COURT ROAD, CUMNOR HILL

(Councillor Derek Rawson had declared a personal interest in this application and in accordance with Standing Order 34 he remained in the meeting during its consideration).

It was reported that two further letters of objection had been received raising concerns to matters already covered in the report. Furthermore, a request had also been received that consideration of the application be deferred until all Members of the Committee had visited the site. Members attention was drawn to the guidance set out in Planning Policy Statement 3 (PPS3). It was reported that the County Engineer had suggested an additional condition requiring further details of the access drive were provided prior to the commencement of development. In response to comments made by the Consultant Architect regarding the dormers being inconsistent between the plans, it was proposed that an informative be added to any permission to clarify that the dormers as shown on the elevations were the ones approved and not those as shown on the block plan.

Mr N Lyzba, the applicant's agent, made a statement in support of the application. He noted that infilling development was causing much concern locally but stated that the application before the Committee met both Government planning guidance and District Council Planning Policies. He referred to the support of the Council's Consultant Architect and reminded the Committee that the density of the proposed development was at the lower end of the density scale. He considered that the design and layout of the scheme was imaginative and referred to the retention of trees and the provision of a wildlife corridor as part of the development.

One of the local Members, present at the meeting referred to the level of local concern regarding the increasing amount of infilling development in the area. He expressed disappointment that the proposed development and a previous development permitted at 7 Dean Court Road had not included provision for affordable housing, which was required locally. He supported the comments of his fellow Ward member, as set out in paragraph 4.5 of the report, regarding drainage problems in the locality and made mention of a letter on the Planning file from the Council's Drainage Engineer regarding flooding. In this regard he asked whether these concerns were covered by the proposed drainage condition. He expressed concern at the impact of increased traffic and asked whether a traffic assessment had been undertaken. Finally, he suggested that separate drainage conditions to address surface water and foul water be attached to any permission and that similar wording be used as detailed at condition 15 on page 39 of the agenda.

In response, the Officers confirmed that the development site was not within any Flood Zone and the proposed drainage condition covered the views of the Council's Drainage Engineer. Furthermore, the drainage problems being experienced in the local area were caused by severe weather conditions and not the capacity of the drainage system. In respect of the access arrangements, the County Engineer had expressed a preference for the access to be off Dean Court Road.

Other Members of the Committee made the following observations:-

- Support the comments of the Consultant Architect that chimneys or some other feature be incorporated into the design to break the long ridgelines.
- The dormers were not shown consistently on all of the drawings.
- Need for a slab level condition.

- Development sites were being broken up to avoid providing affordable housing.
- Need to ascertain from Thames Water, as a matter of urgency, what plans it had in place to address drainage problems in the local area and that the response be reported back to the Development Control Committee.

By 13 votes to 1, with 1 abstention, it was

*RESOLVED*

(a) *that authority to approve application CUM/19835 be delegated to the Chief Executive in consultation with the Chair and/or Vice-Chair of the Development Control Committee and Councillor Derek Rawson subject to:-*

- (1) *the completion of a S106 Agreement to secure the required financial contribution;*
- (2) *the conditions set out in the report, together with a slab level condition and separate drainage conditions for surface and foul water, such conditions to reflect the wording of condition 15 on page 39 of the agenda;*
- (3) *the design of the proposed dwellings being amended to include chimneys or finials to break up the long ridgelines;*
- (4) *an informative being added to any permission to clarify that the dormers as shown on the elevations were the ones approved and not those as shown on the block plan;*

(b) *that authority to refuse application CUM/19835 be delegated to the Deputy Director (Planning and Community Strategy) in consultation with the Chair and/or Vice-Chair of the Development Control Committee and Councillor Derek Rawson should the Section 106 Agreement not be completed within the 13 week period (which ends on 9 February 2007);*

*The Reason for refusal would be based on the lack of necessary financial contributions towards improving local services and facilities;*

(c) *that the Deputy Director (Planning and Community Strategy) be requested to write to Thames Water, as a matter of urgency, to ascertain what plans it had in place to address drainage problems in the North Hinksey/Cumnor area and that the response be reported back to the Development Control Committee.*

DC.231 CUM/8320/1 DEMOLITION OF HOUSE & GARAGE. ERECTION OF BUILDING COMPRISING FLATS. ERECTION OF HOUSES AND COACH HOUSE WITH ASSOCIATED OFF-STREET PARKING & LANDSCAPING. 40 CUMNOR HILL

(Councillors Briony Newport and Derek Rawson had each declared a personal interest in this item and in accordance with Standing Order 34 they remained in the meeting during its consideration).

It was reported that a letter dated 8 January 2007 had been received from Dr Evan Harris MP expressing concern at the number of applications for developments in the area of lower Cumnor Hill and Eynsham Road, whereby an existing footprint was expanded, with the result that there was less screening and more traffic. He noted a number of recent applications in the local area, none of which had been sufficient in size for the Council to insist on a significant proportion of affordable housing and therefore did little to deal with the wider social housing needs in the area. His concern and that of many of his constituents was that

sequential piecemeal applications of this nature would over time change the neighbourhood from one which had an extremely rural feel and that local planning policy needed to reflect the need to maintain the character of the area, especially in the absence of making progress in meeting local housing need through these developments.

The Principal Planning Officer reported the following additional information:-

## Local Objections

A further 35 letters of objection had been received reiterating concerns already covered in the report and making additional comments, as follows:-

- The amended proposals made little change to the overall proposal, apart from some tinkering with the positioning of the various units and did nothing to address the core problem in that the proposal was out of keeping with Cumnor Hill.
- The archway was narrower than previously and would pose more of a risk to pedestrians walking underneath.
- The relocated Coach House restricted the amount of on site parking, making it inevitable that visitors would park on Cumnor Hill.
- The slope of the driveway was now greater, which would increase the revving of engines to the detriment of neighbouring amenity.
- Car parking was still inadequate.
- There was now no vehicular access to the terraced houses and the parking area was now closer to no 36 and no 42 Cumnor Hill, which would lead to light pollution, exhaust emissions and noise.
- The block of flats, being forward of the existing building line, remained intrusive and out of keeping with the character of Cumnor Hill. It was still higher than surrounding property and filled the width of the plot. The bay windows also protruded further than before.
- The proposed bin store was totally inappropriate and would be unsightly. It replaced the few trees that might have remained on the northern part of the road frontage.
- Should permission be given, there should be a condition requiring appropriate mature trees to be planted adjoining the pavement.
- The amended block of flats remained extremely intrusive to no 36 Cumnor Hill, and undermined the privacy to the bedroom that faced the site, which only had one window and not two as stated in the applicant's supporting information. It would also impact on light to the main bedroom window at the front. The rear terrace would also overshadow the side access path and the kitchen window by virtue of its height.
- The badger sett would be disturbed and no care appeared to have been taken to protect them from harm.
- The key to developing this site was good design. As proposed it did not represent good design, and should not be accepted.

## The Oxford Badger Group

The Oxford Badger Group had objected to the application stating that the report only covered activity on the site. It was concerned that the report did not cover badger activity on Cumnor Hill and that a wider survey was vital to ensure that wildlife corridors and foraging areas outside the site were not adversely affected. The Group considered that the proposed development involved an excessive overdevelopment of the site that would have a devastating impact on the wildlife habitat of the area.

## Cumnor Parish Council

It was reported that Cumnor Parish Council had been unable to meet to consider its response to the amended plans. However, two Councillors familiar with the application had considered the amended plans and re-iterated previous concerns raised by the Council regarding the proposal and made further comments in respect of the badger sett. The two members urged the Council to obtain its own independent advice regarding the protection of the sett, prior to determining the application. Other comments related to the continued over-dominance of the main block fronting Cumnor Hill and if the flat roof was sacrificed it would be possible to design a more compact and pleasing building, possibly allowing for access to the rear via the side of the plot. Finally, in respect of the Coachhouse it was considered that despite providing one flat and five dry parking spaces, this part of the development had a major effect, not only on existing neighbours, but also the quality of life for future occupants of the proposed new dwellings. In this regard the Committee was urged to omit the Coachhouse from any permission granted.

### County Engineer

It was reported that the County Engineer had raised no objection to the proposal on highway safety grounds, subject to conditions, but had raised a query regarding the potential adoption of the parking area. As there could be a requirement for Oxfordshire County Council to adopt the access drive and parking area, it had been requested that the height of the arch was increased to 5.7m as per current adoptable standards. The Highways Officer had requested that a further condition be added to ensure a site storage area was provided for all materials, plant and equipment in the interest of highway safety.

### Environment Agency

It was reported that the Environment Agency had submitted a holding objection to the application stating that the development might increase flood risk in the area. Should sufficient information subsequently be provided which demonstrated that the development would not have a detrimental impact at the site or downstream and that appropriate mitigation measures could be employed, the Environment Agency might be in a position to remove its objection on flooding grounds.

In response to the comments and observations set out above, the Principal Planning Officer responded as follows:-

- In respect of the proposed arch, it was confirmed that it was no different than previously, and remained at a width of 4m. However, its height had been reduced at the rear to mirror the slope of the drive, as could be seen on the section drawing P104 on page 48 of the agenda.
- The allocated parking spaces had increased from 20 spaces on the original scheme to 21.
- Natural England had raised no objection to the proposal subject to the recommendations in the badger report being adhered to and that a further walk-over survey was carried out prior to any construction work commencing on site.
- In respect of the potential adoption of the parking area by Oxfordshire County Council, this was not a material planning consideration, and there had been no specific objection raised regarding the height of the arch on safety grounds. Furthermore the Council's Building Control Officer had confirmed that the height and width of the arch was acceptable for access by a fire tender, as per part B of the Building Regulations.
- In the event that planning permission was granted further information be sought from the applicant to address the Environment Agency's objection prior to any consent being issued. In the event the objection could not be overcome, the application would be refused on such grounds.

- The bin store should be relocated to a less prominent position on the site. It was therefore proposed that condition 10 on the report be replaced with the following wording:

*Notwithstanding the submitted details, no works shall commence upon site until revised details of bin storage, location of bin store(s) and collection facilities have been submitted to and approved in writing by the Local Planning Authority. Prior to occupation the bin store/collection facilities shall be completed in all respects in accordance with the approved details and maintained as such thereafter.*

In relation to the report, the Principal Planning Officer clarified the following points:-

- In addition to the differences stated in paragraph 1.3, there was also a further difference in that the projection of the bay windows to the front of the block of flats had been increased by 300mm, thus having a total depth of 1m from the front of the block. The block itself came forward 0.8m forward of the existing at the corner closest to No 36 and 2m forward at the corner of the existing dwelling at no 42. Plan number P1.02 showed the position of the block in relation to the existing building.
- At paragraph 3.6, objectors had raised issues in relation to PPS3. For the avoidance of doubt, the presumption in favour of developing previously developed sites mentioned did not state that all land that was previously developed must be built on. The report was merely stating that as per Paragraph 40 of PPS3 a key objective was that the Council should continue to make effective use of land by re-using previously developed land rather than building on a green field site. As per Annex B of PPS3, there was no presumption that land that had been previously developed was necessarily suitable for housing development nor that the whole curtilage should be developed.
- Paragraph 9 of PPS3 reiterated the Government's strategic housing policy goal was to create sustainable, inclusive, and mixed communities in all areas. This consideration had been a key factor in allowing the appeal at No 116 Oxford Road, Abingdon where there had been objections to a proposal for a block of flats.
- Paragraph 12 of PPS3 confirmed that good design was fundamental to the development of high quality new housing, which contributed to the creation of sustainable, mixed communities.
- Paragraph 13 of PPS3 stated that design which was inappropriate in its context, or which failed to take the opportunities for improving the character and quality of an area and the way it functioned, should not be accepted.
- Paragraph 49 of PPS3 also confirmed that careful attention to design was particularly important where the chosen local strategy for new housing involved the intensification of the existing urban fabric. More intensive development was not always appropriate.
- Paragraph 69 stated that in determining planning applications, Local Planning Authorities should have regard to: 1) Achieving high quality housing, 2) ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, 3) in particular families and older people, 4) the suitability of a site for housing, including its environmental sustainability, 5) using land effectively and efficiently and 6) ensuring the proposed development was in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and did not undermine wider policy objectives.

Dr P Hawtin, on behalf of the Parish Council, made a statement objecting to the application, raising concerns relating to matters already covered in the Parish Council's response attached to the agenda. He claimed that this was the wrong development at the wrong time in the wrong place. He questioned the views of the Consultant Architect in respect of the application.

Mr J Rees, the owner of 36 Cumnor Hill, made a statement objecting to the application, raising concerns relating to matters already covered in the report. He claimed that the Oxford Badger Group had been denied access to the site and referred to the letter of concern from the local Member of Parliament regarding the proposed development and increased development generally in the Cumnor Hill area. He urged the Committee to reject the application.

Mr J Phillcox, the applicant's agent, made a statement in support of the application. He considered that the Officers had produced a thorough report and referred to the amount of pre-application discussion that had been undertaken with both the Vale and Oxfordshire County Council. Furthermore, there had also been much discussion on the amended scheme with the Vale, its Design Panel, Oxfordshire County Council, Cumnor Parish Council and neighbours. He accepted that the proposal would result in the loss of a family home, but claimed the proposed development would provide a healthy mix of residential units to meet local need. Referring to concerns regarding precedent, he reminded the Committee that each application should be considered on its merits. Finally, he referred to the Council's stated objective of protecting the Oxford Green Belt and claimed that the proposed development would assist with that aim.

Two of the local Members, present at the meeting, referred to the many local objections to the application and one expressed concern that the public consultation on the amended plans had been undertaken over the Christmas and New Year period. In speaking against the application they made the following comments:-

- The proposed development would harm the character of the area, contrary to Local Plan Policy H10.
- The proposed density was too high.
- Detrimental impact on neighbouring properties in terms of privacy and drainage. Reduce slab levels to lessen any impact.
- Urban development and out of keeping.
- No account had been taken of the impact of culverting the stream currently running through the application site.

Other Members of the Committee made the following additional comments:-

- Drainage concerns in the locality should be explored outside of the meeting.
- The principle of backland development was acceptable, however the current application was unacceptable for the reasons given by the local Members and local objectors above.
- Increased noise nuisance from vehicles entering the site, due to the slope of the land from the highway to the application site.
- Disappointed with the views of the Consultant Architect.
- Building at front of site too high and dominant.

It was proposed by Councillor Jerry Patterson, seconded by Councillor Richard Gibson and by 15 votes to nil, it was

## *RESOLVED*

- (a) *that authority to refuse application CUM/8320/1 be delegated to the Deputy Director (Planning and Community Strategy) in consultation with the Chair and/or Vice Chair and Opposition Spokesman of the Development Control Committee and local Members, the reasons for refusal relating to the design, scale and massing of the proposed block fronting Cumnor Hill, impact on 36 Cumnor Hill, lack of relevant information in respect of the Environment Agency's holding objection regarding possible flooding and the absence of financial contributions towards improving local services and facilities;*

(b) *that the principle of development of the site, including the demolition of 40 Cumnor Hill be accepted.*

DC.232 DRA/14126/20 - INSTALLATION OF SOLAR PANELS INTO ROOF STONEHILL HOUSE, STONEHILL LANE, DRAYTON

(Councillor Jerry Patterson had declared a personal interest in this application and in accordance with Standing Order 34 he remained in the meeting during its consideration).

The Committee was reminded that the Council had a statutory duty to protect Listed Buildings, irrespective of whether it was in public view.

Some Members, whilst accepting the above, considered that the environmental benefits outweighed any harm that might be caused to the character of the property.

By 11 votes to 3, with one abstention, it was

*RESOLVED*

*that application DRA/14126/20 be refused for the reason set out in the report.*

DC.233 LRE/4783/5 EXTENSION & ALTERATIONS TO EXISTING GARAGE. ERECTION OF A DOMESTIC GARAGE. ANTWICKS STUD, MAIN STREET, LETCOMBE REGIS

It was reported that the description of the application on the agenda was incorrect, and should have read "Extension & alteration to existing dwelling. Erection of a domestic garage." It was further reported that two further letters of local support had been received and a letter from the applicant's agent had been received responding to concerns raised locally. A letter of support had also been received from the local Member, the content of which was read out in full at the meeting. In particular the local Member asked that he be consulted on the materials to be used and sought confirmation that the legal agreement relating to the site still applied.

In response, the Principal Planning Officer confirmed that the legal agreement relating to a previous permission still applied and suggested an informative, in the event that planning permission was granted, stating that the application was for an extension and should the existing dwelling be demolished then no planning permission would exist to rebuild the property and the reasons for permitting this development would not apply.

Major D Shaw, on behalf of the Parish Council, made a statement objecting to the application, raising concerns relating to matters already covered in the report. He questioned the Officer view that the proposal would enhance the character of the area. He referred to a previous planning application submitted by the applicant to convert the stables to form three dwellings at the site, which was withdrawn in September 2005.

Mr A Fox-Edwards made a statement objecting to the application, raising concerns to matters already covered in the report. He claimed that the proposed development would be detrimental to the North Wessex Downs Area of Outstanding Natural Beauty and supported the views of the Planning Advisor to that body.

Mr C Strang, the applicants agent, made a statement in support of the application. In response to objections raised he explained that extensions to dwellings in the AONB were allowed. He accepted that there were some public views into the site but considered that the development would be well screened. The proposed development of one and a half storeys would be an attractive construction which would enhance the local area. He referred to the

Officer report which addressed all of the objections and noted that the closest neighbour to the site had raised no objection and that the Parish Council had not been unanimous in its objection.

Members supported the proposal and commended the design, which it was considered enhanced the AONB and was an improvement on the existing dwelling. It was accepted that the proposed extension was large and that the use of appropriate materials would be an important consideration.

One Member, although welcoming the design of the proposed extension, expressed concern that its size might be contrary to policy. In response, the Development Control Manager understood this concern but confirmed that two principal walls of the existing dwelling would be retained and therefore the proposal did not constitute a complete rebuild.

By 14 votes to 1, it was

*RESOLVED*

*that application LRE/4783/5 be approved subject to the conditions set out in the report, together with an informative advising that should the existing dwelling be completely demolished, the development would constitute a rebuild and due to its size, it would be contrary to policy.*

DC.234 NHI/1660/1 – DEMOLITION OF HOUSE AND OUTBUILDING. ERECTION OF BUILDING COMPRISING FLATS (FRONTING CUMNOR HILL). ERECTION OF HOUSES (FRONTING ONTO CONIFER CLOSE). 3 CUMNOR HILL

(Councillor Derek Rawson had declared a personal interest in this application and in accordance with Standing Order 34 he remained in the meeting during its consideration).

It was reported that a further six letters of objection had been received raising concerns to matters already covered in the report. In addition, concern was expressed that the proposed properties fronting Conifer Close would result in a loss of daylight and outlook and would be out of keeping with the Close. Furthermore, it was claimed that the turning space for vehicles on the site was inadequate and that the drawings accompanying the application misrepresented the gap between the proposed building and 3a Cumnor Hill. Finally, there was concern regarding dust and noise pollution during demolition and construction works. It was reported also that the Parish Council had raised no objection to the amended plans but it had expressed some concerns regarding the accuracy of the plans. The Council had requested that if the application was approved, it was important that there was special protection for the neighbours during demolition and construction works due to ill health.

Mr J Philcox, the applicants agent, made a statement in support of the application.. He explained there had be much discussion with the Vale and Oxfordshire County Council regarding the amended plans and he noted that the Parish Council had now withdrawn its objections. He claimed that the proposed development would lessen the impact on neighbouring properties compared to the existing dwelling, which was set well back in the site. Off street car parking had been provided in accordance with County Council standards and there was adequate public transport provision locally. Finally, he considered that the proposed development made the most efficient use of the site.

One of the local Members, present at the meeting, welcomed the amended plans to reduce the number of flats to six but still expressed a preference for one dwelling at the rear of the site. She requested that in the event planning permission was granted, separate drainage conditions be included covering both surface and foul water and supported the decision taken

earlier in the meeting that the views of Thames Water be sought on its plans to address drainage problems in the local area.

One Member expressed his disappointment with the design of the semi detached dwellings. Another Member expressed concern at the adequacy of the turning space on the site and the dangers of vehicles reversing onto a busy junction.

By 14 votes to 1, it was

*RESOLVED*

*that application NHI/1660/1 be approved subject to the conditions set out in the report and separate drainage conditions for surface and foul water, such conditions to reflect the wording of condition 15 on page 39 of the agenda.*

DC.235 NHI/19799/1 – NEW SHOP FRONT AND SIGNAGE TO ENABLE DISABLED ACCESS. 9, THE SQUARE, WEST WAY, BOTLEY

By 15 votes to nil it was

*RESOLVED*

*that application NHI/19799/1 be approved subject to the condition set out in the report.*

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

None.

The meeting rose at 9.15 pm