

DC.165

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

**HELD AT THE GUILDHALL, ABINGDON ON
MONDAY, 2ND APRIL, 2007 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, Monica Lovatt, Jim Moley, Briony Newport, Jerry Patterson, Peter Saunders and Margaret Turner.

SUBSTITUTE MEMBER: Councillor Eddy Goldsmith for Councillor Pam Westwood.

NON MEMBERS: None

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

OFFICERS: Martin Deans, Rodger Hood, Geraldine Le Cointe, Jason Lindsey and Stuart Walker.

NUMBER OF MEMBERS OF THE PUBLIC: 17

DC.289 NOTIFICATION OF SUBSTITUTES AND APOLOGIES FOR ABSENCE

The attendance of a Substitute Member who had been authorised to attend in accordance with the provisions of Standing Order 17(1) was recorded as referred to above with an apology for absence having been received from Councillor Pam Westwood.

DC.290 MINUTES

The Minutes of the meeting of the Committee held on 19 February 2007 were adopted and signed as a correct record.

DC.291 DECLARATIONS OF INTEREST

Councillor	Type of Interest	Item	Reason	Minute Ref
Terry Cox	Personal	WTT/19927	The applicant was a fellow District Councillor	DC.299
Roger Cox	Personal	WTT/19927	The applicant was a fellow District Councillor	DC.299
Tony de Vere	Personal	WTT/19927	The applicant was a fellow District Councillor	DC.299
	Personal and	KBA/6770/10	Acquainted with the objector making a	DC.303

	Prejudicial		statement at the meeting	
Richard Farrell	Personal	WTT/19927	The applicant was a fellow District Councillor	DC.299
Richard Gibson	Personal	WTT/19927	The applicant was a fellow District Councillor	DC.299
	Personal and Prejudicial	ABG/1877/3	Acquainted with one of the objectors	DC.300
Eddy Goldsmith	Personal	WTT/19927	The applicant was a fellow District Councillor	DC.299
Jenny Hannaby	Personal	Enforcement Programme	Proprietor of a bed and breakfast establishment in Wantage	DC.297
		WTT/19927	The applicant was a fellow District Councillor	DC.299
Monica Lovatt	Personal	WTT/19927	The applicant was a fellow District Councillor	DC.299
Jim Moley	Personal	WTT/19927	The applicant was a fellow District Councillor	DC.299
Briony Newport	Personal	WTT/19927	The applicant was a fellow District Councillor	DC.299
Jerry Patterson	Personal and Prejudicial	WTT/19927	The applicant was a fellow District Councillor	DC.299
Terry Quinlan	Personal	WTT/19927	The applicant was a fellow District Councillor	DC.299
Peter Saunders	Personal	WTT/19927	The applicant was a fellow District Councillor	DC.299
		SHR/6795/2	Member of Shrivensham Parish	DC.304

			Council	
Melinda Tilley	Personal	WTT/19927	The applicant was a fellow District Councillor	DC.299
Margaret Turner	Personal	WTT/19927	The applicant was a fellow District Councillor	DC.299
John Woodford	Personal	WTT/19927	The applicant was a fellow District Councillor	DC.299

DC.292 URGENT BUSINESS AND CHAIR'S ANNOUNCEMENTS

The Chair reminded everyone present to switch off their mobile phones during the course of the meeting. He also advised that planning training had been organised for Thursday 17 May 2007 and would be open to all Members of the new Council.

DC.293 STATEMENTS AND PETITIONS FROM THE PUBLIC UNDER STANDING ORDER 32

None.

DC.294 QUESTIONS FROM THE PUBLIC UNDER STANDING ORDER 32

None.

DC.295 STATEMENTS AND PETITIONS FROM THE PUBLIC UNDER STANDING ORDER 33

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

DC.296 MATERIALS

Hotel at Harwell (HAR/16731)

RESOLVED

that the Baggeridge Willowed Buff Multi, Welford Buff Multi and Bosworth Cream bricks be rejected and that a good quality red multi brick, with good texture and a variety of colour be sought for the above development.

DC.297 ENFORCEMENT PROGRAMME

(Councillor Jenny Hannaby had declared a personal interest in this item and in accordance with Standing Order 34 she remained in the meeting during its consideration).

The Committee received and considered report 187/06 of the Deputy Director (Planning and Community Strategy) which sought the approval of the Committee to take enforcement action in respect of 146 a, b, c and d High Street, Sutton Courtenay; land to the rear of 28-32 Castle Street, Steventon; and 16 Linden Crescent, Grove. The report also sought authority to

remove two resolved enforcement cases, relating to 15 Bertie Road, Cumnor and 6 Swinburne Road, Abingdon from the active enforcement list and updated Members on progress with the ongoing enforcement action in respect of Greensands, Reading Road, East Hendred.

In respect of 16 Linden Crescent, Grove it was reported that the 'tent' structure had now been removed and therefore no further action was required and the case could be removed from the active enforcement list. Furthermore, in respect of the resolved case relating to 6 Swinburne Road, Abingdon it was noted that the application site was in the Abingdon Northcourt Ward and not Fitzharris as stated on the report.

In relation to the Greensands case, the Committee noted that Oxfordshire County Council had refused the application for the open storage and screening of top soils from other wastes, associated access road and storage/vehicle parking area in July 2006. Furthermore, it was confirmed that a requisition for information, to ascertain the owners of all property on the site, would be a prerequisite for any future enforcement action taken in respect of this site and this requisition was in hand.

RESOLVED

- (a) *that authority be delegated to the Deputy Director (Planning and Community Strategy) in consultation with the Chair and/or Vice-Chair of the Development Control Committee, to take enforcement action in the following cases if in his judgement it is considered expedient to do so: -*
- (1) *146a, b, c, & d High Street, Sutton Courtenay, Abingdon - Alleged non compliance with a condition to require that prior to the first occupation of any dwelling, the car parking area shown on the approved plan reference (04/0204/BP21) shall be constructed, drained, laid and marked out in accordance with the specification of the Oxfordshire County Council for such works. Thereafter the area shall be kept permanently free from obstruction to such use.*
 - (2) *Land to the rear of 28-32 Castle Street, Steventon – Alleged construction of a new brick pigeon loft without the benefit of planning permission.*
- (b) *that the following cases be removed from the active enforcement list: -*
- (1) *15 Bertie Road, Cumnor – To comply with Condition 3, of application CUM/18270/1;*
 - (2) *6 Swinburne Road, Abingdon – To cease any residential use, and secure the removal of, an unauthorised dwelling;*
 - (3) *16 Linden Crescent, Grove – Alleged construction of a 'tent' structure without the benefit of planning permission.*
- (c) *that the progress report on development on a site in which enforcement action is ongoing at Greensands, Reading Road, East Hendred be noted.*

DC.298 FORTHCOMING PUBLIC INQUIRIES AND HEARINGS

A list of forthcoming public inquiries and hearings was presented.

RESOLVED

that the list be received.

DC.299 WTT/19927 - DEMOLITION OF KITCHEN, CLOAKS AND STORE. PROPOSED KITCHEN AND DINING ROOM EXTENSION. BARN COTTAGE, OLD BOARS HILL, OXFORD, OX1 5JQ

(Councillor Jerry Patterson had declared a personal and prejudicial interest in this application and in accordance with Standing Order 34 he withdrew from the meeting during its consideration. Councillors Terry Cox, Roger Cox, Tony de Vere, Richard Farrell, Richard Gibson, Eddy Goldsmith, Jenny Hannaby, Monica Lovatt, Jim Moley, Briony Newport, Terry Quinlan, Peter Saunders, Melinda Tilley, Margaret Turner and John Woodford had each declared a personal interest in this application and in accordance with Standing Order 34 they all remained in the meeting during its consideration).

Mr G Ivanov made a statement objecting to the application, raising concerns relating to matters already covered in the report. He claimed that the roof ridge on the north elevation of the proposed extension would extend above the existing boundary wall by 10cm and not 5 cm as stated in the report and thereby increase the amount of shadow into his garden by a further one metre.

The Area Planning Officer reminded the Committee that all plans had a degree of tolerance regarding accuracy and that it was for the Committee to make a judgement as to whether an increase of 10cm was detrimental to the amenities of the neighbour. It was suggested that a slab level condition be added to any permission.

By 14 votes to nil, it was

RESOLVED

that application WTT/19927 be approved subject to the conditions set out in the report and a further condition relating to slab levels.

DC.300 ABG/1877/3 - FIRST FLOOR EXTENSION TO BUNGALOW TO CREATE A 5 BEDROOM DETACHED HOUSE AND ERECTION OF SINGLE STOREY REAR EXTENSION. AMENDMENT TO ABG/1877/2 (RETROSPECTIVE). 29 NORMAN AVENUE, ABINGDON, OX14 2HQ

(Councillor Richard Gibson had declared a personal and prejudicial interest in this application and in accordance with Standing Order 34 he withdrew from the meeting during its consideration).

The Chair advised that Councillor Laurel Symons, who had requested that the application be referred to the Committee, was unable to attend the meeting due to a hospital appointment. He explained that Councillor Symons had asked that the application be referred to allow objectors an opportunity to voice their concerns regarding this retrospective application.

Mr J Burren made a statement on behalf of himself and his neighbour Elizabeth Hastings, objecting to the application and raising concerns relating to matters already covered in the report. In addition to concerns regarding the decorative ridge tiles being out of keeping with the style of the house, the raising of the eaves height, over dominance and over looking of the neighbouring property, he considered the grey cladding around the bay windows to be out of keeping and visually intrusive.

Mr A Melton, the applicant's agent expressed surprise that the application had been brought to the Committee but he understood the reason put forward by the local Member as explained

earlier in the meeting. He explained that there had been some minor changes to the design of the extension during construction but that the eaves height of the main dwelling was 140mm higher and not 300mm as stated in the report. He advised that the size, bulk and orientation of the new dwelling followed the shape of the original bungalow on the site and that the windows inserted in the bay at first floor level were over 12 metres from the neighbouring property and orientated towards the road. He explained that the roof tiles and brick used replicated the materials used on the original dwelling and that the ridge tiles were a personal choice, the use of which didn't require planning permission.

The Area Planning Officer confirmed that the decorative ridge tiles were permitted development. He further advised that in the event that planning permission was granted, a condition be added removing permitted development rights for the insertion of any additional windows in the side elevation.

The Committee noted that the development site was not within a conservation area, the dwelling was not a listed building and the other properties within the locality were all different in their design, including some with decorative ridge tiles. It was considered also that the materials, once weathered, would be acceptable.

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

RESOLVED

that application ABG/1877/3 be approved subject to a condition removing permitted development rights for the insertion of any additional windows in the side elevation.

DC.301 ABG/19912 - CONVERSION OF HOUSE AND ERECTION OF TWO STOREY AND SINGLE STOREY EXTENSION TO CREATE FOUR 1-BEDROOM FLATS. 20 GAINSBOROUGH GREEN ABINGDON, OX14 5JH

Mrs L Burns made a statement objecting to the application, raising concerns relating to matters already covered in the report. She explained that she had been unaware that the proposal included a single storey rear extension. Furthermore, works had already commenced on site without the benefit of planning permission. In the event that planning permission was granted she stressed the need for a high quality fence to be erected on the boundary of her land and the application site.

The Committee considered that the drawings accompanying the application were difficult to interpret. The accuracy of the plans was questioned. It was felt that in design terms the proposed gable end was unacceptable and that it should be hipped. It was noted that works had commenced on site, resulting in the removal of the hedge and that the quality of the boundary treatment in this prominent location was paramount.

In response, the Area Planning Officer advised that the removal of the hedge in its entirety would improve visibility at the junction with The Hyde and that an informative could be added to any permission advising that the boundary treatment should be of a high standard.

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

RESOLVED

that authority to approve application ABG/19912 be delegated to the Chair, Vice-Chair and Opposition Spokesman of the Committee and the local Members subject to :-

(1) *the receipt of corrected accurate drawings;*

- (2) *the re-design of the roofline of the existing dwelling and proposed extension;*
- (3) *the addition of an informative advising that the proposed boundary treatment should be of a high standard.*

DC.302 HIN/19721/1 - DEMOLITION OF GARAGES. ERECTION OF TWO STOREY DETACHED DWELLING WITH ATTACHED DOUBLE GARAGE. LAND ADJOINING ROSE COTTAGE, 1 HIGH STREET, HINTON WALDRIST

Mr D Fisher, the applicants agent made a statement in support of the application. He explained that there had been extensive dialogue with the Planning Officers regarding the scheme and he accepted that the site was located in a prominent position in the village. He considered that the development as proposed would have little impact on neighbouring properties and that the proposed footprint was sympathetic to the overall size of the site. Finally, the location of the property would utilise an area currently occupied by a row of prefabricated garages and therefore minimise any effect of traffic on the surrounding roads.

The Principal Planning Officer advised that the layout of the site was a reserved matter and would be dealt with at the detailed planning stage.

It was suggested that an informative be added to any permission granted advising that the Committee would expect a design and materials of the highest quality for this prominent village centre site and that, although it reserves its position regarding the location of the dwelling on the site until the submission of a reserved matters application, the dwelling should be set back from the road to lessen the impact on the street scene.

By 15 votes to nil, it was

RESOLVED

that application HIN/19721/1 be approved subject to the conditions set out in the report and informatives advising that the Committee will expect the design and materials to be of the highest quality for this prominent village centre site and that, although it reserves its position regarding the location of the dwelling on the site until the submission of a reserved matters application, the dwelling should be set back from the road to lessen its impact on the street scene.

DC.303 KBA/6770/10 DEMOLITION OF EXISTING BUNGALOW. ERECTION OF 4 DETACHED DWELLINGS, GARAGES, PARKING AND ACCESS ROAD. STANAB, FARINGDON ROAD, KINGSTON BAGPUIZE, OX13 5BG

(Councillor Tony de Vere had declared a personal and prejudicial interest in this application and in accordance with Standing Order 34 he withdrew from the meeting during its consideration).

The Principal Planning Officer reported that in response to concerns regarding the accuracy of the plans submitted, the applicant had undertaken a full site survey and confirmed that the measurements accorded with those set out on the block plan. He also reported that Oxfordshire County Council had received the required financial contribution towards enhancements to the bus route and that the Officer recommendation was now one of approval subject to conditions.

Dr G Counsell made a statement objecting to the application raising concerns relating to matters already covered in the report. He claimed that the plans and drawings provided with application failed to meet the standards of accuracy required by Policy DC1 of the Local Plan 2011, in that:-

- (1) the scale used in the site layout plan was in error, to the favour of the applicant by 9.2%. The line representing 12m on the layout, corresponded to a distance of only 10.9m, as acknowledged by the Planning Officer in his report;
- (2) the site layout plan failed to indicate the extension at the rear of 3 Blenheim Way, which was an integral part of the house.

In respect of plot 3, Dr Counsell advised that the proposed development had a 2.5 storey, 9.1m high side elevation at a distance of just 9.3m from the main window to the rear extension to 3 Blenheim Way. The Council's Planning Advisory Note clearly stated that a main window facing a flank wall should be kept 12m away from it. The Advisory Note made no mention that this requirement only applied to parallel distances, as suggested by the Planning Officer in his report. He referred to the 26 multi-storey dwellings built in the village in the last 18 months, none of which were suitable for the aging population or those with impaired mobility, contrary to Planning Policy Statement 3 and claimed that the application before the Committee would do nothing to redress this. In summary, Dr Counsell considered that the Planning Officer in his assessment had failed to apply the criteria set out in the Council's own design guidelines and advice and he urged the Committee to reject the application and instruct the developer to enter into dialogue with local residents to achieve a mutually acceptable development.

Victor Brown the applicant's agent made a statement in support of the application. He explained that this was a revised application which had taken on board the concerns raised with the original application. He referred to the size of the site, which could accommodate the development proposed without giving the impression of over development and intrusion to neighbouring properties. He confirmed that the plans submitted were accurate and stressed that the distance of the nearest property to the proposed dwellings was in excess of the Council's design guidelines. In respect of the 2.5 storey dwellings, he explained that the eaves height would be the same as a 2 storey dwelling, with a ridge height similar to that of the properties in Blenheim Way. Plot 4 would not overlook any of the properties in Blenheim Way. Finally, he considered that the proposed development accorded with both national and district planning guidelines and would compliment the surrounding area and the village.

The local Member, present at the meeting, reiterated many of the concerns raised by the objectors and by Dr Counsell. She referred to the distance from the rear window of 1 Blenheim Way to the flank wall of Plot 3 of the proposed development which was 12.1 metres and the distance from the kitchen window of 3 Blenheim Way to the flank wall of Plot 3 of 12.6 metres, both of which were perilously close to the absolute minimum of 12 metres allowed for in the Council's Planning Advisory Note. Furthermore, the houses proposed for Plots 1, 2 and 3 were 2.5 storey, 9.1 metres high and their visual dominance had been recognised in the applicant's design statement. The applicant had sought to lessen the impact of Plot 4 on the garden area of Sunny Lawn to the north but not the properties in Blenheim Way despite it having a much larger garden and set back 27 metres from the development site. The local Member considered the proposed development to be gross over-development that would cause misery for the residents of Blenheim Way for years to come.

In considering the application, the Committee made the following comments/observations:-

- The density of the development proposed for the site was below that set out in Government guidelines and the number of dwellings proposed was below the figure required to trigger the provision of affordable housing as part of the development.
- The development proposed did not meet the Council's own planning guidance in terms of distance from the distributor road (Faringdon Road) and impact on neighbouring properties.
- The development would impact on the existing gap between the parishes of Longworth and Kingston Bagpuize with Southmoor. A smaller number of dwellings on the site would retain the gap.

- A re-design of the scheme could accommodate four or five dwellings on the site without having a detrimental impact on neighbouring properties.
- The proposed development was out of character in terms of the layout and the proximity of the proposed dwellings and their impact on neighbouring properties.
- If the application was approved the site should be laid out prior to the commencement of development to ensure that the scheme could be built in accordance with the plans submitted.

It was proposed by the Chair that application KBA/6770/10 be approved subject to the conditions set out in the report. On being put to the vote this was lost by 14 votes to nil.

It was then proposed by Councillor Jerry Patterson, seconded by Councillor Richard Farrell that application KBA/6770/10 be refused on the grounds that the density proposed was below Government guidelines and that the number of dwellings proposed was insufficient to attract affordable housing. On being put to the vote this was lost by 8 votes to 6.

Finally, it was proposed by Councillor Terry Cox, seconded by Councillor Monica Lovatt and by 8 votes to 5, with 1 abstention, it was

RESOLVED

that application KBA/6770/10 be refused with the reasons for refusal to be endorsed at a future meeting of the Committee, such reasons to include Plot 3 being unneighbourly to properties in Blenheim Way and the impact of the development, in particular Plots 1 and 2, on the character and openness of this part of the village.

DC.304 SHR/6795/2 - DEMOLITION OF EXISTING GARAGE & ERECTION OF NEW DOUBLE GARAGE & STORE ROOM. 28 CLAYPITS LANE, SHRIVENHAM, SN6 8AH

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

One of the local Members present at the meeting spoke in support of the application, considering that the proposed development would have limited impact on neighbouring properties.

By 15 votes to nil, it was

RESOLVED

that application SHR/6795/2 be approved subject to the conditions set out in the report.

DC.305 STA/19973 - ERECTION OF 1.82M HIGH GARDEN FENCE. 15 HUNTERS FIELD, STANFORD IN THE VALE, FARINGDON SN7

It was noted that the provision of low walls around properties was a feature of the original layout of the estate. However, Members supported the erection of a fence to provide privacy to the rear garden of the property but stressed the need for it to be maintained in good order.

By 15 votes to nil, it was

RESOLVED

that application STA/19973 be approved subject to the conditions set out in the report.

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

None.

The meeting rose at 8.55 pm