

# DC.179

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

**HELD AT THE GUILDHALL, ABINGDON  
ON MONDAY, 28TH JANUARY, 2008 AT  
6.30PM**

**Open to the Public, including the Press**

PRESENT:

MEMBERS: Councillors Terry Quinlan (Chair), John Woodford (Vice-Chair), Matthew Barber, Roger Cox, Terry Cox, Tony de Vere, Richard Farrell, Richard Gibson, Jenny Hannaby, Anthony Hayward, Angela Lawrence, Sue Marchant, Jerry Patterson, Val Shaw, Margaret Turner, Bob Johnston and Judy Roberts.

NON MEMBERS: Councillors Bob Johnston and Judy Roberts.

OFFICERS: Sarah Commins, Martin Deans, Mike Gilbert, Geraldine Le Cointe, Carole Nicholl, Emma Parkes and Stuart Walker.

NUMBER OF MEMBERS OF THE PUBLIC: 125 approx

DC.234 **NOTIFICATION OF SUBSTITUTES AND APOLOGIES FOR ABSENCE**

None as all Members of the Committee were present.

DC.235 **MINUTES**

The Minutes of the meetings of the Committee held on 26 November and 17 December 2007 were adopted and signed as correct records subject to the page numbers being amended to run consecutively with the previous set of minutes.

DC.236 **DECLARATIONS OF INTEREST**

Declarations of interest were made in respect of report 136/07 – Planning Applications as follows: -

Councillor / Officer	Type of Declaration	Item	Reason	Minute Ref
Matthew Barber	Personal and Prejudicial	RAD/3963/4 – CM	In so far as he was acquainted with Jenny Standen, a speaker on behalf of the Parish Council.	DC.248
Terry Cox Roger Cox	Personal	RAD/3963/4 – CM	In so far as they were acquainted	DC.248

			with Jenny Standen, a speaker on behalf of the Parish Council.	
Tony de Vere	Personal and Prejudicial	KBA/6770/14	He was acquainted with one of the objectors who had addressed the Committee at a previous meeting.	DC.252
Carole Nicholl – Head of Democratic Services	Personal and Prejudicial	WAT/13873/4	She owned property next to the application site.	DC.253
Angela Lawrence	Personal	ABG/18244/6	She was a Member of Abingdon Town Council which had commented on the application. However, she was not a member of the Town Council's Planning Committee and had not previous consideration of the application.	DC.255
Matthew Barber Terry Cox Roger Cox Tony de Vere Richard Farrell Richard Gibson Jenny Hannaby Angela Lawrence Sue Marchant Jerry Patterson Terry Quinlan Margaret Turner John Woodford	Personal	ABG/20273-X	In so far as they were acquainted with one of the objectors to the application, John Rawling in his capacity as a former Council Officer.	DC.257

Tony de Vere	Personal and Prejudicial	ABG/20273-X	In so far as he was a Governor of John Mason School which would be affected by the proposal.	DC.257
Matthew Barber Terry Cox Richard Farrell Richard Gibson Angela Lawrence Margaret Turner Jerry Patterson John Woodford	Personal	CHI/20377	In so far as Mr K Howard, an objector making a statement, was known to them in his capacity as a former District Councillor.	DC.258
Carole Nicholl – Head of Democratic Services	Personal	STA/19592/3	In so far as the objector was known to her.	DC.260

DC.237 URGENT BUSINESS AND CHAIR'S ANNOUNCEMENTS

The Chair announced the location of the emergency exits and advised that in the event of the alarms sounding everyone was asked to leave the building immediately and in an orderly fashion.

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

For the benefit of members of the public, the Chair advised that Ward Members were able to attend the Development Control Committee to speak to an application in their Ward. He explained that only Members of the Development Control Committee could vote on any matters under consideration at the meeting and that Ward Members were not entitled to vote unless they were also a member of the Committee. Furthermore, he explained that Officers were present at the meeting to present the reports and give advice.

Finally, the Chair drew Members' attention to the number of applications before the Committee for determination and he asked Councillors to be succinct in expressing their comments and views and that these should be restricted to points of new information rather than repeating points already raised.

DC.238 STATEMENTS AND PETITIONS FROM THE PUBLIC UNDER STANDING  
ORDER 32

None.

DC.239 QUESTIONS FROM THE PUBLIC UNDER STANDING ORDER 32

Mr Les Clyne asked the following question for response in writing within 10 working days of Councillor Richard Farrell in his capacity at the Executive Member with responsibility for planning: -

“The progress in over two and a half years activity in developing the 2126 units given in the Local Plan is rubbish (only 405 permitted). What steps will you now take to bring forward the 3 major developments listed (Faringdon - 400, Grove - 500 and Didcot - 500) so that over 2000 units are completed by 2011?”

Councillor Richard Farrell read out a detailed response as follows and advised that he would send the information to Mr Les Clyne in writing: -

“The straight, unvarnished answer to your question is that neither I individually, nor this Council collectively, have any power to ensure that that the houses mentioned in your question are brought forward any faster than they are already proceeding through the planning system. We are, therefore, unable to guarantee that they will be built by 2011. Further, and with the greatest respect and only since you raised the matter, the pejorative thrust of your question - describing the progress towards meeting the Local Plan target as rubbish - and the comments that you made at the Strategic Review Committee last week reveal, not only a clear lack of understanding of the Council’s role in the development process, but a determination to attack this Council and its Executive unjustifiably and in a way that, frankly, wastes public resources.

In considering whether to grant planning permission a council is a reactive body. It has to wait for the owners of a property to come forward to apply for permission and has no powers to compel them to do so. This is not to suggest that developers have been tardy in applying for permission, as a lot of complex work is necessary between the adoption of a Local Plan and their being in a position to submit an application. Major applications invariably require a mass of supporting work to be done by the applicant, both before and after application, such as archaeological, environmental, transport and other assessments. Again, let me stress, the speed at which this work is completed is outside the Vale’s control.

A good example is the development at Grove. A major objection to the allocation of this land for development related to concerns about flooding and drainage. As a consequence our Local Plan requires that before any development can start the Environment Agency, and this Council, must be satisfied that satisfactory attenuation measures are in place. The planning, design, examination by both this Council and the Environment Agency, and the implementation of such measures are both extremely time consuming and, importantly, mostly outside the control of this Council.

The Inspectors who examined our Local Plan identified the fact that development of the Grove site might be delayed and, in order to strengthen the Council's ability to meet its housing numbers, recommended the inclusion of land at Tilbury Lane, in Botley and North Hinksey to compensate. I understand that you left immediately after asking your question at the last planning meeting - if you had remained you would have heard this committee resolve to delegate to our officers in consultation with the committee chair the decision to outline planning permission for 150 dwellings on that site. Also, some months ago the Vale and South Oxfordshire District Council resolved to grant permission at Didcot, subject to the completion of a section 106 agreement.

Once planning permission has been granted it is entirely at the discretion of the developer when a site gets built out and at what speed, and this will be influenced by both the local housing market and wider economic considerations. With that caveat in mind, our officers tell me that, in spite of now expecting fewer houses to be built at Grove, Didcot and Faringdon (810 completions by 2011 rather than the 1,400 originally anticipated) they still expect that the Local Plan target of 5,750 homes by 2011 will be met. Furthermore, they also anticipate that 8,569 will be built between 2001 and 2016, thus exceeding the Structure Plan target of 7,150 homes for that period. All this, and much more, is set out in the Council's Annual Monitoring Report 2006-07, which is available on the Council's web site.

Having explained the position very fully and pointed you to where you can obtain further information on our website, I hope that you will now allow our officers to get on with the difficult job that they are doing rather well."

DC.240 STATEMENTS AND PETITIONS FROM THE PUBLIC UNDER STANDING  
ORDER 33

The Committee noted that 23 members of the public had each given notice that they wished to make a statement as the meeting. However, 4 members of the public declined to do so.

DC.241 MATERIALS

CUM/19859/2-D - Land rear of 173 – 175 Cumnor Hill and adjacent to Timbmet head  
office, Chorley Farm, Cumnor

The Committee received and consider materials in respect of the above application.

*RESOLVED*

*that the use of the following materials be approved: -*

*Brick – warm golden buff*

*Roof covering – black Marley Eternit Slate*

*Glazing frames and fascia PPc aluminium Mid Grey (RAL 7037)*

DC.242 APPEALS

The Committee received and considered details of an appeal which had been dismissed by the Planning Inspectorate in respect of Sandy Lane House, Sandy Lane, Boars Hill (WTT/12227/1).

*RESOLVED*

*that the agenda report be received.*

DC.243 FORTHCOMING PUBLIC INQUIRIES AND HEARINGS

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

One Member highlighted the Inspector's decision to allow the erection of a 12m high telecommunications mast with associated equipment and cabinets at Allens Carpets, 171 Radley Road Industrial Estate, Abingdon commenting on her disappointment with the decision. In response to a question raised the Officers explained that each application received in the future for telecommunication masts in the area would need to be considered on its merits and that regard might need to be given to this decision.

*RESOLVED*

*that the list of forthcoming public inquiries and hearings be received.*

DC.244 CUM/80/29-D – RESERVED MATTERS FOR A RESIDENTIAL DEVELOPMENT WITH ASSOCIATED PARKING, OPEN SPACE AND LANDSCAPING. (RESUBMISSION). TIMBNET LTD, CUMNOR HILL, OX2 9PH

Further to the report the Committee was advised of the receipt of an amended site layout plan. Reference was made to the comments of the Parish Council and it was clarified that the Parish Council had objected to the application stating that the proposal was contrary to H17 and H4 of the Local Plan and Planning Policy Statement 3 regarding affordable housing.

The Officers reported the amendments to the layout plan explaining that some of the plots had changed around. It was reported that there was a footpath link within the site to the bus stop on Cumnor Hill; the design changes to the houses were described; the design of the surrounding blocks had been amended; there were amenity spaces to break up the car parking; there were more houses overlooking the public open space area; windows had been added; a footpath link had been added to the public open space; proposed elevations compared with those previously refused were described; there were better proportioned gables; chimneys had been repositioned; a focal point had now been included with a subordinate extension; more variation had

been added to break up the massing; the style was more akin to Arts and Crafts style with more steeply sloping roofs; roof massing had been brought down; block B had been completely redesigned; the Consultant Architect's comments had been taken on board with the doorway altered; the level of car parking had been increased; water butts would be included; there would be some solar panelling; and there was a more even spread of affordable properties across the development.

It was explained that drainage was covered by condition 12 of the original planning permission. The Officers suggested that should the Committee be minded to approve the application an informative should be added advising the applicants that they must comply with the conditions on the original application.

It was reported that it was considered that the concerns of BBOWT and Natural England had now been addressed.

Dr P Hawtin made a statement on behalf of Cumnor Parish Council objecting to the application raising concerns relating to matters already covered in the report. He commented that: -

- dwellings on the site were needed but he urged refusal of this application as the improvements necessary had not been included;
- the proposal needed to be sympathetic to its surroundings and in accordance with the Local Plan;
- the proposal was contrary to the Local Plan in that development was proposed outside of the site's boundaries which formed a comprehensive development boundary;
- the proposal amounted to off site development with a large balancing pond and a car park in the Green Belt;
- failure of the Police to comment on the application did not amount to its support;
- the Officers' report was biased;
- there were no significant changes in detail or in principle to the previous refused proposal;
- the affordable housing was clustered across the middle of the site and readily distinguishable from the rest of the housing, contrary to policy;
- he clarified the comments of the Consultant Architect in that he considered that this proposal would not be a prize-winning scheme architecturally, and even within its own terms could be improved without a great deal of effort;
- there would be costs in maintaining the un-adopted roads and he asked how this would be achieved by those in the affordable housing;
- on the sensibility of having the recently repositioned Locally Equipped Area of Play approached via an un-adopted road;
- on the bad design, access and lack of consideration regarding the inadequate community infrastructure; and
- the need to refuse the application.

Susan Davidson made a statement objecting to the application reminding the Committee that this application was a resubmission, as the original application had

been refused. She raised concerns regarding the application making the following comments: -

- the form of the development was over intrusive and inappropriate;
- the proposal would be detrimental to the character of Cumnor Hill;
- the application failed to exploit the site's potential and concern that the application was contrary to plan policies;
- there was little difference between the revised application and the application which had been refused;
- the revised application did not amount to a material alteration although this was recommended for approval and she questioned how this could be right;
  
- a fresh new scheme should have been submitted not minor improvements on a refused application;
- a block of flats on the eastern boundary bordering the Green Belt was inappropriate; .
- the removal of the current sheds would improve the visual amenities of the Green Belt and its openness but the erection of flats in their place would not result in any improvements;
- the application should be refused.
- objections raised had not been addressed;
- there would be over-looking;
- there was a lack of boundary treatment;
- the proposal was unneighbourly and harmful to neighbours' amenity;
- although surface water drainage was not part of this application, it depended upon an attenuation facility outside the "comprehensive development boundary this meant that development of the site must be within "the red line" and that the off-site proposal was therefore contrary to the Local Plan;
  
- the comment of the Environment Agency that there were viable on-site alternatives, which would enhance the amenity value of the site, yet the report predicated an off site drainage scheme for surface water; and
- that the Committee should have regard to the advice of the Environment Agency and refuse the application on the basis that it lacked adequate provision of on site surface water drainage.

Mr G Rider the applicant's agent made a statement in support of the application commenting that

- the original proposal had been designed to respond to features of the site, namely site levels and access;.
- the idea was to work within existing site levels and the street scene;
- there had been detailed changes to houses and flats and they reflected the character of houses on Cumnor Hill;
- the design presented an interesting street scene with spaces;
- there had been attention to the design and layout along the eastern side of the site;
- there were smaller more intimate spaces;
- the original scheme had larger areas of shared parking;



- there was more interest and variety;
- properties had been rotated to face the open space areas to the south of the site; and
- roof designs had been altered.

One of the local Members spoke against the application advising that the proposal was a rushed re-submission of the refused scheme. She expressed concern regarding: -

- the lack of comments from the Crime Prevention Officer particularly in respect of lighting and the garage blocks;
- the Consultant Architect not being supportive and she asked Members to have regard to his specific comments;
- the design, particularly the flats was unacceptable;
- the parking and the need for a balancing pond;
- the need for a 3D model or computer walk through of the proposal; and
- a number of matters concerning the affordable housing and the need for the proposal to be in keeping with the surrounding environment.

Some Members agreed that a model of the proposal should be sought.

One Member noted the Consultant Architect's report and considered that the answers received did not provide the information necessary. It was explained that it was essential for Members to know whether the current proposal was a noticeable improvement to the earlier scheme. He suggested that consideration of the application should be deferred to clarify this matter and to seek a visual aid (model or computer walk through) to assist in determining the application. He also suggested that the views of the Crime Prevention Officer should be sought.

Other Members agreed that a model of the proposal was essential and that the design needed further consideration, it being commented that the affordable housing should be spread throughout the development.

Some Members spoke against the application making the following comments: -

- Further information on the play areas should be provided by the applicant.
- More information should be provided to help the Committee determine the application.
- A report from the Crime Prevention Officer should be obtained.
- The situation regarding the roads to be adopted was unclear.
- A condition to address boundary treatment should be added.
- The design and layout were not acceptable notably in terms of the larger houses being at the front of the site with a significant number of properties squeezed in the middle and all the affordable housing in the central area.
- The design of the blocks of flats in the middle of the development were not appropriate.
- A high quality design was needed.

The Officers responded that further comments had been received from the Consultant Architect on the amended drawings. It was reported that in terms of the play area, the

Leap had been included within the scheme. The location of the play areas was shown. It was noted that private drives would not be adopted but some roads would. It was explained that a number of matters such as boundary treatment had been addressed at the outline application stage.

It was proposed by Councillor Jerry Patterson, seconded by Councillor John Woodford and by 10 votes to 4 with 1 abstention it was

*RESOLVED*

*that consideration of application CUM/80/29- D be deferred to enable the following: -*

- (1) clarification of the Consultant Architect's comments in terms of design; how the development linked together; the relationship of the proposed housing to existing properties; the street scene; a view of the high quality or otherwise of the design;*
- (2) comments from the Crime Prevention Officer;*
- (3) a redesign of the scheme to provide for the spread of affordable housing throughout the development;*
- (4) the seeking of a visual aid such as a model or a computer generated walk clearly showing the proposal, how it links together and its relationship with existing properties.*

DC.245 HAR/1123/10 – RETROSPECTIVE APPLICATION FOR CONSTRUCTION OF TIMBER DECKING ACROSS STREAM AND ERECTION OF CLOSE BOARD FENCING. BUMBLE BARN, CHURCH LANE, HARWELL, OX11 0EZ

This application was considered in the reconvened part of the meeting.

DC.246 RAD/2496/5 - PEBBLE HILL MOBILE HOME PARK, RADLEY, CERTIFICATE OF LAWFULNESS

This application was considered in the reconvened part of the meeting.

DC.247 NHI/2653/9 – REMOVAL OF CONDITION 8 OF OUTLINE PERMISSION NHI/2653/6-X FOR THE PROVISION OF CAR PARKING SPACES ALONG THE EAST SIDE OF ELMS ROAD, BOTLEY, OX2 9JZ

This application was considered in the reconvened part of the meeting.

DC.248 RAD/3963/4-CM – DEVELOPMENT OF LAND WITHOUT COMPLYING WITH CONDITION 25 OF PERMISSION RAD/3963/3 FOR EXTRACTION OF SAND AND GRAVEL, ERECTION OF PLANT AND VARIATION OF CONDITION TO EXTEND DEVELOPMENT. THRUPP LANE, RADLEY

Councillor Matthew Barber had declared a personal and prejudicial interest in this item and in accordance with Standing Order 34 he left the meeting during its consideration.

Councillors Terry Cox and Roger Cox had each declared a personal interest in this item and in accordance with Standing Order 34 they remained in the meeting during its consideration.

The Committee's attention was drawn to the Appendix to the report which outlined the reasons for the application.

The Committee was advised that Lake E was due to be filled but as it contained a significant amount of sand and gravel it was intended that this should be extracted first. It was noted that Radley Parish Council strongly objected to the proposal questioning the extraction in the past and querying what would happen to the plant.

It was reported that two letters had been submitted by local residents, one to the County Council and one to this authority raising concerns regarding the accuracy of the extraction figures; the use of the plant and equipment on site; whether the equipment was being used as stand alone equipment rather than ancillary; impact on the environment; traffic; breach of conditions; loss of trees; areas to be worked and impact on areas outside of the site.

It was noted that Officers shared some concerns to apparent discrepancies in the case made by the applicant. It was considered that the application should be supported in principle subject to the proposal meeting the terms of the batching plan; the permission being for a 3 year period and the County Council investigating the batching plant and whether it was stand alone or was still ancillary. There was concern regarding the use of the batching plant without the benefit of planning permission.

Jenny Standen made a statement on behalf of the Parish Council raising concerns relating to matters already covered in the report. She advised that the Parish Council was dismayed that this application had been received on 18 December when the existing batching plan expired at the end of December and she wondered if this was an attempt to slip an application through quickly. She reported that the Parish Council and the Thrupp Lane Residents Association had asked for an extension of the consultation period. She particularly raised concerns regarding Thrupp Lane being unsuitable for traffic particularly HGVs; highway safety; traffic problems; lack of passing places; use of residents drives; poor access; the desire to return the land back to Green Belt; the availability of sand and gravel which should have now run out according to the Tuckwells application in 2002; the requirement to construct bunds and the prevention of the site being sold on.

Mike Wilson made a statement on behalf of the Thrupp Lane Residents Association raising concerns relating to matters already covered in the report. He commented that in 2002 extraction for an extra 5 years had been sought and he referred to the tonnage to be removed amounting to 35,000 tonnes per year. He explained that the applicant had advised that the extraction could be achieved in 5 years. He recalled that the applicant had said that there were 50,000 tonnes still to be removed. He suggested that the applicant should be given a finite time to remove the sand and gravel and thereafter the land should be restored to Green Belt. He raised concern regarding the use of the site suggesting that an import business was operating from the site. He commented that Thrupp Lane was unsuitable for HGVs and he was concerned regarding safety. He suggested that the business should relocate to a more suitable location with better access.

One of the local Members raised concern at the proposal commenting that the batching plant had obtained planning permission from the County Council although he considered that the concerns of the Parish Council were justified. He raised concerns regarding buffer zones being ignored; lack of screening; building without planning permission; lack of information being sent to the District Council about extracting sand and gravel; concern that most of the remaining 50,000 tonnes were under the concrete batching plant; lack of enforcement by the County Council;

Some Members spoke against the application making the following comments: -

- The original planning permission for extraction had been granted in 1979, with an extension in 2003 and yet a further extension was now being sought.
- This was a Green Belt site.
- This should not be allowed as the applicant had already been granted a further 5 years.
- An addition 3 years to extract the sand and gravel and thereafter a further 1 year to tidy up the site was excessive and it was questioned whether this was reasonable in the Green Belt particularly having regard to the length of time this had already been carrying on.
- The priority should be to return the land to Green Belt
- The applicant had more than 3 years which was in the County's Policy.
- 2 years or 1 year might be more reasonable.
- The extension should be for a minimum period.
- In view of the tonnage which could be removed per year amounting to 35,000 and it being noted that there was 50,000 left to remove it was suggested that permission should be granted for 2 years.

One Member spoke in support of the application commenting that if the extraction of 50,000 tonnes of sand and gravel was not permitted here then this amount would need to be extracted from another site in the Vale.

In response to a question raised the officers advised that at the end of the period granted the applicant would need to apply for permission should a further extension of time for extraction be needed. It was not possible to stipulate that no further

permission would be granted. It was commented that pressure should be placed on the enforcing authority to make sure the applicant extracted sand and gravel at a reasonable rate.

By 14 votes to nil it was

*RESOLVED*

*that the Deputy Director (Planning and Community Strategy) be delegated authority in consultation with the Chair and/or Vice-Chair of the Development Control Committee and the local Member to respond to Oxfordshire County Council in respect of application RAD/3963/4-CM having regard to the comments set out above and with a 2 year extension only for extraction and 1 year for tidying up the site being supported.*

DC.249      SUT/7137/6 – PROPOSED DEMOLITION OF GARAGE AND ERECTION OF NEW GARAGE WITH ANCILLARY ACCOMMODATION (RE-SUBMISSION) THE OLD VICARAGE, 8 CHURCH STREET, SUTTON COURTENAY, OX14 4NJ

The Committee was advised that the Conservation Officer had asked for details of materials to be used. Furthermore it was noted that there had been one letter of support commenting that the proposed garage would be an improvement to the existing garage.

Mr D Hignell made a statement on behalf of the Parish Council objecting to the application raising concern relating to matter already covered in the report. He commented that the Parish Council welcomed the applicant's intention to improve the quality of the building but thought that it would be too intrusive. He explained that the Parish Council did not advocate protection of the Conservation Area at all cost but because of the height and location, this proposal was considered harmful to the character and appearance of the area adjacent to a listed building.

Mr Pennicot made a statement in support of the application stating that the proposal would be an improvement in visual terms to the existing garage. Furthermore, he commented that an earlier application had been withdrawn and the current proposal had been put forward following extensive discussions with the Officers.

Some Members spoke in support of the application and considered that there would be no adverse impact. However, reference was made to railings on the flat roof and concern regarding this in terms of visual harm. The Officers advised that it was not the applicant's intention that railings would be provided. One Member referred to the ability for a flat roof to be used as a sitting out area. The Officers advised that the main concern in this regard was over-looking. It was suggested that a condition should be added to address this.

By 15 votes to nil, it was

*RESOLVED*

*that application SUT/7137/6 be approved subject to the conditions set out in the report together with an additional condition to prevent the roof looking like a sitting out area.*

DC.250 WAT/4336/3 - PROPOSED ERECTION OF A REAR CONSERVATORY. 43A HIGH STREET, WATCHFIELD SN6 8SZ

This application was considered in the reconvened part of the meeting.

DC.251 ECH/4121/3 – DEMOLITION OF EXISTING FLAT ROOF GARAGE. ERECTION OF A REPLACEMENT PITCHED ROOF GARAGE. (RE-SUBMISSION) GABLE COTTAGE, LETCOMBE HILL, EAST CHALLOW, OX12 9RW.

This application was considered in the reconvened part of the meeting.

DC.252 KBA/6770/14 - PROPOSED DOUBLE GARAGE (UNIT 4) AMENDMENT TO PLANNING PERMISSION KBA/6770/11. STANAB, FARINGDON ROAD, KINGSTON BAGPUIZE OX13

Councillor Tony de Vere had declared a personal and prejudicial interest in this item and in accordance with Standing Order 34 he left the meeting during its consideration.

Mr G Carson a neighbour made a statement objecting to the application raising concerns relating to matters already covered in the report. He specifically raised concerns regarding the proximity of the proposal; over-looking; un-neighbourliness; height; dominance; adverse impact and visual harm. He commented that there would be a 14 ft high wall at the end of his garden which he considered would adversely impact the enjoyment of his amenity through over dominance and visual impact. He commented that he would have the feeling of imprisonment and that the proposal was unacceptable. He referred to conditions attached to the original planning permission in particular retention of trees and expressed concern at the Officers' comments now in this regard and the lack of necessity now to keep the trees. He reported that to date in carrying out works permitted by the early permission there had been a fractured gas main; for two months and excavator had been parked near his property; there had been anti social behaviour; dust and noise. He commented that the current proposal was harmful in terms of causing him physical and mental damage. Finally, he commented on his health problems which he considered were as a direct result from the stress caused by the current situation with regard to the development at the site and he urged the Committee to do the right thing and refuse the application.

Mr R Coulson made a statement in support of the proposal commenting that the approved scheme had included the demolition of the garage. He explained that this

proposal was to allow the erection of a garage for plot 4. He commented that the design would be in keeping with locality and the proposal would utilise a flank wall. He considered that the proposal was visually acceptable. He referred to the comments made regarding the removal of trees and explained that this had been covered by condition attached to the earlier permission. He advised that the Maple tree on site would be retained. Finally, he reported that in terms of design, half hipped gables and a lower pitch were proposed; there would be no issues of overlooking and no undue harm caused.

One Member expressed his sympathy for the health problems of the objector but commented that he could see no material planning reason to refuse the application. He explained that the proposal was only slightly higher than a structure which could be built under permitted development rights and that in his view the proposal set out an acceptable building which would be better in terms of visual appearance and roof pitch.

One Member referred to the plans set out in the report, to which the Officers explained that one plan showed the roof which included an overhang and therefore looked as if it occupied a bigger area of the site.

By 14 votes to nil it was

*RESOLVED*

*that application KBA/6770/14 b approved subject to the conditions set out in the report.*

DC.253 WAT/13873/4 – ERECTION OF A DETACHED FOUR BEDROOM HOUSE AND DETACHED CAR PORT (PLOT 3) 27 HIGH STREET, WATCHFIELD, SN6 8SZ

Carole Nicholl, Head of Democratic Services had declared a personal and prejudicial interest in this item and in accordance with Standing Order 35 she left the meeting during its consideration.

Mr W Parr made a statement objecting to the application raising concern regarding the trees at the edge of the site and the need for their lopping / maintenance. he explained that the trees had been of concern to neighbouring residents for years and caused adverse impact of the amenity of the neighbouring properties. He explained that he could not see how development of this site could proceed until the trees were cut and that this should be carried out prior to development in view of the difficulty in carrying out the necessary maintenance of the trees once the houses were built, given the size of the trees and the number of them. He commented that the Mews Management Company which was responsible for the amenity area of the neighbouring site had contacted the developer concerning the trees and their adverse impact but no response had been received.

Some Members spoke in support of the application and whilst noting the comments of the objector considered that concerns regarding the trees could be dealt with under different legislation regarding high hedges and was not a material planning consideration in this case. However, it was considered that an informative should be added to any permission advising the applicant of his need to comply with the requirements of the High Hedges legislation.

By 15 votes to nil, it was

*RESOLVED*

*that application WAT/13873/4 be approved subject to the conditions set out in the report together with an informative advising the applicant of the need for compliance with relevant legislation in respect of high hedges.*

DC.254 WAT/13873/5 – ERECTION OF A DETACHED DOUBLE CARPORT, 27 HIGH STREET, WATCHFIELD, SN6 8SZ

This application was considered in the reconvened part of the meeting.

DC.255 ABG/18244/6 - AMENDMENT TO ABG/18244/4 TO INCLUDE CONSERVATORY, REPOSITIONING OF GARAGE AND THIRD BEDROOM (PART RETROSPECTIVE). LAND ADJOINING 51 NORTHCOURT ROAD, ABINGDON, OX14 1PJ

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

Further to the report, the Committee was advised of an amendment in that a third roof light was proposed.

It was noted that the Town Council had objected to the application and that there had been four letters of objection, the details of which were set out in the report.

Mrs J Knight, Mr Knight and Mr M Cunningham had all given notice that they wished to make a statement objecting to the application, but they declined to do so.

Mrs R Scott, a resident of Shelley Close speaking on behalf of neighbours, made a statement objecting to the application raising concerns relating to matters already covered in the report. She particularly referred to the shortcomings of the planning procedure in this case and the uncertainties about whether the building complied fully with building regulations. She expressed concern regarding lack of neighbour notification and therefore an inability of some neighbours to make timely comments; the visual impact of the proposal; the Planning Officers not having visited the neighbouring property at 60 Shelley Close to assess the impact of a 6 metre high building within less than 6 metres of their property; the lack of inspection of the footings which would have shown that the builder had departed from the approved



plan; the necessity for neighbours to alert Officers of the situation; the delay in an Officer visiting the site when the builder had been told to cease work but had failed to do so; the submission of an application for retrospective planning permission; the non-compliance with Building Regulations; whether the relevant inspections had been carried out at the appropriate time and why the footings outside the approved plans had not been noticed; whether the depth of the footings had been checked to ensure that they complied with Building Regulations, particularly those a metre away from the conifer trees; the pitch of the roof exceeding the permitted 45 degree rule; the validity of the soakaways, particularly on the northern side of the building in view of requirements for distances away from neighbouring properties to avoid seepage; the need for strengthening piers along the brick wall; and the lack of response on these matters by the Officers.

One of the local Members commented that she had no objection to the application noting that there would be no over looking and the design was acceptable.

In response to a comment made, the Officer advised that the application being retrospective was not a material planning consideration.

By 15 votes to nil it was

*RESOLVED*

*that application ABG/1824/6 be approved subject to the conditions set out in the report.*

DC.256 ABG/18589/5 & ABG/18589/6-LB - ERECTION OF OPEN SIDED SHELTER AT REAR OF PROPERTY. REPLACE REAR WINDOW WITH DOORWAY. THE BREWERY TAP, 40-42 OCK STREET, ABINGDON, OX14 5BZ

These applications were considered in the reconvened part of the meeting.

DC.257 ABG/20273-X – DEMOLITION OF OFFICES. ERECTION OF 10 APARTMENTS COMPRISING OF 6X1 BED AND 4X2 BED FLATS WITH PARKING AND ANCILLARY LANDSCAPING. CLOSURE OF ACCESS AND FORMATION OF NEW ACCESS. CHAMPION HOUSE, 12 WOOTTON ROAD, ABINGDON, OX14 1JA

Councillor Tony de Vere had declared a personal and prejudicial interest in this item and in accordance with Standing Order 34 he left the meeting during its consideration.

Councillors Matthew Barber, Terry Cox, Roger Cox, Richard Farrell, Richard Gibson, Jenny Hannaby, Angela Lawrence, Sue Marchant, Jerry Patterson, Terry Quinlan, Margaret Turner and John Woodford had each declared a personal interest in this item and in accordance with Standing Order 34 they remained in the meeting during its consideration.

The Committee recalled that consideration of this application had been deferred pending a report from an Independent Traffic Consultant. It was noted that the Independent Traffic Consultant had concluded that the proposal was acceptable in highway terms.

Further to the report, the Committee was advised of an additional letter from the applicant making a recommendation regarding an additional condition to provide for the widening of the footway.

Martin Smith made a statement on behalf of the Town Council. He explained that the widening of the footway was welcomed but there were concerns regarding the inadequate parking provisions. He explained that at the meeting of this Committee held on 26 November 2007, he had highlighted the discrepancies in the plans in terms of the parking provision and no regard had been taken of this. He commented that there would be displaced parking and that the application should be refused.

Mr J Rawling, speaking as Governor of John Mason School welcomed the widening of the footway commenting that this was essential. He advised that boundary treatments should be dealt with at the outline stage of any application and as such he asked that should the Committee be minded to approve the application an additional condition be added to address boundary treatment.

Mr J Flawn made a statement on behalf of the applicant advising that further to the report a letter had been submitted making a recommendation regarding an additional condition regarding the widening of the footway and he asked the Committee to note this.

One Member welcomed an additional condition to widen the footway and he agreed with one of the speakers that a condition to address boundary treatment was needed. However, he commented that some residents of Godwins Close had expressed concerns regarding overlooking and he asked that the applicant should have regard to the need to avoid overlooking.

Reference was made to the report of the Independent Traffic Consultant and it was suggested that this should be forwarded to the County Engineer for reference. It was noted that the report might be beneficial in prompting the County Engineer to consider making suggestions when considering planning applications, such as widening footpaths.

One Member expressed concern regarding the design. In response reference was made to a comment made at the last meeting regarding the need for an informative regarding design to advise that a building of quality should occupy the site.

By 15 votes to nil it was

*RESOLVED*

*that the Deputy director (Planning and Community Strategy) be delegated authority in consultation with the Chair and/or Vice-Chair of the Development Control Committee to approve application ABG/20273-X subject to: -*

- (1) the conditions set out in the report;*
- (2) a condition to provide for boundary details;*
- (3) a condition regarding the widening of the footway; and*
- (4) an informative regarding design to advise that a building of quality should occupy the site.*

DC.258 CHI/20377 - ERECTION OF A DETACHED DWELLING. LAND ADJACENT TO EASTCOURT HOUSE, MAIN STREET, CHILTON, OX11 0RZ

Matthew Barber, Terry Cox, Richard Farrell, Richard Gibson, Angela Lawrence, Jerry Patterson, Margaret Turner and John Woodford each declared a personal interest and in accordance with Standing Order 34 they remained in the meeting during its consideration.

The Committee was advised that an additional plan had been received today showing amended access and parking. It was commented that the County Engineer had seen the proposal and had not raised any objection although additional comments had been received which were read out at the meeting. The County Engineer had made reference to the Government's recently published guidance on highway matters, "Manual for Streets".

The Committee was advised that should it be minded to approve the application, conditions should be included to provide for appropriate drainage and to require development in accordance with the amended access/parking plan.

Mr Morris made a statement objecting to the application advising that his principle objection was overdevelopment. He commented that due to the small scale of this site it could not accommodate more than a two bedroom house. He stated that the land had been recently separated off from Eastcourt, a small cottage and therefore was not part of a large Victorian property but comprised of the original garden of that cottage. He advised that the plot was small and narrow in a prominent position in the central street of Chilton. He advised that the proposal was contrary to Planning Policy H12 in that the dwelling was overly large. He considered that the Officers had overlooked this policy, which had been included in the Local Plan with just such infill sites in mind. He commented that even a 3 bedroom house would be too large on this site having regard to its size, location and level of land. He considered that there would be inadequate amenity space and that a set back location was necessary as the land was in an area of groundwater flooding. He also raised concern regarding access, visibility splays; parking, the narrow frontage and hedge constraining visibility; removal of the neighbours hedge; the Officer's comments that the hedge would provide screening yet there was an intention for its removal; and the need to protect boundaries in view of

the removal of a neighbour's tree. Finally, he concluded that the small size and the constrained setting of this infill site was such that it was only able to take a further 2 bedroom property.

Mr K Howard made a statement objecting to the application commenting that his home was adjacent to the site. He raised concerns relating to matters already covered in the report. He particularly raised concern regarding the small size of the site; parking; cars reversing in and out of the access; and safety. He raised concern regarding the dimensions of the parking area; damage to hedge roots from construction; the pending comments of the County Engineer; drainage; lack of details of the necessary soak way and its location; the need to retain boundaries which were not in the ownership of the applicant; lack of vegetation on the northeast boundary; the need to protect the hedge; and the removal of a tree not in the applicant's ownership.

Mrs G Webb, the applicant made a statement in support of the application commenting that this was a standalone site which had been classified as a trunk road and not part of a garden. She explained that the garden at the rear equated to nearly 50% of the plot. She advised that the house was not crammed on the site; the proposed dwelling was wider than the neighbouring house by 70cm only; the footprint was only 1.4 metres more than the neighbouring house; there would be no loss of light or overlooking; the distances between the proposed house and the neighbouring property were acceptable; there were no windows in the gable end and therefore no loss of privacy; the house was not too large for the plot and the access was acceptable; the County Engineer had raised no objection; the design was acceptable in the Conservation Area; there was no intention to remove the hedge or trees.

One Member raised concerns regarding the proposal noting that this proposal had been refused previously and dismissed on appeal and that the reasons for the objection to the application remained. She stated that the County Engineer now appeared to be unable to object due to the recent publication in May 2007 of "Manual for Streets", which had caused the reclassification of Main Street as a "street". She added that this meant that Main Street in Chilton did not "singularly perform the functions of facilitating vehicular movement". She expressed disbelief at some of the assumptions made and wished to address several important points on which she sought clarification. She questioned whether it was right that the Committee could subsequently approve an application when its previous refusal had been upheld on appeal. She considered that allowing such an application would bring the appeal process and the Planning Inspectorate into disrepute. She suggested that applications which had been refused on highways grounds should not be reconsidered by the Committee within a given period. She considered that if appeals were upheld and then subsequently applications for the same proposal were approved by the Committee, this would cause difficulties for the Council in trying to explain these decisions to members of the public. She referred the Committee to the comments of the Planning Inspector, which concluded that the proposal was unacceptable. She stated that the only thing which had changed with this application was the Government Guidance. She questioned why the proposal was considered safe now when it was considered dangerous 6 months ago when nothing had actually changed. Finally, she

commented that she accepted that the Committee should pay heed to Government Policy and Guidance. However she felt that it would have to adjust its thinking to accept the new manual and added that the Committee ought to consider whether it conflicted with the Vale's Local Plan Policies. She urged the Committee to refuse the application.

One Member raised concern regarding imposing a condition regarding boundary treatment when the land did not belong to the applicant. To this end it was agreed that the wording of condition 4 in the report should be amended.

Some Members raised concern at the application noting the Inspector's comments in terms of a small scale development of up to 3 bedrooms. It was considered that this 4 bedroom property was too large on this site and that the proposal was contrary to H12 of the Local Plan.

Other Members spoke in support of the proposal commenting that if there was a discrepancy between the Local plan and Planning Policy Guidance then the Policy Guidance applied. It was noted that the Local Plan had been on deposit when this advice had been published and therefore it could not be included. It was commented that there were no grounds for refusal given the explanation now received. Furthermore, it was commented that the last time the application had been considered, the Committee had been raised regarding parking and this had now been addressed.

One Member advised the Committee that on consideration of the Local Plan at the Inquiry evidence had been put forward that there were insufficient small bedroom houses in the District and that debate had concentrated on providing a wider diversity of housing stock with a specific aim to provide smaller accommodation.

By 11 votes to 3 with 1 abstention it was

*RESOLVED*

*that application CHI/20377 be approved subject to:*

- (1) the conditions set out in the report with condition 4 being amended to read "RE7 submission of boundary treatments";*
- (2) additional conditions to address drainage; to require development in accordance with the amended plan and to remove permitted development rights to retain control of further extensions to the house.*

DC.259 ENFORCEMENT REPORT - 5 THE ORCHIDS, CHILTON, OX11 0QP, 8 WORDSWORTH ROAD, ABINGDON OX14 5NY AND BUMBLE BARN, HARWELL OX11 0EP

The Committee received and considered report 135/07 of the Strategic Director which sought approval to take enforcement action in three cases. It was noted that the

Committee had agreed to refuse an application for decking across a stream at Bumble Barn, Harwell but had yet to agree the reasons for refusal. As such the Committee was asked to defer consideration of that part of the report.

By 14 votes to nil (with one of the voting Members having already left the meeting prior to the consideration of this item) it was

*RESOLVED*

- (a) *that the Deputy Director (Planning and Community Strategy) be delegated authority in consultation with the Chair and/or Vice-Chair of the Development Control Committee to take enforcement action in the following cases if he considers it expedient to do so: -*
  - (1) *against Mr Allmond of 5 Orchids, Chilton to remove the unauthorised elements of the development in breach of condition 4 of Notice of Permission CHI/17313/2; and*
  - (2) *against Mr and Mrs Peacock of 8 Wordsworth Road, Abingdon to remove within 3 months the unauthorised 2.2m high fence and shed adjacent to the highway.*
- (b) *that consideration of whether to take enforcement action in respect of decking across a stream at Bumble Barn, Harwell be considered in the reconvened part of the meeting after consideration of the reasons to refuse an application in this regard.*

DC.260 STA/19592/3 - ERECTION OF A 3 BEDROOM DWELLING, WIDEN DRIVE AND RE-SURFACE, AND GARDEN SPACE FOR NO.22 HORSECROFT. DEMOLITION AND REPOSITIONING OF STONE WALL AND FENCE AT NO.14 HORSECROFT (LAND ADJOINING NO.22 HORSECROFT) LAND ADJACENT TO NO.22 HORSECROFT, STANFORD IN THE VALE

Carole Nicholl, the Head of Democratic Services had declared a personal interest in this item and in accordance with Standing Order 35 she remained in the meeting during its consideration.

The Committee noted that the Parish Council had objected to the application raising concerns regarding access, flooding and rights of way. Furthermore, it was noted that there had been 8 letters of objection regarding access issues, tarmacing the drive and the adverse impact on the area.

Further to the report it was noted that one additional letter had been received objecting to the application and advising that the access was shared and was not in the sole ownership of the applicant.

The Officers explained that this application was similar to the refused application but there were some differences as set out in the report. It was explained that the

applicant had demonstrated that the access could be widened and that the County Engineer had no objection to the access subject to conditions and also to the parking and manoeuvring proposals. It was reported that the previous reason for refusal was now overcome.

The Officers reported that they had been informed that Land Registry had been unable to determine the ownership of the access. In view of this the Committee was asked that if it should be minded to approve the application, authority to do so should be delegated to the Deputy Director (Planning and Community Strategy) to allow him to serve the relevant notices.

Mike Brown speaking on behalf of residents made a statement objecting to the application. He stated that two previous applications for development of this garden plot had been rejected by residents, the Parish Council and the District Council. He advised that this application was virtually identical to a previously refused proposal. He commented that the Land Registry and legal documents stated that the residents all shared common rights over the historic stone furrow track way which formed the access to the row of period cottages. He stated that the applicant wished to build over this track, which would require the agreement of other residents, which was not forthcoming. He raised concern over drivers having to make multi-point turns to be able to leave the parking bays in order to be in a forward gear. He felt it was likely that drivers would simply reverse out of the access way, impairing their line of sight. He further added that the applicant wished to build over a right of way, which the neighbouring residents would not agree to. He raised further concern that the residents of the existing cottage would have access to their gardens significantly impaired by the development. He added that objectors were concerned that the development's provision for surface water drainage in times of flood or storm was inadequate. He considered that the development would place strain on the village infrastructure, the lane, the village school and the village sewerage plant. He was further commented that the additional visitor parking at the development would lead to further problems.

One Member commented that as the Officers needed to look at certificates of ownership, he suggested that consideration of the application should be deferred to enable the Officers to seek acceptable plans. The Officers explained that the plans were acceptable but as they had been produced with blue ink they had not scanned well.

Some Members spoke against the application making the following comments: -

- The plans were inadequate and it was difficult to judge the detail.
- The tarmac area would increase and there was concern regarding this in terms of increased run off and impact on flooding, although one Member commented that porous tarmac could be used.
- There was concern that the ability for vehicles to manoeuvre was limited and that cars would need to drive very close to the fronts of neighbouring properties.
- Vehicles from the property would need to reverse down the access road.

- The proposed layout was similar to the refused application.
- The proposal was unneighbourly in that the proposal did not address the harm which would be caused by vehicles driving so close to the doors and windows of existing properties. As such the reason for refusal of the earlier application was still substantiated.
- The benefit of the garden area did not outweigh the harm caused to the amenity of neighbours.

In response to a comment made, the Officers advised that ownership was generally not a material planning consideration, but in this case the applicant had claimed ownership and there was some uncertainty as the Land Registry had not confirmed the position. It was therefore explained that in this case ownership might be relevant.

The Officers explained that the current proposal provided for a larger garden area with turning space than was proposed previously and therefore there was less of an impact than the refused application. However, it was noted that vehicles would still have to manoeuvre in front of the existing and proposed houses.

It was proposed by Councillor Jerry Patterson that the Deputy Director (Planning and Community Strategy) be delegated authority in consultation with the Chair and/or Vice-Chair of the Development Control Committee to approve application STA/19592/3 subject to the conditions set out in the report and subject to the serving of the relevant notices in connection with land ownership. This was lost by 9 votes to 2 with 4 abstentions.

It was there upon proposed by Councillor Terry Cox and seconded by Councillor Roger Cox and by 9 votes to 2 with 4 abstentions it was

*RESOLVED*

*that application STA/19592/3 be refused with the reasons for refusal to be formally endorsed at a future meeting of the Committee, such reasons to include the adverse impact of the proposal on the amenity of neighbours in terms of the proximity of manoeuvring vehicles to the front doors and windows of the existing and proposed properties along the access and, subject to further investigation by the Officers, the tight entrance and exit arrangements and the need for vehicles to reverse out of the site.*

## DC.261 ADJOURNMENT OF MEETING

It was proposed by the Chair and

*RESOLVED*

*that the meeting of the Committee do adjourn until Wednesday 30 January 2008 at 2.00pm in the Guildhall, Abingdon.*



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

None.

The meeting rose at 10.35 pm