

DC.148

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

**HELD AT THE KING ALFRED'S
COMMUNITY AND SPORTS COLLEGE
(WEST SITE), CHALLOW ROAD,
WANTAGE ON MONDAY, 17TH
DECEMBER, 2007 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, Sue Marchant, Jerry Patterson, Val Shaw and Margaret Turner.

SUBSTITUTE MEMBERS: Councillor Reg Waite for Councillor Anthony Hayward.

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

NUMBER OF MEMBERS OF THE PUBLIC: 20

DC.200 **NOTIFICATION OF SUBSTITUTES AND APOLOGIES FOR ABSENCE**

In accordance with the provisions of Standing Order 17(1) the attendance of a Substitute Member was recorded as referred to above with an apology for absence having been received from Councillor Anthony Hayward.

An apology for absence was also recorded from Councillor Angela Lawrence.

DC.201 **DECLARATIONS OF INTEREST**

Councillors declared interests in report 126/07 – Planning Applications as follows: -

| <u>Member</u> | <u>Type of Interest</u> | <u>Item</u> | <u>Reason</u> | <u>Minute Ref</u> |
|-----------------------------|-------------------------|-------------|---|-------------------|
| Matthew Barber Terry Cox | Personal | SPA/15560/2 | In so far as they were acquainted with the wife of the County Councillor in her capacity as a Parish Councillor | DC.212 |
| Matthew Barber Roger Cox | Personal | ABG/20033/3 | In so far as the speaker | DC.216 |

| | | | | |
|---|--------------|-----------|---|--------|
| Terry Cox Tony de Vere Richard Farrell Richard Gibson Jenny Hannaby Jerry Patterson Terry Quinlan Margaret Turner John Woodford | | | was known to them in his capacity as a former Council Officer | |
| Matthew Barber Roger Cox Terry Cox Tony de Vere Richard Farrell Richard Gibson Jenny Hannaby Sue Marchant Jerry Patterson Terry Quinlan Val Shaw Margaret Turner Reg Waite John Woodford | Persona l | GFA/20324 | In so far as they were acquainted with the agent Anthony Hayward in his capacity as a District Councillor | DC.218 |

DC.202 URGENT BUSINESS AND CHAIR'S ANNOUNCEMENTS

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

The Chair pointed out the emergency exits and congregation point in the event of an emergency and need to evacuate the building. The Chair thanked the School for the use of the room commenting that the meeting had been arranged in this venue as it had not been possible to book a venue in Abingdon, it being noted that it was Council policy to hold meetings in Abingdon.

DC.203 STATEMENTS AND PETITIONS FROM THE PUBLIC UNDER STANDING ORDER 32

None.

DC.204 QUESTIONS FROM THE PUBLIC UNDER STANDING ORDER 32

None.

DC.205 STATEMENTS AND PETITIONS FROM THE PUBLIC UNDER STANDING ORDER 33

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

DC.206 MATERIALS

None.

DC.207 APPEALS

The Committee received and considered an agenda item which advised of two appeals which had been allowed by the Planning Inspectorate, two appeals which had been dismissed and two which had been withdrawn.

RESOLVED

that the agenda report be received.

DC.208 FORTHCOMING PUBLIC INQUIRIES AND HEARINGS

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

RESOLVED

that the report be received.

DC.209 HAR/1123/10 - RETROSPECTIVE APPLICATION FOR THE CONSTRUCTION OF TIMBER DECKING ACROSS STREAM AND ERECTION OF CLOSE BOARD FENCING. BUMBLE BARN, CHURCH LANE, HARWELL

Mr Morris had been due to make a statement at the meeting objecting to the application but he declined to do so.

The Committee noted the objection received from Harwell Parish Council as set out in the report.

The comments from the Environment Agency were highlighted and it was noted that it had no jurisdiction over this water course and therefore had no grounds to object to the proposal. This view had been confirmed with the Environment Agency. It was reported that the Environment Agency had no knowledge of flooding in this area and this Council's own report had stated that there were no reports of flooding here and no historical data regarding flooding in the past. It was confirmed that the site was within the Conservation Area but that there were no public views of the area. It was explained that in view of this the Officers considered that the scheme was acceptable.

One of the local Members referred to the concerns raised by the Parish Council. She commented that whilst noting that there appeared to be no adverse impact on the Conservation Area, she was concerned regarding the visual impact of the proposal on the residents of the sheltered housing in Cherry Tree Court. Furthermore, whilst noting the information regarding flooding reports, she expressed concern regarding the accessibility and maintenance of the watercourse.

The other local Members raised similar concerns and furthermore commented on the adverse impact should adjoining properties along the watercourse undertake similar schemes. He referred to a pond near this property advising that a continuation of the decking could create further problems. He reported that a drainage pipe went over the stream and the applicants had wished to cover it up as it was unsightly.

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

- The decking was quite large and unsightly when viewed from Cherry Tree Court.
- There proposal adversely impacted on those resident in terms of visual harm.
- If this application was approved it would be difficult for the Council to refuse similar applications along this watercourse which it was considered would cumulatively have a harmful impact.
- The entire water course was covered which it was noted the Environment Agency did not encourage.
- The application should be refused on the basis of the comments of the Environment Agency it being noted that it did not have jurisdiction over the watercourse but the Council did.
- The Council should ensure standards were maintained and agreeing to a proposal which would make maintenance of the watercourse more difficult or impossible should not be supported.
- Agreeing to a proposal which would restrict the ability to maintain the watercourse was unreasonable. Gibson – we should object to this.
- The proposal was likely to increase the probability of the watercourse becoming blocked and that just because records were not available did not mean that flooding had not occurred in this area in the past.
-

The Officers referred Members to the report explaining that the Drainage Engineer had looked at the proposal and had not made any representations only that the access should be maintained.

Furthermore, the Officers referred to comments made regarding the setting of a precedent and visual impact. It was reported that in terms of precedent, Members were reminded that each application should be considered on its merits and in terms of visual impact, whilst in the Conservation Area, the site was well screened.

In response to concerns regarding the blocking of the watercourse, the Officers explained that the proposal did not include structures in the watercourse. Reference was made to the letter from the Environment Agency and it was noted that an officer from the Agency had visited the site and had not objected as there was a clear span of the water course.

One Member supported the proposal commenting that if there was a means of access to the watercourse for maintenance purposes she could see no reason to refuse the application. The Officers reported that a trap door access within the decking could be sought.

In response to a comment made regarding ownership of the watercourse, it was clarified that ownership was not a material planning consideration but was a civil legal matter between the parties concerned.

One Member referred to the condition set out in the report and by way of a straw poll there being 6 for, 3 against and 5 abstentions it was considered that if the Committee was minded to approve the application, a condition requiring access for clearing purposes to be submitted to and implemented within an agreed time period before planning permission was issued should be agreed.

It was proposed that the Deputy Director (Planning and Community Strategy) in consultation with the Chair and/or Vice-Chair of the Development Control Committee and local Members be delegated authority to approve application HAR/1123/10. On being put, this was lost by 8 votes to 5 with 1 abstention.

It was thereupon proposed by Councillor Jerry Patterson, seconded by Councillor Richard Gibson and by 8 votes to 5 with 1 abstention it was

RESOLVED

that application HAR/1123/10 be refused with the reasons for refusal to be formally endorsed at a future meeting of the Committee such reasons to include the concerns of the Environment Agency that construction of decking over a watercourse is not encouraged in view of future maintenance requirements of the watercourse and possible flooding implications.

DC.210 ECH/5704/6 - PROPOSED BOUNDARY FENCE. 1 REYNOLDS WAY, EAST CHALLOW, OX12 9SB

Further to the report the Officers highlighted that condition 1 in the report was a time limit. Members were advised that should they be minded to approve the application this condition should be substituted with a condition requiring the fence height to be reduced within 4 months in accordance with the approved drawing.

One Member spoke in support of the proposal commenting that it was acceptable in this location. However, another Member raised some concern regarding the loss of open space.

One Member referred to the time taken in considering this matter noting that permission had been refused in April for a 1.2 metre high fence. The Officers responded that the rights of appeal procedures were lengthy and that there had been discussions with the applicant in this case.

By 13 votes to 1 it was

RESOLVED

that application ECH/5704/6 be approved subject to the conditions set out in the report with condition 1 being amended to provide that the fence height shall be reduced within 4 months in accordance with the approved drawing.

DC.211 NHI/2653/8-D – APPROVAL OF RESERVED MATTERS FOR RESIDENTIAL DEVELOPMENT COMPRISING OF 38 1 AND 2 BED APARTMENTS WITH ASSOCIATED PARKING AND LANDSCAPING. LMS ROAD NURSERY SCHOOL, ELMS ROAD, BOTLEY, OX2 9JZ (NORTH HINKSEY PARISH).

Members recalled that this application had been considered at the meeting of the Committee held on 26 November 2007, when it had been resolved that the application be refused with the reasons for refusal to be formally endorsed at a future meeting.

By 9 votes to 5 it was

RESOLVED

that application NHI/2653/8-D be refused for the reason set out in the report.

DC.212 SPA/15560/2 - ERECTION OF TWO STOREY AND SINGLE STOREY EXTENSIONS. SUMMER LEASE, WATERY LANE, SPARSHOLT, OX12 9PP

(Councillors Matthew Barber and Terry 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).

Further to the report, the Committee noted an amendment to paragraph 5.4 in that the parking spaces would be conditioned to remain as such as set out in condition 3 in the report and not condition 4.

David Randall, the Clerk of Sparsholt Parish Council made a statement on behalf of the Parish Council objecting to the application raising concerns relating to matters already covered in the report. He specifically referred to the proposal being contrary to Planning Policies HE1, DC5 and DC9 and raised concerns regarding over development in that the property was once a 2 bedroom bungalow and was now a 6

bedroom detached house; adverse impact in terms of dominance and visual intrusion; overlooking of the road and surrounding properties; lack of planning and thought in terms of rain water and sewage disposal; the possibility of a septic tank which had not been declared on the application; parking; lack of availability of on-street parking; access; pedestrian safety; traffic and traffic congestion.

Dr Peter Sullivan, the applicant made a statement in support of the application advising that the reason for the extension was to provide a larger bedroom for his son and to provide additional accommodation for his elderly mother whom he needed to care for. He explained that the house did not have 6 bedrooms and that the proposal was for one extra bedroom only. He explained that there would be a dressing room and study. He commented that the objections were not material planning objections and that the only substantial concern raised related to traffic which he explained was irrelevant as there would be no increase in traffic as a result of the proposal. He commented that the sewage disposal had been a concern which had now been resolved. He reported that there had been root damage to the existing septic tank and he had had a new soak away fitted. He commented that over dominance was not an issue. Finally, he commented that the one substantial objection might be on the grounds of overlooking and to this end he advised that he wished to amend the application to provide for an amended design to include roof velux windows on the upper floors and a redesign of the lower windows to be in keeping with the velux windows.

In response to a question raised it was explained that the first floor windows overlooked Watery Lane and that the Officer had no objections to these as it was not unusual to have windows overlooking front gardens. It was reported that the changes to the application described by the applicant would be materially sufficient to justify a fresh application given the location of the site in the Conservation Area.

The Officers clarified that Members should determine the plans before them.

Some Members spoke in support of the application and whilst noting that changes to the windows might lessen the impact further, the proposal as presented was not unreasonable. It was commented that the level of overlooking was no greater than many properties.

One Member commented that in his view velux windows would not be appropriate and might be visually harmful in this location.

By 14 votes to nil, it was

RESOLVED

that application SPA/15560/2 be approved subject to the conditions set out in the report.

DC.213 ABG/17715/4 - PROPOSED ERECTION OF A REAR CONSERVATORY AND A REAR EXTENSION WITH BALCONY ABOVE. 20, SOUTH QUAY, ABINGDON MARINA.

One Member expressed concern regarding the scale and accuracy of the drawings. In response the Officers explained that the uncertainty related to the site plan but confirmed that there was an accurate site plan elsewhere in the report. Furthermore, it was clarified that the scaled drawings were accurate.

By 14 votes to nil it was

RESOLVED

that application ABG/17715/4 be approved subject to the conditions set out in the report.

DC.214 CUM/19875/1 - DEMOLITION OF NO. 8 ARNOLDS WAY. ERECTION OF 5 DETACHED DWELLINGS (RESUBMISSION). 8 AND LAND REAR OF 6 AND 10 ARNOLDS WAY, CUMNOR HILL, OXFORD, OX2 9JB

Further to the report the Committee was advised that one additional letter of objection had been received reiterating the concerns relating to matters already covered in the report. Furthermore, three additional representations from local residents had been received raising concerns regarding cesspools in urban areas; pollution and hygiene problems associated with cesspool emptying; the proposal being contrary to Planning Circular 03/99 in that where sewage disposal was unsatisfactory planning permission would normally be refused; and the need for non-mains sewerage to be carefully evaluated.

The Officers reported that a request had been received to protect the trees to the rear of the site by way of a Tree Preservation Order although it was noted that this would be addressed by way of a landscape condition.

The Officers reported that they considered that the proposal had addressed the refusal reasons of the previous application on this site with the exception of concerns regarding drainage. It was reported that since the application had been submitted Thames Water had issued a statement regarding capacity issues in the area. The statement, which was read out in full at the meeting commented that there were known flooding problems down stream of this proposed development; Thames Water was currently investigating the network capacity issues in the area and anticipated more information with respect to proposed solution options which would be available in April 2008; until these investigations were complete and any identified infrastructure upgrades constructed, Thames Water considered that this proposed development would exacerbate known flooding problems and recommended refusal of the application until the existing capacity constraints could be alleviated.

It was reported that as a result of this statement, the applicants had amended the scheme so that four dwellings to the rear were served by a cesspool arrangement, with the fifth dwelling using the existing public sewer connection of No.8 Arnolds Way. It was reported that under current regulations for non-mains sewerage drainage, the applicant needed the approval of the Environment Agency.

It was reported that in its response to the applicant the Environment Agency had made a statement regarding septic tanks which was read out in full at the meeting. The Environment Agency had stated that the use of cesspools for the development was acceptable as a temporary solution whilst Thames Water undertook its drainage area study. It had suggested to the applicants that once the results of this were available in April 2008, they should contact the Environment Agency with their plans to connect to the foul sewer advising that the Agency did not accept sewer capacity as an acceptable reason for not connecting. Furthermore, the Environment Agency had stated that it did not accept the promotion or proliferation of cesspools as a viable long term sewerage option as in its view there were potential environmental, amenity or public health problems arising from inadequate operation and maintenance of these systems.

With regard to reconnection to the foul sewer, it was reported that a further letter had been received from the Environment Agency earlier in the day setting out an explanation of the foul sewer hierarchy. It was reported that a proposed development might use cesspits on a temporary basis. The Officers referred to the conditions set out in the report and it was highlighted that a condition was proposed requiring that no development shall commence until details of a foul and surface water drainage scheme had been submitted to and approved in writing by the District Planning Authority. Furthermore, a condition was proposed stating that the development should not connect to the public sewer at any time without the prior written agreement of the District Planning Authority. The Officers reported that the time limit could not be enforced as the Council could not insist on the public sewer connection and to this end it was suggested that the Committee should defer consideration of the application to seek further clarity from the Environment Agency.

Dr Phillip Hawton made a statement on behalf of the Parish Council commenting that he too wished the Committee to defer consideration of the application pending further investigation in to the foul drainage. He commented that it was essential that the correct information was sought in this regard and he explained that in the past he considered that the Council had failed to ask the right questions of the Environment Agency. He referred to his letter previously sent to the Council advising that it was possible to fit cesspools and then discharge their contents into foul sewage system. He considered that such a system would be adequate for this site. He suggested that the Officer should explore with the applicant the possibility of connecting the cesspool to the main sewer but on a controlled basis.

Mark Rowley made a statement objecting to the application raising concerns relating to matters already covered in the report. He commented that the proposal was not

sufficiently different to the refused proposal which had been upheld on appeal. He commented that whilst the number of houses had reduced he considered that there were still too many which he commented was unacceptable and inappropriate in this location. He commented that he could not understand why the Officers did not object to this application. He referred to development elsewhere in Arnolds Way commenting that this site was not comparable and that the application should be refused on grounds over development and density. He referred to a meeting of the Committee held in November when Members had recognised that the character of Cumnor needed to be maintained. He considered that the density should be reduced. Furthermore he commented that the trees on the site should be protected by way of a Tree Preservation Order. Finally, he reiterated that the current application did not satisfy the reasons for refusal of the previous application and therefore it should be refused. He emphasised that development should be in a coherent way and that this proposal was not acceptable.

Paul McCann, the applicant made a statement in support of the application. He referred to the comments of the speaker on behalf of the Parish Council as set out above and advised that he had only learnt of the comments from the Environment Agency earlier in the day. He commented that he would welcome deferral of consideration of the application to enable thought to be given to a controlled discharge of foul sewage into the public sewer. With reference to the refused proposal he commented that this proposal provided a greater variety of house types which followed the local vernacular style. He considered that the low density character was complimented and that the proposal was similar to development elsewhere in Arnolds Way in terms of density. He explained that a revised layout had been prepared which showed sufficient room for layout and turning. He commented that the development would not be a cramped scheme and that the houses were further away from the properties in Arnolds Way and hence there would be no overlooking. He referred to the maturity of the trees on the site advising that there would be no adverse affect in that regard. He explained that there were no concerns in respect of highway safety. Finally, he reiterated that he would welcome deferral of consideration of the application to enable investigations to take place regarding a revised foul water discharge system.

One of the local Members welcomed deferral of consideration of the application commenting that he could see no reason to refuse the application subject to the sewage discharge issue being resolved.

One Member considered that there were insufficient reasons to justify refusal of the application and that the drainage issue could be resolved. He highlighted that the Environment Agency had stated that it did not accept sewer capacity as an acceptable reason for not connecting to a main sewer and therefore this would not be a valid and supportable reason for refusal.

One Member expressed concern regarding the sewage disposal being agreed on a temporary basis commenting that there was a risk that a mains connection might never occur and he questioned the powers available for enforcement in this regard. He commented that he would wish to ensure a mains connection in the future.

One Member referred to the different views from the Environment Agency and Thames Water to which the Officers responded that further clarity was needed. It was explained that the Environment Agency was concerned with pollution and Thames Water was concerned with effective operation of the sewage system. It was generally agreed that further information was required to include details of the legal powers available for enforcement of any connection to the main sewer.

Another local Member referred to existing problems in North Hinksey Lane in respect of sewage discharge suggesting that an inspection by the Environment Agency would be beneficial.

On consideration of deferral of the application one Member questioned whether there were other issues which needed investigation. In response Members indicated that the proposal was in all other aspects satisfactory and would otherwise have been considered favourably.

The Officers commented that it was important that any other concerns or issues should be raised now so that they could be discussed with the applicant. As no other issues were raised the Officers explained that the application would come back in the same form with further information on the drainage issue.

By 14 votes to nil, it was

RESOLVED

that consideration of application CUM/19875/1 be deferred to enable discussions with the applicant, the Environment Agency and Thames Water on a satisfactory scheme to address the concerns raised regarding sewage disposal with a report thereon to a future meeting of the Committee such report to include details of the legal powers available with regard to enforcement of connection of a temporary sewage disposal system to a mains sewer.

DC.215 DRA/19940/1 - DEMOLITION OF EXISTING CHALET BUNGALOW AND
ERECTION OF A FIVE BEDROOM HOUSE WITH DETACHED DOUBLE GARAGE.
73 HIGH STREET, DRAYTON

One Member referred to the conditions set out in the report and asked the Officers to give some thought to the colour of the materials to be used in this case. The Member explained that the stone for the walls should match the existing stone and that the Conservation Officer should give an opinion on the use of "orange" bricks. The Officers noted these comments.

By 14 votes to nil it was

RESOLVED

that application DRA/19940/1 be approved subject to the conditions set out in the report and the following informative: -

“The applicant should note that the application hereby permitted does not grant planning permission for any increase in height of the front boundary wall”.

DC.216 ABG/20033/3 - DEMOLITION OF 83 NORTHCOURT ROAD AND ERECTION OF 21 DWELLINGS IN REAR GARDENS OF 79 TO 87 WITH NEW ACCESS. LAND AT 83 NORTHCOURT ROAD AND REAR GARDENS OF 79 TO 81 AND 85 TO 87, NORTHCOURT ROAD, ABINGDON, OX14 1NN

(Councillors Matthew Barber, Roger Cox, Terry Cox, Tony de Vere, Richard Farrell, Richard Gibson, Jenny Hannaby, 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).

Further to the report the Officers commented that the proposed scheme met concerns regarding density and impact and distances were acceptable. In terms of affordable housing the Committee was reminded that the applicants had demonstrated that it was not possible to provide 40% and that this was supported by independent advice agreed with this. It was noted that the provision of 6 units in this case was considered acceptable in view of the District Valuer's comments as set out in the report.

Ken Dijksman, speaking on behalf of the applicant made a statement in support of the application. He explained that there had been considerable discussions regarding this proposal and that there had been a number of proposals which had not been acceptable to officers. He commented that it had been difficult to agree the level of affordable housing and how it would fit into the development. He commented that there had been an exhaustive process of discussions and negotiations which had included the Housing Officer who had dictated the amount of housing. He explained that if grant funding was received six affordable housing units would be provided. He reported that sale values had been discussed and a 50% claw back clause had been included in the S106 Agreement.

Some Members spoke in support of the application but expressed disappointment at the level of affordable housing proposed, but they accepted the reasons for this as set out in the report.

One Member raised concern regarding the presentation of the information to the Committee commenting that whilst he was pleased to have the District Valuer's comment the detailed financial information should be available to Members on a confidential basis. He commented that in many cases although priority was given to affordable housing, financial contributions were sought for other things such as library facilities.

The Officers sympathised with the sentiment expressed but commented that Government advice was that a development needed to mitigate its own impact on public services and that this should be a priority before the provision of affordable housing.

One Member commented that this was an area where affordable housing was most needed. He explained that this was an urban site and there were often higher costs associated with sites like this and he was concerned that 40% affordable housing would never be achieved. He suggested that the Officers need to consider how to address this issue in the future.

The Officers reported that 40% affordable housing had been achieved on many allocated sites of a larger scale.

Another Member thanked the Officers for their continued efforts to secure the 40% level of affordable housing but commented that the Council should take a firm stand and be more resolute in this regard.

The Officers commented that the current application was the fourth application put forward on this site and whilst the proposal was not compliant with policy, it went as far as was possible to secure the most affordable housing. It was commented that there had been considerable negotiations regarding this application.

One Member supported the application. He commented for information that the Executive of the South East Regional Assembly had announced that the additional funding for the South East was only enough to build another 23 houses and he expressed concern about achieving affordable housing if the funding was not available. Finally, he commented that the materials should be presented to the Committee for approval with a sample panel being erected on site.

One Member sought details of the Section 106 Agreement and questioned whether a financial contribution towards leisure had been secured. The Officers responded that payments could not be required as part of this development although contributions could be negotiated separately on larger developments. However, it was explained that as of April 2008 it might be possible to secure contributions per dwelling.

By 14 votes to nil it was

RESOLVED

- (a) *that the Deputy Director (Planning and Community Strategy) in consultation with the Chair and/or Vice-Chair of the Development Control Committee be delegated authority to approve application ABG/20033/3 subject to the conditions set out in the report; and*

- (b) *that the Deputy Director (Planning and Community Strategy) in consultation with the Chair and/or Vice-Chair of the Development Control Committee be delegated authority to refuse application ABG/20033/3 should the Section 106 Agreement not be completed to enable a decision to be made within the 13 week period (by 20 December 2007) with the reason for refusal being based on the lack of necessary financial contributions towards improving local services and facilities and lack of affordable housing.*

DC.217 ECH/20214 - PROPOSED SINGLE STOREY EXTENSIONS. 1 ST NICHOLAS PLACE, EAST CHALLOW, OX12 9SP

Further to the report the Officers emphasised that concerns raised regarding the relocation of an existing private pedestrian right of way could not be taken into account as part of this application.

Daniel Waller made a statement objecting to the application raising concerns relating to matters already covered in the report. He advised that that he resided in St Nicholas Place near the application site and that the proposal would obstruct the existing established right of way which he and his neighbours enjoyed. He commented that the proposed right of way was not acceptable. He raised concerns regarding construction in terms of impact on utilities such as gas and electric and in terms of damage to the foundations of properties in Coach Row. He again referred to the pedestrian right of way stating that development over it would be illegal. Finally, he commented that if the plans were amended to omit the relocation of the right of way, he would raise no objection.

Chris Sykes, the applicant made a statement in support of the application advising that the reason for the proposal was to increase the kitchen area of his property and to provide additional wash facilities. He explained that the existing pedestrian access would not be closed until the new path was finalised. He commented on his regard to the concerns raised by the neighbours and explained that he wished to retain an access for them. He reported that fencing was proposed and that water and gas pipes would be rerouted when still in use thus causing minimal disturbance. He reported that the proposal would not impact on parking in the area and that the new layout would make better use of the land. Finally, he commented that the proposal would improve his property and that materials would in keeping with the character of the area.

One Member supported the application but considered that an informative should be added to any permission to advise the applicant that any permission should not be seen as consent for the change of route of the footpath which was a private civil legal matter.

One Member whilst noting that the site was not in a Conservation Area expressed concern regarding the visual impact of the proposal. He referred to the plan set out in Appendix 1 to the report and commented that as the end property in Coach Row was set well back from the neighbours, the entirety of the gable end of the application house was clearly visible from along the street. He considered that the elevations

were unattractive and that a single extension would have a harmful visual impact on the street scene in this part of East Challow.

In response to a concern raised regarding the loss of light to the neighbours on the ground floor, the Officers confirmed that the distances between the application site and the neighbouring properties were acceptable.

In response to a further comment made, the Officers clarified that relocation of the private pedestrian right of way or ownership of the land were not material planning considerations.

Other Members supported the application.

By 13 votes to 1, it was

RESOLVED

that application ECH/20214 be approved subject to the conditions set out in the report together with an informative to advise the applicant that any permission should not be seen as consent for the change of route of the pedestrian right of way which was a private civil legal matter.

DC.218 GFA/20324 - ERECTION OF A TWO STOREY REAR EXTENSION. 52 FERNDAL STREET, FARINGDON, SN7 7AH.

(Councillors Matthew Barber, Roger Cox, Terry Cox, Tony de Vere, Richard Farrell, Richard Gibson, Jenny Hannaby, Sue Marchant, Jerry Patterson, Terry Quinlan, Val Shaw, Margaret Turner, Reg Waite 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).

By 14 votes to nil it was

RESOLVED

that application GFA/20324 be approved subject to the conditions set out in the report.

DC.219 ABG/20356 - DEMOLITION OF GARAGE AND REPLACEMENT WITH 2 APARTMENTS. CONVERSION OF EXISTING COMMERCIAL BUILDING TO 4 X 1 BED FLATS. 83 THE VINEYARD, ABINGDON, OX14 3PG.

One of the Local Members referred to the comments of the Town Council and disagreed that the proposal amounted to over development. He commented that he had had concerns regarding access and parking but now considered that these were overcome. He commented that the use of the site was reasonable and that he had no concerns regarding design or layout.

One Member, whilst supporting the proposal, commented that the residents would need to ensure that the turning area was kept clear. He further commented that if a proposal generated less traffic than the extant use, then it was unlikely that the County Engineer would object to the proposal in terms of traffic generation and he suggested that the town and parish councils should be reminded of this.

By 14 votes to nil it was

RESOLVED

that application ABG/20356 be approved subject to the conditions set out in the report.

DC.220 ENFORCEMENT PROGRAMME

The Committee received and considered report 121 of the Strategic Director which sought authority to take enforcement action in respect of 9 properties in Cumnor to cease the unauthorised residential use of agricultural land and to remove all unauthorised structures and fencing.

One of the local Members expressed his support at the proposed actions.

By 14 votes to nil, it was

RESOLVED

that the Deputy Director (Planning and Community Strategy) in consultation with the Chair and/or Vice-Chair of the Development Control Committee be delegated authority to take enforcement action to cease the unauthorised residential use of agricultural land to the rear (southeast) of: -

1. 31 Halls Close, Cumnor Hill,
2. 33 Halls Close, Cumnor Hill,
3. 35 Halls Close, Cumnor Hill,
4. 37 Halls Close, Cumnor Hill,
5. 21 Barn Close, Cumnor Hill,
6. 23 Barn Close, Cumnor Hill,
7. 25 Barn Close, Cumnor Hill,
8. 27 Barn Close, Cumnor Hill,
9. 29 Barn Close, Cumnor Hill,

and to remove all unauthorised structures and fencing, if in his judgement it is considered expedient to do so.

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

None.

The meeting rose at 9.30 pm