

DC.13

**MINUTES OF A MEETING OF THE
DEVELOPMENT CONTROL
COMMITTEE (CONSIDERING NORTH
AREA APPLICATIONS)**

**HELD AT ABINGDON ON
MONDAY 6 JUNE 2005
AT 6.30PM**

SECTION I (Open to the Public, including the Press)

PRESENT:

MEMBERS: Councillors Sylvia Patterson (Chair), Terry Quinlan (Vice-Chair), Matthew Barber, Roger Cox, Terry Cox, Tony de Vere, Peter Jones, Richard Gibson, Jenny Hannaby, Monica Lovatt, Briony Newport, Jerry Patterson, Margaret Turner and Pam Westwood.

SUBSTITUTE MEMBERS: Councillor Tessa Ward for Councillor Richard Farrell, Councillor Joyce Hutchinson for Councillor Julie Mayhew-Archer and Councillor Mary de Vere for Councillor John Woodford.

NON-MEMBER: Councillor Jane Hanna.

OFFICERS: S Commins, M Deans, M Gilbert, C Nicholl, G Reade and A Thorley.

NUMBER OF MEMBERS OF THE PUBLIC: 41

DC.10 NOTIFICATION OF SUBSTITUTES AND APOLOGIES FOR ABSENCE

The attendance of Substitute Members who had been authorised to attend in accordance with the provisions of Standing Order 17(1) was recorded, as referred to above, with apologies for absence having been received from Councillors Richard Farrell, Julie Mayhew-Archer and John Woodford.

DC.11 MINUTES

The Minutes of the meeting of the Committee held on 9 May 2005 were adopted and signed as a correct record.

DC.12 DECLARATIONS OF INTEREST

Members declared interests in report 5/05 – Deposited Plans as follows: -

<u>Councillor</u>	<u>Type of Interest</u>	<u>Item</u>	<u>Reason</u>	<u>Minute Ref</u>
Matthew Barber	Personal	Item 3 – GFA/5619/3	Town Councillor but had had no previous consideration of the application	DC.18(3)
Roger Cox	Personal	Item 3 – GFA/5619/3	Town Councillor but had had no previous consideration of the application	DC.18(3)

Peter Jones	Personal	Item 6 – ABG/10710/4	Town Councillor but had had no previous consideration of the application	DC.18(6)
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Councillor Jerry Patterson declared a personal interest in report 10/05 – TPO (Wootton) No. 2 2005 insofar as he was a normal member of the Oxford Preservation Trust and the Trust owned the neighbouring land (Minute DC.19 refers).

DC.13 URGENT BUSINESS AND CHAIR'S ANNOUNCEMENTS

The Chair announced that Agenda Item 12 - Report 10/05 – Tree Preservation Order (Wootton) No.2 2005 would be considered immediately prior to consideration of Agenda Item 11 – Report 5/05 - Deposited Plans.

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

DC.14 STATEMENTS AND PETITIONS FROM THE PUBLIC UNDER STANDING ORDER 32

With notice having been given, one member of the public made a statement under this Standing Order as follows: -

Mrs Gina Birch made a statement on behalf of Sunningwell Parish Council regarding report 10/05 – Tree Preservation Order (Wootton) No.2 2005, thanking the Officers and one of the local Members for attempting to resolve this matter. She expressed delight that the landscape significance of the trees on the Berkeley Road corner had been appreciated and welcomed the suggestion of gradual replacement of new trees of possibly different species. She commented that in front of the Pines on Berkeley Road there appeared to be Ashes and Sycamore trees and the variation in green contributed to the pleasing aspect from the Oxford Preservation Trust land. She referred to a letter from Mr Lane to the Council which she read out in full. Mr Lane, who lived in the neighbouring property, had expressed concern at the proposal to clear all of the Pines and associated foliage along the boundary with his property. He had commented that this could not be in the interest of anyone living in the immediate area, since the trees formed a natural boundary of privacy between the houses on the hill. He advised that he had been misled by the owner of Rainbow House when he had originally objected to the Tree Preservation Order as he had been led to believe that only a limited number of branches were to be pruned and tidied by the owner. He referred to a planning application he had previously submitted when the owners of Rainbow House had objected on the grounds of loss of privacy. He indicated that the loss of the trees on the boundary would result in privacy not being maintained. He reported that none of the trees posed a threat to his property or were listed as dangerous. He specifically referred to a mature Oak tree which he wished to see retained. However, he did support the need to trim and clear dangerous trees that were close to his property but strongly opposed the need to fell mature trees along his boundary with Rainbow House. Mrs Birch commented that the Parish Council had no objections to felling trees along the lane as they posed no privacy threat. However, along Foxcombe Road they provided a sound barrier but the darkness of that stretch of road created a hazard on bright summer days and might have contributed to accidents in the past. Finally, she suggested that the wording in the recommendation should be changed to read “no trees within falling distance of Rainbow House or neighbouring buildings be included in the Order”.

DC.15 STATEMENTS AND PETITIONS FROM THE PUBLIC UNDER STANDING ORDER 33

It was noted that 16 members of the public had each given notice that they wished to make a statement at the meeting, however, 3 members of the public declined to do so.

DC.16 APPEALS

The Committee received and considered an agenda item which advised of eight appeals which had been lodged with the Planning Inspectorate for determination.

RESOLVED

that the agenda report be received.

DC.17 LIST OF FORTHCOMING PUBLIC INQUIRIES AND HEARINGS

The Committee received and considered an agenda report, which advised of 5 Public Inquiries and 11 Hearings.

RESOLVED

that the agenda report be received.

DC.18 DEPOSITED PLANS

The Committee received and considered report 5/05 of the Assistant Director (Planning) detailing planning applications, the decisions of which are recorded below. Applications where members of the public had given notice that they wished to speak were considered first.

- (1) KEN/4313/2 - Demolition of existing garage. Erection of a two storey side extension and single storey rear extension. 17 Bagley Close, Kennington

Further to the report, the Committee was advised that the proposal had been amended in that the proposed rear extension next to the boundary had been reduced to 3.28 metres in length and therefore the extension would extend only one metre further than the existing extension.

Mrs M Smith made a statement objecting to the application, reiterating concerns relating to matters already covered in the report. She expressed concern regarding adverse impact on the neighbouring property, overlooking, encroachment onto her boundary, overhanging, rooflights being obtrusive, potential flooding and commented that she would not permit the neighbour to access her property for the purposes of construction.

Mr Freeman, speaking on behalf of neighbouring residents, also made a statement objecting to the application, raising concerns regarding size, the length of the extension, loss of light, visual impact, design, the proposal being out of character and out of keeping, bulk, intrusiveness and loss of amenity value.

One of the local Members referred to the increase in the extension being only one metre further than the existing extension, commenting that this was insignificant and not sufficient to justify refusal.

The other local Member supported this view and whilst having some reservations, could see no reason for refusal.

In response to a question raised concerning the comments of the neighbour regarding the proposal overhanging her property, the Officers advised that this was a matter dealt with under the Party Wall Act and was therefore not a planning consideration.

By 14 votes to nil, with 3 abstentions, it was

RESOLVED

that application KEN/4313/2 be approved, subject to the conditions set out in the report.

(2) BES/CUM/4742/4 – Two storey extension. Greystones, 6 Henwood, Cumnor

Dr Aplin made a statement objecting to the application, advising that he lived in the neighbouring property, Briony Cottage. He expressed concern at the proposal, commenting that it was identical in footprint and design to the previously refused application. He expressed concern that only the internal arrangements were different. He expressed concern that the extension was set back from the building line; would result in overlooking of neighbouring amenity areas; would have an adverse visual impact; would change the character of the area and would set a precedent. However, he suggested that if planning permission was granted, this should be subject to a condition to provide for single occupancy and a restriction to prohibit its sale as a single unit.

Mr Skyrme, the applicant, made a statement in support of the application, explaining that the previous application had been intended as a self-contained unit for his daughter. His personal circumstances had now changed and the extension was proposed to provide additional living accommodation for his home. He explained that his house currently had two bedrooms only and that the extension would not be used as a separate dwelling. He explained that there would be no overlooking of the neighbouring garden, there would be no adverse visual impact and an adequate turning circle would be retained.

In response to a question raised, the Officers explained that the previous application had been for a self-contained annexe. The current proposal would be better integrated into the existing dwelling and in view of the re-siting of the front door into the extension the Officers considered it unlikely that the applicant would seek to turn the extension into a single unit.

In response to a further question raised as to why the previous extensions had not been taken into account in the increased volume calculation, the Officers explained that the 30% of the volume of the dwelling related to a dwelling as it was in October 1995 and in this case the extensions had been undertaken prior to that date.

By 14 votes to 1, with 2 abstentions, it was

RESOLVED

that application BES/CUM/4742/4 be approved, subject to the conditions set out in the report, with a further condition to require that the proposed front door must be sited in the extension as shown on the plan.

- (3) GFA/5619/3 – Demolition of existing garages. Construction of two houses. Land Adjacent to 57 Bromsgrove, Faringdon

(Councillors Matthew Barber and Roger Cox had each declared a personal interest in this item and in accordance with Standing Order 33 they remained in the meeting during its consideration).

Further to the report, the Committee was advised that should it be minded to approve the application, an additional condition should be added (condition HY24) to address parking layout for dwellings.

Two of the local Members expressed their support for the application.

By 17 votes to nil it was

RESOLVED

that application GFA/5619/3 be approved, subject to the conditions set out in the report.

- (4) LWO/6449/4 – Change of use of the existing workshop buildings to Class B1 with non-compliance of conditions 2 and 3 on Approval LWO/6449/2 and condition 4 on Approval LWO/6449. Orchard View, Appleton Road, Longworth

Further to the report, the Committee was advised of one further letter of representation advising that no objection was raised, provided there would be no increase in traffic, no noise nuisance or air pollution and no extension to the business.

Mr S Foggett made a statement objecting to the application, raising concerns relating to matters already covered in the report. He advised that on purchasing his property he had been given the impression that the unsightly prefabricated building would be removed. He referred to existing operating problems in terms of noise, traffic and operations outside normal working hours. He commented that the permanent use of a building for business purposes would increase traffic noise, exacerbate car parking problems and was inappropriate in this location. He referred to forklift trucks being used; the site being unsightly, commenting that it was unacceptable for the unsightly building to remain in the long term. Finally, he suggested that the proposed change of use was unnecessary and would cause problems.

Mr R Longstaff, the applicant, made a statement in support of the application, commenting that the business was a craft workshop where lasers were used which were quiet. He referred to changes in regulations and the law which necessitated the current planning application. He commented that there would be no change to current practices and that no harm would result in terms of noise or pollution.

One Member referred to the comment made by the applicant that working practices would remain unchanged, noting that the application was for a B1 use. In response, the Officers explained that the applicant could carry on his existing business and not necessarily implement the new planning permission.

By 17 votes to nil it was

RESOLVED

that application LWO/6449/4 be approved, subject to the conditions set out in the report.

- (5) SAH/7257/3 – Addition of a new south east facing gable roof with two new roof lights and for the relocation of two previously approved roof lights on the south east roof slope, (Amendment to SAH/7257/2). 49 Lashford Lane, Dry Sandford

By 17 votes to nil it was

RESOLVED

that application SAH/7257/3 be approved subject to the conditions set out in the report.

- (6) ABG/10710/4 – Demolition of existing car club building. Construction of new car club building. Kimber House, Cemetery Road, Abingdon

(Councillor Peter Jones had declared a personal interest in this item and in accordance with Standing Order 33 he remained in the meeting during its consideration).

Further to the report, the Committee was advised that the proposed building would lie approximately 15 metres from the cottages to the east and approximately 18 to 21 metres from the houses to the rear and that the proposed parking layout had been slightly altered to maintain a more open view near the front of the site.

The Committee noted that the Town Council had raised objections to the amended plans, commenting that the proposal was contrary to Policies DC1, DC5 and DC9 of the second deposit Draft Local Plan. In addition, seven further letters of objection had been received, reiterating concerns previously made, but also including loss of light, visual impact, size, dominance, overlooking and impact on trees.

In response to the comments received, the Officers advised that the buildings were considered acceptable in that they were far enough way from neighbouring properties and as such there would be no loss of light or dominance. However, the Committee was advised that should it be minded to approve the application, further conditions should be required to control the location of the garage and bin store and also to provide for the receipt of amended plans.

Finally, the Committee was advised that the County Engineer had no objection subject to a condition limiting the floor space.

Mr Smith made a statement on behalf of the Town Council, objecting to the application, raising concerns relating to matters already covered in the report. He particularly referred to the proposal being contrary to Policy DC1 in terms of impact on the character of the locality; adverse impact on this Victorian area of the Town and

the street scene and the proposal having no local distinction; the proposal being contrary to Policy DC9 in terms of its unacceptable harmful impact on neighbouring properties which would face the parking area; noise and disturbance; loss of sunlight; and the proposal being contrary to Policy DC5 in terms of increased traffic. He commented that the Town Council was not opposed to modern architecture but considered that this proposal was totally the wrong location.

Mr E Carlin made a statement objecting to the application and speaking on behalf of local residents, raised concerns regarding size; style; the huge frontage; footprint; design (in terms of use of glass, aluminium and modern roof); inadequate turning; insufficient parking; noise; pollution; loss of light; the proposal being contrary to Policies DC1, DC5 and DC9 and lack of consultation. He commented that the proposal would be more suitable to a business park but commented that he wished good relationships between neighbours and the MG Car Club to continue.

Mr G Applin, the applicant's agent, made a statement in support of the application, referring to the history of the Club. He commented that the Club offered comprehensive archive information and that the Club was the only historical remaining link between the MG factory and Cemetery Road. He advised that the current Club's accommodation was two former cottages which were proving inadequate for the Club's needs. He referred to the current proposal which was for a significant quality designed building and the wish to retain the Club at its current site which had been the main entrance to the Pavlova factory and then the MG site where over 1 million cars had been produced. He referred to the wish to retain good relationships with neighbours and commented that the design had been amended so as to minimise impact. He referred to details of the design which would be attractive, including the etching of the glass frontage.

One of the local Members, whilst understanding the Club's aspirations and being aware that the Club had looked elsewhere to relocate in Abingdon, understood the views of residents. He referred to a letter from the John Phillips Planning Consultancy (JPPC) acting on behalf of the objectors, commenting on the three suggested reasons for refusal. He suggested that the parking provision was insufficient for the level of activity proposed, and this would be a ground for refusing permission.

Another local Member raised concern at the proposal. She questioned the level of visitors in view of the increased facilities, suggesting that increased car parking would be required. She commented that the proposal was out of keeping in this location and would have an adverse visual impact on the Victorian dwellings in the area.

The Officers reminded Members that the County Engineer had raised no objection to the proposal and furthermore the Consultant Architect had judged the proposal in the context of its location.

By 8 votes to 6, with 3 abstentions, it was

RESOLVED

that application ABG/10710/4 be approved, subject to the conditions set out in the report.

- (7) CUM/11898/1 – Retrospective application for a vehicle access (Land to the rear of 13 Nobles Close). 13 Nobles Close, Botley

Further to the report, the Committee was advised of one further letter of objection raising concerns regarding aesthetics, setting of a precedent and loss of amenity value.

Ms I Wilson made a statement on behalf of the applicant in support of the application. She explained the reason why the application was retrospective in that the applicant had understood that all the relevant permissions to proceed with the works were in place. In this regard she referred to an Ombudsman's case. She explained that the specification of the vehicle access was that of the County Council and that originally it had been intended that grasscrete would be used. Finally, she explained that the vehicle access was required to provide car parking to the rear of the property and that the proposal had had no adverse affect on the area.

Concern was raised regarding the possibility of similar applications on adjoining gardens and the legal right of way over the land was questioned. Some Members expressed concern regarding such applications on areas of green open space.

The Committee was advised that it needed to consider the planning merits of the application in terms of visual and highway aspects. Whether or not the applicant had obtained a licence from the Council to gain access was not for consideration by this Committee and was irrelevant in determining the planning application.

It was confirmed that a licence had not been granted by the Council as landowner to permit access across the land.

Another Member expressed concern at the proposal questioning whether it would be reasonable to make the planning permission personal to the applicant, thus restricting access to the garage of number 13 Nobles Close only. Furthermore, it was commented that the position of the Council as land owner was unclear and Members expressed concern at making a decision which might pre-empt any decision to be made by the Executive.

A further Member reiterated concerns regarding the loss of the open space, suggesting that any other applicant would be required to provide open space elsewhere. The Officers advised the Committee that it was being asked to judge the application on its planning merits only and that the loss of the open space and its impact in terms of visual and highway aspects needed to be judged. However, Members considered that they needed further information.

By 14 votes to 2, with 1 abstention, it was

RESOLVED

that consideration of application CUM/11898/1 be deferred for a further report to the Committee clarifying all matters surrounding this application.

- (8) RAD/15714/7 and RAD/15714/8-LB – Link house to rear annexe via single storey extension with new lounge and 4th Bedroom. Erection of new garage "Spinneys", 51 Lower Radley

Members considered that the proposal was unsympathetic to the setting of the listed building, was out of keeping and would have a detrimental visual impact.

It was proposed by the Chair that applications RAD/15714/7 and RAD/15714/8-LB be approved, subject to the conditions set out in the report. This was lost by 15 votes to 1, with 1 abstention.

It was proposed by Councillor Jerry Patterson, seconded by Councillor Terry Cox and by 17 votes to nil it was

RESOLVED

that applications RAD/15714/7 and RAD/15714/8-LB be refused with reasons for refusal to be formally endorsed at a future meeting of the Committee, such reasons to include the proposal being an unsympathetic extension to the listed building and inappropriate in design terms.

- (9) KEN/16245/2 – Alterations to Cranbrook Drive to provide access to authorised residential development. Cranbrook House, 154 The Avenue, Kennington

Further to the report, the Committee noted that the Parish Council had no objection.

One of the local Members raised no objection to the proposal but expressed concern that the trees had not been retained which had been a requirement as part of the reserved matters application. The other local Member also spoke in support of the application and agreed that the trees, which should have been retained should be replaced.

By 17 votes to nil it was

RESOLVED

that application KEN/16245/2 be approved subject to the conditions set out in the report and an informative to advise the applicant to replace those trees, which should have been retained as part of the reserved matters application, with mature trees.

- (10) MAR/18842 – Demolition of house and outbuildings. Construction of five dwellings with alterations at the junction of Packhorse Lane and Mill Road to improve vision. 3 and 5 Mill Road, Marcham.

MAR/18842/1-CA – Demolition of house and outbuildings. 3 & 5 Mill Road, Marcham

Further to the report the Committee was advised of four more letters of objection reiterating concerns relating to matters already covered in the report. Furthermore, the Parish Council had raised objection to the proposal, raising concerns regarding the proposed modern property on Plot 1 and its impact on the listed building; increased vehicular movements; the narrowness of the road; parking difficulties; displaced parking and a concern that 50% of the houses should be affordable. In this regard the Parish Council referred to a case where an Inspector had dismissed an appeal as the proposal had not provided adequate affordable housing.

The Committee was advised that the policy in the emerging Local Plan concerning affordable housing should be given little weight at this time.

Councillor Dr M Evans made a statement on behalf of the Parish Council. The Parish Council had accepted that the site was a brownfield site and could be developed. However, there was a need in Marcham for affordable housing for local people and

this site would present an ideal opportunity to address that need. She specifically referred to Policy H6 and highlighted a recent case concerning affordable housing and asked that consideration of the application be deferred for a redesign to provide affordable housing units.

The local Member commented that she supported the views of the Parish Council, commenting that the weight to be given to planning policy depended on the stages of the Local Plan Inquiry. She indicated that the second stage of the Planning Inquiry was significant and that greater weight should be given to the emerging Local Plan. She commented on the case referred to by the Parish Council, suggesting that this should be taken into account. Finally, she expressed concerns regarding the design of the proposal in terms of its adverse impact on the setting of the listed building, the two storey building being dominant and visually intrusive, the proposed red brick materials being unacceptable, increased traffic and the narrowness of the road. She asked that should the Committee be minded to approve the application, full details of materials, access arrangements and approved plans be agreed in consultation with the local Member.

The Officers advised that they were unaware of the specific case being referred to by the representative of the Parish Council and so were unable to give advice to the Committee in this regard.

Some Members expressed concern that the proposal did not provide for a sufficient level of affordable housing and in this respect it was considered essential that Members were advised of the case referred to and the weight given by the Inspector to emerging Local Plan Policy. To this end it was suggested that consideration of the application be deferred for a further report on this matter.

In considering whether to defer the application, the Committee agreed that it had no objection in principle to the development subject to conditions including a condition to address materials, it being considered that red brick was not appropriate.

It was proposed by Councillor Terry Cox, seconded by Councillor Richard Gibson and by 17 votes to nil it was

RESOLVED

that consideration of applications MAR/18842 and MAR/18842/1-CA be deferred pending a further report to a future meeting of the Committee explaining the case referred to by the Parish Council and its relevance to the consideration of these applications.

- (11) ABG/18954/1 – Demolition of existing garage and single storey extension. Erection of two storey side extension and single storey rear extension (Re-submission), 24 St Peters Road, Abingdon

Further to the report, the Committee was advised of one additional letter in support of the application.

The Committee was advised that should it be minded to approve the application, it should do so subject to a further condition to provide for the removal of the ground floor kitchen window in the proposed north elevation.

Mr Borman made a statement objecting to the application, raising concerns relating to matters already covered in the report. He referred to letters he had written to the

Council and reiterated the concerns raised. He particularly raised concerns regarding car parking, the need for obscure glazing, loss of light, inadequate boundary treatment, visual impact and the levels of the land.

Mr B Fitzpatrick, the applicant, made a statement in support of the application, referring to amendments to the initial application. He commented that the roof had been lowered, a window had been removed to prevent overlooking, the design had been compromised to reduce visual impact and there would be no loss of light or impact on neighbouring properties.

Two of the local Members spoke in support of the application, although it was considered that the door and ground floor window on the north elevation should be obscure glazed.

By 17 votes to nil it was

RESOLVED

that application ABG/18954/1 be approved, subject to the conditions set out in the report, with a further condition to provide for the obscure glazing of the door and window to the ground floor north elevation and a condition to require the removal of the ground floor kitchen window on the North elevation.

(12) KBA/19054 – Extension to provide granny annexe. 12 Draycott Road, Southmoor

By 17 votes to nil it was

RESOLVED

that application KBA/19054 be agreed, subject to the conditions set out in the report.

DC.19 TREE PRESERVATION ORDER (WOOTTON) NO.2 2005

(Councillor Jerry Patterson had declared a personal interest in this item and in accordance with Standing Order 33 he remained in the meeting during its consideration).

The Committee received and considered report 10/05 of the Landscape Officer (Arboriculture) which advised of the circumstances concerning the issue of a Tree Preservation Order (TPO) on a temporary basis to protect trees at Rainbow House, Berkley Road, Boars Hill.

The report outlined the reasons for the TPO and the objections received to it. In addition to the report, the Committee had regard to the statement made by a member of the public earlier in the meeting (Minute DC.14 refers).

Further to the report, the Committee was advised that it was intended that the Order should relate to trees along the boundary and not trees between Rainbow House and the neighbouring property which were not of public amenity value in that they were not clearly visible.

One of the local Members referred to the ongoing dialogue she had had between the Council's Officers and the land owner regarding this matter. She referred to the recommendation set out in the report and agreed that this was an appropriate way to deal with this matter.

One Member referred to the difficulties in liaising with the land owner and to this end it was considered that the Oxford Mediation Service should be approached for its assistance if necessary.

By 17 votes to nil it was

RESOLVED

- (a) *that Tree Preservation Order (Wootton) No. 2 2005 be confirmed with conditions and a modified plan, it being agreed that no tree within falling distance of Rainbow House or neighbouring buildings shall be included; and*
- (b) *that should Mrs Khalvaty carry out a safety inspection of the remaining trees, any recommendations for work, as long as they are agreed by the Council's Landscape Officer (Arboriculture) shall be carried out, it being noted that the use of the Oxford Mediation Service might be necessary in this regard.*

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

None.

The meeting rose at 9.35pm