

DC.62

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

**HELD AT THE KENNINGTON
VILLAGE CENTRE, KENNINGTON
ON TUESDAY, 30TH AUGUST, 2005**

Open to the Public, including the Press

PRESENT:

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

Ex-OFFICIO MEMBER: Councillor Melinda Tilley.

NON MEMBERS: Councillor Derek Rawson.

OFFICERS IN ATTENDANCE: Sarah Commins, Martin Deans, Mike Gilbert, Carole Nicholl and Andrew Thorley.

NUMBER OF MEMBERS OF THE PUBLIC: 20

DC.88 NOTIFICATION OF SUBSTITUTES AND APOLOGIES FOR ABSENCE

There were no apologies for absence.

DC.89 MINUTES

The Minutes of the meeting of the Committee held on 1 August 2005 were adopted and signed as a correct record subject to the following amendments: -

(i) Minute DC.71-Notification of Substitutes and Apologies for Absence

The addition of the following sentence at the end of the paragraph "Councillor Joyce Hutchinson had intended to be present at the meeting as a Substitute Member for Councillor Jenny Hannaby but due to unforeseen circumstances she was unable to attend and had therefore tendered her apologies."

(ii) Minute DC.75 - Materials

The deletion of resolution (a) (ii) and the substitution thereof with the following: -

"(a)(ii) Approved as follows: -
Glazing - Pilkington Planar Glazing"

DC.90 DECLARATIONS OF INTEREST

Councillors declared interests in report 69/05 – Planning Applications as follows: -

<u>Councillor</u>	<u>Type of Interest</u>	<u>Item</u>	<u>Reason</u>	<u>Minute Ref</u>
Derek Rawson	Personal	CUM/1225/5	Resident of Cumnor Hill	DC.99

but not near this application site.

Roger Cox	Personal	GFA/GCO/1929/13	Member of Faringdon Town Council's Planning Committee.	DC.100
Matthew Barber	Personal	GFA/GCO/1929/13	Member of Faringdon Town Council's Planning Committee.	DC.100
Jenny Hannaby	Personal	WAN/10617/1	The applicant was known to Councillor Hannaby.	DC.102
Margaret Turner	Personal	MIL/1079716-X	The speaker representing Sovereign Housing Association was a fellow parish Councillor.	DC.103

DC.91 URGENT BUSINESS AND CHAIR'S ANNOUNCEMENTS

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

DC.92 STATEMENTS AND PETITIONS FROM THE PUBLIC UNDER STANDING ORDER 32

None.

DC.93 QUESTIONS FROM THE PUBLIC UNDER STANDING ORDER 32

None.

DC.94 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, two declined to do so.

DC.95 MATERIALS

The Committee received and considered materials in respect of the following: -

- (1) Care home facility comprising 60 bedrooms and ancillary accommodation including car parking, three storey office building of 496m2 with car parking, land adjacent to Ock Mill, Marcham Road, Abingdon (ABG/17298/3)

By 13 votes to nil with 4 abstentions, it was

RESOLVED

(a) *that the use of Hoskins Fairford Stock Bricks be approved; and*

(b) *that the Chief Executive in consultation with the Chair and/or Vice-Chair of the Development Control Committee and the local Members for the Ock Meadow*

and Fitzharris Wards be delegated authority to approve the colour of the render.

- (2) Erection of 7 x 2 bed and 14 x 3 bed houses with access, garages and parking spaces. amendment to road alignment. Cranbrook house, 154 the avenue Kennington (KEN/16245/1-D)

It was noted that the viewing of materials on site had been hindered and therefore by 17 votes to nil it was

RESOLVED

that the Chief Executive in consultation with the Chair and/or Vice-Chair of the Development Control Committee and the other local Member (it being noted that the Chair was also a local Member) be delegated authority to approve brick and tiles for this scheme.

DC.96 APPEALS

The Committee received and considered an agenda report which advised of one appeal which had been lodged with the Planning Inspectorate for determination, two which had been allowed and one which had been withdrawn.

RESOLVED

that the agenda report be received.

DC.97 FORTHCOMING PUBLIC INQUIRIES AND HEARINGS

The Committee received and considered details of forthcoming public inquiries and hearings.

RESOLVED

that the agenda report be received.

DC.98 NHI/979/3 – DEMOLITION OF EXISTING HOUSE. CONSTRUCTION OF 4 X 2-BEDROOM FLATS WITH ACCESS FROM TOYNBEE CLOSE, 18 CHESTNUT ROAD, NORTH HINKSEY

The Committee was advised that should it be minded to approve the application a further condition should be added to ensure that the side facing windows should be fitted and maintained with obscure glazing.

Mr Schouten on behalf of local residents and the neighbours at No.17 Chestnut Close made a statement objecting to the application. He referred to Planning Policy Guidance in relation to conversions and redevelopments commenting that they were not relevant in this case. He highlighted Planning Policy H3 concerning the better use of housing stock and variety and also the Local Plan regarding a density of 50 houses per hectare commenting that the current proposal equated to 75 house per hectare and as such was totally out of keeping with the surrounding area. He explained that whilst he welcomed the increased parking level, he maintained concerns regarding displaced parking. He also raised concerns regarding loss of amenity to people in the Close; building to the north being on higher ground which would result in overlooking and loss of privacy; over looking of gardens and the building line being out of character with the surrounding area.

Mr P Uzzell, the applicant's agent made a statement in support of the application, commenting that the existing two storey house, which was the only one of its type in the area was to be replaced. He reported that the plot was twice the width of its neighbours and was undeveloped. He indicated that the proposal accorded with planning policy, blended in well with the street scene and was not out of keeping. He commented that this form of housing would not be uncharacteristic. He explained that access would be via an adopted road to the rear of the site and that the parking level proposed met maximum levels, although there was room for further parking if thought necessary. He suggested that the proposal was acceptable in terms of design and there would be no over looking or loss of privacy. Finally, he confirmed that there were no material planning reasons to refuse the application.

Both of the local Members raised no objection to the application.

By 16 votes to nil, with 1 abstention it was

RESOLVED

that application NHI/979/3 be approved subject to the conditions set out in the report and a further condition to ensure that the side facing windows shall be fitted and maintained with obscure glazing.

DC.99 CUM/1225/5 – DEMOLISH EXISTING GARAGE/ANNEX AND CONSTRUCT TWO STOREY AND SINGLE STOREY EXTENSIONS TO SIDE AND REAR, 195 CUMNOR HILL, OXFORD

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

The Committee noted that the elevations had been reduced by 10 metres in length to address the concerns raised on a previously dismissed appeal.

Mr Pope, the applicant's agent made a statement in support of the application confirmed that the proposal had had regard to the reasons for refusal on the previous application. He clarified that the ground floor and upper floor had been reduced and the building would be set back 30 metres from Cumnor Hill. He explained that the applicant had a large family and that there had never been the intention to split the building into flats. He confirmed that the building would be used as a single dwelling. He commented that the proposal amounted to approximately a 25% increase in volume, a 39% increase in footprint and that a garage would be demolished.

One of the local Members commented that he had been at the parish Council meeting when this application had been discussed. He expressed concern regarding the lack of measurements on the plans, which had caused some difficulty to the parish Council.

Another local Member raised no objection to the proposal.

In response to the comments made by the objector and in response to a question raised, the Officers advised that a condition could be added to any permission requiring that the building should remain as a single dwelling. However, in this case, the Officers considered that there was no need for such a condition it being noted that if it was intended that the building be used for anything other than a single dwelling a further application would be required. Some Members agrees with this view questioning the reasonableness of such a condition commenting that it would be difficult to enforce.

By 16 votes to nil, with 1 abstention it was

RESOLVED

that application CUM/1225/5 be approved subject to the conditions set out in the report and an informative to advise that planning permission is being granted for a single dwelling and if the property is required for a different use in the future, a further application for planning permission for that use would be required.

DC.100 GFA/GCO/1929/13 – CHANGE OF USE OF GARAGE INTO PART OF DWELLING. (RETROSPECTIVE) 7 FERNHAM GATE, FARINGDON

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

One of the local Members commented that he had been present at the meeting of the Town Council's Planning Committee when this application had been considered. However, he could see no material planning reason to refuse the application although he questioned whether a precedent would be set for similar applications if planning permission was granted.

Another local Member raised no objection to the application.

One Member commented that it was regrettable that the application was retrospective, although this had no bearing on consideration of the application.

By 17 votes to nil, it was

RESOLVED

that application GFA/GCO/1929/13 be approved.

DC.101 NHI/5147/2 – PROPOSED FIRST FLOOR EXTENSION TO SIDE AND REAR. SUBDIVISION TO PROVIDE 2 X 1 BEDROOM AND 2 X 2 BEDROOM FLATS WITH OFF STREET PARKING. 22 LABURNUM ROAD, BOTLEY

Mr M Chenery made a statement in support of the application. He commented that there would be no increase in the existing footprint of the dwelling. He highlighted the objectors' comments in that parking was the major concern. He advised that the proposal accorded with the Council's maximum requirements and that Planning Policy Guidance had reduced the parking requirements further and as such there was a possibility of less parking should the application be allowed at any appeal. He referred to the extensive discussions held with the Officers and urged the Committee to support the application.

One of the local Members expressed regret that it was proposed that the house would be subdivided into flats, commenting that this would result in a noise nuisance. She indicated that adequate noise insulation measures should be included. In addition, she expressed reservations at the comments of the County Engineer and voiced concerns regarding the proposed parking arrangements and access to the highway.

The other local Member expressed similar concerns and questioned whether the Environmental Protection Team had indicated that it had no objection to the application in terms of noise. Furthermore, he expressed concern regarding access to the site, questioning the position of the hedge and whether there was sufficient visibility. He queried whether it would be appropriate for the hedge to be cut back a bit further along the road.

In response, the officers advised that a further condition to require a pedestrian awareness splay could be added to any permission.

One Member expressed concern at the principle of houses being purchased for financial gain only. She suggested that this was a policy matter which should be considered. She commented that she could not support the application in view of her concerns regarding the loss of family homes. Furthermore, she could not see how vehicles could access the car parking spaces in this case. Finally, she reiterated that she had difficulty in supporting these types of proposals.

Another Member advised that this type of parking arrangement did work in some places in Botley. He commented that the Government encouraged this type of proposal and so did Planning Policy Guidance. He suggested that if the Member had difficulty in considering these types of proposal then perhaps she should not come to meetings of the Committee.

Councillor Melinda Tilley, the Leader of the Opposition reported that the Conservative Group strongly objected to Councillor Jerry Patterson's comments suggesting that Councillor Pam Westwood should not come to meetings of the Committee and asked that this be so recorded in the minutes.

In response to a question raised, the Officers explained that turning areas were required where access was onto a main road, but not local roads and cul-de-sacs where traffic flows were less. Furthermore, in this case, the tandem spaces were for the occupiers of the two bedroom flats.

Some Members supported the views of the local Members and also expressed concern regarding the parking arrangements in terms of the lack of vision for drivers when reversing vehicles onto the highway. To this end it was considered that the County Engineer could be asked to look again at this proposal and give an explanation as to why it was thought that the arrangements were satisfactory.

One Member commented that tandem parking was usual throughout the District. However, another Member questioned the adequacy of the sight lines commenting that the concerns did not only relate to tandem parking, but to the blocking of sight lines because of the number of tandem parking spaces proposed, notably four in this case.

By 14 votes to 2, with 1 abstention it was

RESOLVED

that consideration of application NHI/5147/2 be deferred to enable further advice and comments to be sought from the County Engineer with regard to the parking arrangements, visibility and access to the highway arrangements, particularly having regard to concerns raised regarding safety.

DC.102 WAN/10617/1 – DEMOLITION OF GROUND FLOOR CLOAKROOM. ERECTION OF SINGLE STOREY SIDE EXTENSION. 10 FYFIELD CLOSE, WANTAGE

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

By 17 votes to nil, it was

RESOLVED

that application WAN/10617/1 be approved subject to the conditions set out in the report.

DC.103 MIL/10797/16-X – ERECTION OF 52 DWELLINGS. MILTON PLAYING FIELD, POTASH LANE, MILTON HEIGHTS

Councillor Margaret Turner had declared a personal interest in this application and chose to leave the meeting during its consideration.

Further to the report the Committee noted that a letter had been sent by the applicant's agent to Members in support of the application. Furthermore, representations of support had been received from Sovereign Housing, pointing out that the application was for outline permission and that the site was sustainable and had accessibility to Milton and Milton village.

Mr Strange made a statement on behalf of the Parish Council in support of the application. He referred to the lack of housing in the area, commenting that affordable housing was in short supply. He explained that allowing this application would help in maintaining the local school and would prevent antisocial behaviour and vandalism in the area. He referred to the report highlighting that Milton also had a community centre and that at a public meeting held to discuss this application there was overwhelming support for the proposal.

Mr W Peck, a Trustee of the Home Farm Trust made a statement in support of the application. He explained that the Trust provided care for people with living disabilities and provided a service for people in Milton Heights. He explained that there were plans to provide further supported living and accommodation close to their existing scheme in Milton Heights was desirable in terms of less costly and reduced travel. He commented that care staff found it difficult to purchase property in the Milton area due to the insufficient levels of housing. Finally he referred to paragraph 5.6 of the report commenting that the view that there was sufficient social housing was not supported.

Mr S Lilly, representing Sovereign Housing made a statement in support of the application referring to the significant amount of consultation held with the Officers. He commented that the site was sustainable, with adequate public transport links.

Members considered that a proposal of this significance in the open countryside should be tested through the planning process and that it would be totally irresponsible to ignore the Local Plan and grant planning permission in this case.

By 15 votes to nil, with 1 abstention it was

RESOLVED

that application MIL/10797/16-X be refused for the reason set out in the report.

DC.104 KBA/11672/2 – ERECTION OF A TWO STOREY EXTENSION, BIRCH HOUSE, WITNEY ROAD, KINGSTON BAGPUIZE

Further to the report, the Committee was advised an additional letter raising no objection to the application.

Mr T Moore, the applicant made a statement in support of the application advising that the neighbours had been consulted on the original proposal and having regard to their concerns and objections, the proposal had been amended. He expressed surprise at the comments of the Parish Council, especially when the Parish Council had not objected in the first instance.

The local Member commented that she had approached the Chair of the Parish Council who had been unable to clarify why the Parish Council had objected. She commented that she could see no reason to refuse the application and therefore she supported the proposal.

By 17 votes to nil it was

RESOLVED

that application KBA/11672/2 be approved subject to the conditions set out in the report.

DC.105 CUM/18082/2 – PART RETROSPECTIVE APPLICATION FOR ALTERATIONS, EXTENSION AND NEW VEHICULAR ACCESS (AMENDMENT TO APPROVAL CUM/18082/1) 10, HIDS COPSE ROAD, CUMNOR HILL, OXFORD

Further to the report, the Officers explained in detail the differences between what was proposed and what had been built. Members were advised that should they be minded to approve the application, permission to do so should be delegated to the Chief Executive to enable the detailed wording of the conditions to be agreed to take account of the fact that works had commenced.

Dr P Hawtin made a statement on behalf of the Parish Council raising concerns relating to matters already covered in the report. He commented that the planning application had a moral dimension as well as material reasons for refusal. He considered that the proposal was disingenuous bordering on outrageous and that the Officers' report was misleading. He suggested that the applicant had had a total disregard to the original planning permission and that the changes were in no way minor. He reported that the parish Council strongly considered that the application should be refused. He referred to the stress that the development had caused to local people without any explanation regarding the reasons for it. He suggested that the explanation that the site was large was insufficient to warrant permission for an application which was unacceptable.

Dr J Deech made a statement objecting to the application expressing concern that the applicant had disregarded the previous permission. He suggested that if permission was granted for this retrospective application it would send out a message to the public that planning permission could be ignored. He suggested that the Committee would not have approved the current proposal at the initial planning permission stage in view of loss of privacy to the neighbours, overlooking and fenestration details.

Mr Grady also made a statement objecting to the application raising concerns regarding loss of privacy; an intimate and intrusive view into the bedrooms of neighbouring property; the proposal being contrary to planning policy and fenestration positioning. Furthermore he considered that permitted development rights should be removed.

Mr Winand had given notice that he wished to make a statement at the meeting objecting to the application, but he declined to do so.

Mr C Pugh, the applicant made a statement in support of the application. He advised that he was a designer and due to his personal circumstances and the recent death of his mother it had taken him longer to submit a planning application for the proposal and he apologised for the application being retrospective. Furthermore, there were restrictive covenants on the land which he had regard to. He reported that the original proposal had been unsatisfactory in that there had been a need to allow light into the building. He commented that such matters were not always apparent at the initial design stage. He suggested that if this proposal had been made initially it would have been approved. He referred to the size of the plot and the building

constraints. Finally he questioned the concerns regarding overlooking comment whilst the neighbour's windows were visible it was not possible to see into the accommodation.

One of the local Members reported that he had been approached by the neighbours regarding this application and had had an opportunity to look around the house. He commented that the applicant had disregarded the existing planning permission and had continued construction. He expressed concern regarding enforcement, commenting that this matter had been reported to the Council in February. He explained that when he had been in the house, it was possible from the window on the south eastern elevation to look directly into the neighbouring property at No.10. He commented that the bathroom windows were not inward opening and there would be overlooking from those also. He considered that the application should be refused.

Another local Member expressed concern regarding design and fenestration. He asked that it be recorded in the minutes that the applicant was guilty of the most arrogant flouting of the planning system, at least as he could recall in 10 years on the Committee, which was insulting to the Officers, the neighbours and Members. He further asked that it be recorded in the Minutes that for the benefit of like minded applicants, if an approved scheme could not be built on site, for whatever reason, courtesy and due regard to the planning system required that the applicant should discuss problems with the relevant officers and neighbours before embarking on construction of a proposal without the benefit of permission.

One Member expressed concern regarding enforcement generally suggesting that the Council's policies in this regard needed amending. The Officers responded that a national process had been applied in this case. Furthermore, the Committee was advised that it should consider the proposal on its merits as presented and the fact that the application was retrospective was not a material planning consideration.

One Member considered the proposal acceptable commenting that it was marginally different to the approved scheme, noting that the front elevation was the same. He suggested that overlooking of front gardens was not unusual and he could see no harm. Another Member concurred with this view. In response to a question raised the Officers explained that on the northwest, the bathroom window would lie about 16 metres from the neighbouring property at No.11 and the next window along was a bedroom window with a distance of about 20.75 metres from the neighbouring property. The Officers explained that the guidelines referred to window to window distances. It was clarified that the distance from the bedroom window of the application house, to the window of the neighbouring property was likely to be in excess of 21 metres which was within the guidelines.

Another Member expressed concern regarding the width of the garage, as well as the likely overlooking from the windows on south west elevation. He commented on the timescales for requiring planning permission in cases where work commences which he suggested should be shorter. He reported that this was a matter which the Council could control.

In response to a question raised, the Officers confirmed that if the Committee was minded to refuse the application, the issue of enforcement action could be considered at a future meeting.

It was proposed by the Chair that the Chief Executive in consultation with the Chair and/or Vice-Chair of the Development Control Committee and the local Members be delegated authority to approve application CUM/18082/2 subject to appropriate conditions. This was lost by 9 votes to 8.

It was thereupon proposed by Councillor Matthew Barber, seconded by Councillor Terry Cox and by 9 votes to 8, it was

RESOLVED

that application CUM/18082/2 be refused, with the reasons for refusal to be formally endorsed at a future meeting of the Committee such reasons to include the visual impact of the expansion of the garage and the adverse impact of the windows in northwest elevation in terms of overlooking and loss of privacy.

DC.106 WAN/18430-X -OUTLINE FOR THE ERECTION OF A TWO STOREY DWELLING WITH VEHICLE ACCESS AND PARKING AT THE REAR. LAND BETWEEN SADDLINGS AND BROOKMEAD, TRINDER ROAD, WANTAGE

One of the local Members raised no objection to the application.

By 17 votes to nil, it was

RESOLVED

that application WAN/18430 be approved subject to the conditions set out in the report.

DC.107 WTT/18732/1 – DEMOLITION OF EXISTING CHURCH AND CONSTRUCTION OF A BUILDING CONTAINING 4 X 1 BEDROOM FLATS. ST PIUS X CHURCH, CUMNOR ROAD, WOOTTON

The Committee noted that it had been confirmed that the parking spaces could be provided to the required width. Furthermore, Member's were reminded that the Consultant Architect's comments, which had been inadvertently omitted from the agenda had been circulated separately. Finally it was noted that the Council's Arboricultural Officer had no objection to the proposal subject to a condition controlling how the drive and kerb way would be dropped. Therefore, the Committee was advised that it should it be minded to approve the application an addition condition to require a scheme of excavation and construction of the driveway should be added.

Mr I Garson made a statement objecting the application advising that he represented neighbouring residents. He advised that he objected to the application but considered that a chalet bungalow might be appropriate. He raised concerns regarding density; visual impact; the proposal being out of character with the surrounding area; the overall impact of the proposal which he commented would be considerable; height; increased height of the ridge line; loss of sun light; parking; displaced parking and on street parking and access.

Mrs Lewington had given notice that she wished to make a statement at the meeting objecting to the application, but she declined to do so.

Mr A James, the applicant's agent made a statement in support of the application referring the level of consultation with the Council's Officers on the proposal. He highlighted that the County Engineer had no objection to the proposal and that the building would be no higher than neighbouring buildings. He reported that the proposal was for a two storey building only and that regard had been given to the view of the design consultants on suggested materials. He commented that the design was very similar to neighbouring properties and that the proposed parking complied with the relevant standards in terms of provision and width. He suggested that any visitor parking could be accommodated in front of the nearby shop.

One Member questioned whether the Church had been decommissioned and whether the back garden had been used for burials. In response the Officers advised that the garden had not been used as a burial area and in any event this was not a material planning consideration.

Two Members spoke in support of the application advising that they could see no reason to refuse the application.

By 17 votes to nil it was

RESOLVED

that application WTT/18732/1 be approved subject to the conditions set out in the report and a further condition to require a scheme of excavation and construction of the driveway.

DC.108 ABG/19180 – MRS J HINTON-SMITH, PROPOSED TWO STOREY SIDE EXTENSION, 8 SANDFORD CLOSE, ABINGDON

By 17 votes to nil, it was

RESOLVED

that application ABG/19180 be approved subject to the conditions set out in the report.

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

None.

The meeting rose at 9.05pm.