

Minutes

of a meeting of the

Planning Committee

held on Wednesday, 21 April 2021 at 6.00 pm



A virtual meeting

Open to the public, including the press

Present:

Members: Councillors Max Thompson (Chair), Val Shaw (Vice-Chair), Jerry Avery, Ron Batstone, Jenny Hannaby, Diana Lugova, Robert Maddison, Mike Pighills and Janet Shelley

Officers: Abbie Barnes, Paul Bateman, Holly Bates, Eleanor Bunn, Martin Deans, Matt Gulliford, Emily Hamerton, Josh Sharp and Bertie Smith

Also present: Councillor Alison Jenner, Councillor Bob Johnston

Number of members of the public: 6

PI.26 Chair's announcements

The chair ran through housekeeping arrangements appropriate to a virtual meeting.

PI.27 Apologies for absence

There were no apologies for absence.

PI.28 Minutes

The minutes of the previous meeting, held on Tuesday 16 February 2021, were agreed to be a correct record of the meeting. It was agreed that the Chair sign them as such.

PI.29 Declarations of interest

There were no declarations of interest.

PI.30 Urgent business

The chair reported that the order of items on the agenda would be altered to ensure that the committee and the public would have access to full information. The application for land at Hids Copse, Cumnor Hill, would be considered second on the agenda, and not last,

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PI.1

as the council's senior tree officer would be present to give advice on the application, but owing to an impending appointment elsewhere had only limited time available at the beginning of the meeting.

PI.31 Public participation

The committee had received statements which had been made by the public in respect of the applications. These had been circulated to the committee some days prior to the meeting.

PI.32 P20/V2669/FUL - Fourwinds, 26 Bagley Wood Road, Kennington

Councillor Diana Lugova, a local ward councillor, stood down from the committee for consideration of this item.

Councillor Robert Maddison encountered technical communication problems during the presentation of this item. The councillor was unable to participate in or hear the whole debate and did not vote on this application.

The committee considered application P20/V2669/FUL for the erection of a new detached dwelling with associated parking and amenity space within curtilage of existing house served by a vehicular/pedestrian access. External alterations to existing dwelling house. (Amended plans received 18 December 2020- reducing the height of the boundary fence, additional levels plan), at 26 Bagley Wood Road, Kennington.

Consultations, representations, policy and guidance, and the site's planning history were detailed in the officer's report, which formed part of the agenda pack for the meeting.

The planning officer reported that the application was in respect of a three-bedroom dwelling of traditional design, served by the existing access. The site sloped upward from Bagley Wood Road and had its own amenity space. Planning officers considered that the proposal would not result in a cramped form. The front windows of the proposed dwelling were 21m. from the adjoining property and did not present any issues regarding overlooking. It was acknowledged that there would be a marginal loss of light to neighbouring property, number 24, owing to a proposed projecting gable partially encroaching the 40 degree line rule to the southernmost ground floor window, but some compensation would be offered with the proposed removal of a tall conifer hedge, which at present restricted light. There would also be the installation of a new native hedge and 1.8m high fence. The issue of highways safety had been considered and car parking would be adequate, and no safety issues identified. The Oxfordshire County Council (OCC), as highways authority, had no objection to the application, subject to the conclusion of a s.106 agreement to maintain visibility splays across a neighbour's land, in the interests of highway safety, and the drafting of a construction management plan. The planning officer concluded that, overall, the proposal would represent acceptable impact to the character of the local area, and to neighbours' amenity, and that there were no technical objections to the proposal.

Councillor Colin Smith, a representative of Kennington Parish Council, spoke objecting to the application. A statement by Kennington Parish Council had been sent to the committee prior to the meeting by the democratic services officer.

Mr. David Burson, the agent, spoke in support of the application. A statement by Mr. Burson had been sent to the committee prior to the meeting by the democratic services officer.

In response to a question regarding local plan policy CP 37 on 'design and distinctiveness' and the extent of pre-application work on these issues, the agent responded that influences were drawn broadly from Vale of White Horse buildings to reflect the vernacular, with attractive detailing. A proposed projecting side gable had been reduced in order better to assimilate the dwelling into the street scene.

The committee was concerned about the level of construction traffic on Bagley Wood Road, which was a single width road without a footway, and asked how construction traffic would be controlled in the interests of highway safety. The agent replied that a construction management plan was being devised, which was subject ultimately to OCC approval. The seriousness with which this subject was regarded was evidenced by the fact that developments this minor did not usually attract such a plan. The planning officer also responded that a proposed pre-commencement condition covered the issue of a construction management plan.

Councillor Bob Johnston, a local ward councillor, spoke objecting to the application.

In response to a question from the committee regarding further details regarding the S.106 agreement, the planning officer responded that the neighbour's land which was the subject of the agreement was outside the boundary of the application. The senior planning officer confirmed that the neighbour had accepted the proposed agreement. The development could not proceed without the conclusion of this agreement.

With reference to paragraph 5.4, relating to the proposed dwelling meeting unmet housing need in Kennington or Oxford, owing to good pre-existing transport links, a question was asked about the frequency of these services. The planning officer reported that they were regular and that most bus stops were within 10 minutes' walk of the site.

The committee concluded that the principle of development on this site was appropriate and that the amended scheme was acceptable in terms of its impact on the character of the area and upon neighbouring residents. The committee concurred that a S.106 agreement was necessary, to ensure that the visibility splay to the south was maintained and kept free from obstruction.

A motion moved and seconded, to grant planning permission was carried on being put to the vote.

RESOLVED: that authority to grant planning permission for application P20/V2669/FUL is delegated to the Head of Planning Services, subject to the completion of a section 106 agreement, and subject to the following conditions:

Standard

1. Commencement of development within three years
2. Development in accordance with approved plans

Pre-commencement

1. Details of materials to be submitted
2. Landscaping scheme submission
3. Surface water drainage
4. Foul water drainage
5. Construction traffic management plan

Pre-occupation

1. Obscure glazing to new first floor northern window
2. Obscure glazing to existing eastern dormer on existing dwelling
3. Removal of existing dormer on eastern elevation on existing dwelling
4. Car parking in accordance with approved plan
5. Boundary treatments in accordance with approved plan

Informative

1. Community Infrastructure Levy (CIL)
2. Wild bird informative
3. Works within the highway

PI.33 P20/V3322/FUL - Land at Hids Copse, Cumnor Hill, Cumnor

The committee considered application P20/V3322/FUL for the erection of single detached 'Tree House' dwelling on land at Hids Copse, Cumnor Hill.

Commencement of discussion of this application was delayed as Councillor Robert Maddison had encountered technical communication problems during the presentation of this item. The councillor was unable to participate in or hear the whole debate and did not vote on this application.

Consultations, representations, policy and guidance, and the site's planning history were detailed in the officer's report, which formed part of the agenda pack for the meeting.

The planning officer reported that the proposal was for the erection of an individually designed 'floating' tree house in timber and glass. Access would be from Hids Copse, (which contained 84 trees with tree preservation orders - TPOs), and the existing access to the site would be utilised. The application had addressed the shortcomings of a previous application and the dwelling was of an innovative design, did not entail the removal of any trees, and incorporated piling techniques as an alternative to conventional foundations, to minimise damage to trees. Cumnor Parish Council supported the application.

The planning officer referred to paragraph 5.9 of the report, which stated that the proposal was supported by an Internal Daylight Adequacy and Overshadowing Assessment, which had concluded that adequate daylight would be received in the dwelling and that 53% of the garden had received at least 2 hours of sunshine on 21 March 2021. Since the publication of the agenda, a further neighbour objection had been received, which corrected the daylight and overshadowing details. In fact, this evaluation applied to only a small area adjacent to the dwelling, which the planning officer depicted in the presentation to the committee.

The planning officer's presentation incorporated site plans of the proposed dwelling, with floor plans and elevations. The council officers' reasons for recommending the refusal of

planning permission were listed, including the reasonable expectations of future occupiers and how the effect of TPOs could be undermined if there was a poor relationship between the dwelling and protected trees. Additionally, if the proposal proceeded, the council's ability to resist works to TPO trees could be limited.

The officer concerns also included the anxiety of occupiers purportedly created by an anticipation of storm activity and storm debris. There was also concern in respect of unattended damage during the construction stage. The complex construction processes and materials and their storage would cause concern, and the tree cover would reduce flexibility during this phase, and dealing with unexpected consequences. Officers took the view that constructing a dwelling at Hids Copse would provide a significant risk owing to unpredictability, particularly as underground conditions were not fully known. The loss of habitat was also a concern, with increased harmful disturbance to biodiversity.

The democratic services officer had sent a statement by Cumnor Parish Council to the committee prior to the meeting.

The democratic services officer had sent a statement by Mr. John Guillebaud, a local resident, to the committee prior to the meeting.

Baroness Deech, a local resident, spoke objecting to the application.

Mr Themis Avraamides, the applicant, spoke in support of the application. The democratic services officer had sent statements by Mr and Mrs Avraamides to the committee prior to the meeting.

Mr. Phil Easton, the architect, spoke in support of the application. In response to a question, Mr. Easton explained the design of the dwelling and its innovative features, including the helical piling method, which did not require traditional trench foundations. He responded to a further question regarding the protection of tree roots and service routes; avoiding soil compaction and root damage, cell web technology mats would be employed for vehicles, load spreading and protecting roots during construction and subsequent car parking. Also, off-site prefabrication of elements of the building minimised disturbance. In response to a question regarding utilities, services would be fully ducted, with access chambers, entailing no soil or root disturbance in the event of maintenance or repairs. The applicant would work with council officers, and a construction methods statement would be approved. Responding to a question regarding amenity space, the architect reported that this was a large site, with many spaces without trees, ensuring adequate amenity space.

In response to a question regarding the safeguarding and enhancement of biodiversity, the architect responded that his agency's ecologist had not identified the existence of bats or protected species on the site. All species could easily pass through the site without disturbance. The proposal would increase biodiversity, with the provision of bat boxes and additional tree planting. Responding to a question regarding fire hazards connected with a largely wooden building, the architect replied that it would be fire protected, have adequate emergency access, and comply with building regulations.

The council's tree protection officer advised the committee on the need for root protection during this type of development, in that all roots would need to remain to ensure the integrity of a tree. The officer also responded to a question in respect of the powers available to the council in the event of damage during construction. Redress for the council was limited, as planning permission took precedence over TPO powers. However, there was some recourse to the magistrates' court and crown court to apply for

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damages against an offender. In response to a further question, the tree officer confirmed that the helical piling technique represented high risks, because of the relative lack of information available on this technique.

Alison Jenner, a local ward councillor, spoke in support of the application.

The committee, whilst acknowledging an innovative application, remained concerned at the impact the development would have on the character of the local area and the amenity of neighbours. It also considered that protected trees could not be safeguarded and that there would be public safety risks from tree debris. The committee also considered that the site's biodiversity could not be sufficiently mitigated by the proposals.

A motion moved and seconded, to refuse planning permission was carried on being put to the vote.

RESOLVED: that planning permission for application P20/V3322/FUL is refused for the following reasons;

1. That the proposed development would be detrimental to the visual amenities of the locality and would lead to a progressive detracting from the character of the area due to potential damage from construction and the likely pressure on the protected trees, for removal and lopping due to overshadowing, public safety and debris following any residential occupation on this site. It is considered that this would cause substantial harm to the character and appearance of the area and wider landscape, contrary to policies CP37 and CP44 of Vale of White Horse Local Plan 2031 part 1 and relevant paragraphs of the NPPF.
2. The proposal has failed to sufficiently demonstrate that the priority habitat can be protected and that any biodiversity impacts as a result of the development can be sufficiently mitigated against or offset. As such the proposal is considered contrary to policy CP46 of the Local Plan 2031 Part 1 and paragraphs 170 and 175a of the NPPF.

PI.34 P20/V3183/HH - West Wilden, 11 Brook Street, Sutton Courtenay, Abingdon

The committee considered application P20/V3183/HH for the extension to an existing garden store for ancillary use to the main house (additional levels plan received 31 March 2021) at West Wilden, 11 Brook Street, Sutton Courtenay.

Consultations, representations, policy and guidance, and the site's planning history were detailed in the officer's report, which formed part of the agenda pack for the meeting.

The planning officer reported that the site was located within the Sutton Courtenay Conservation Area. The application sought planning permission to extend the existing store outbuilding in the rear garden to create additional space for the storage of tools and a hobby space. This application was partially retrospective; the foundations for the proposed extension to the outbuilding had already been constructed. A slab level plan had been submitted which depicted the total height of the extension including the footings, in addition to its relationship to number 15 Brook Street, the house in closest proximity to the extension. The planning officer provided the committee with a slide presentation, depicting the proposal's relationship to number 15, which showed no conflict or overshadowing. The single storey proposal had no south facing windows and large car parking provision was

available. There was no expectation of increased traffic as a result of the proposed development being permitted. The scale, form and massing of an outbuilding would pressure the character of the conservation area and existing building. However, there were no technical objections to the application.

In response to a question about the retrospective nature of elements of the application, the planning officer advised the committee that hardstanding in situ was expressly covered by permitted development rights. Any future development required planning permission, as the proposal projected beyond a side elevation within a conservation area.

Mr. Robin Heath, the agent, spoke in support of the application.

The committee concurred with the planning officer that the proposal had a sympathetic and appropriate form for the area and would employ materials that were respectful and complimentary to the existing built form in the vicinity. The outbuilding would be set back in its plot and would not appear prominent. This, in combination with the high boundary treatment at the site access, would ensure that the outbuilding would not be readily visible in the street scene.

RESOLVED: that planning permission is granted for application P20/V/3183/HH, subject to the following conditions:

Standard:

1. Commencement within three years.
2. Approved plans list.

Compliance:

3. Materials in accordance with application details.

The meeting closed at 8.11 pm