

DC.1

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

**HELD AT THE GUILDHALL,
ABINGDON ON MONDAY, 22ND MAY,
2006 AT 6.30PM**

Open to the Public, including the Press

PRESENT:

MEMBERS: Councillors Terry Quinlan (Chair), John Woodford (Vice-Chair), Roger Cox, Terry Cox, Tony de Vere, Richard Gibson, Jenny Hannaby, Monica Lovatt, Jim Moley, Briony Newport, Jerry Patterson and Pam Westwood.

SUBSTITUTE MEMBER: Councillor Peter Jones (In place of Margaret Turner).

OFFICERS: Sarah Commins, Martin Deans, Mike Gilbert, Rodger Hood, Laura Hudson, Geraldine Le Cointe and Carole Nicholl.

NUMBER OF MEMBERS OF THE PUBLIC: 12

DC.1 **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 and Margaret Turner.

DC.2 **DECLARATIONS OF INTEREST**

Members declared interest in report 05/06 as follows: -

Councillor	Type of Interest	Item	Reason	Minute Ref
Jim Moley	Personal and Prejudicial	WAN/1960/15	Before he knew he was to become a Member of this Committee he had made comments publicly regarding his concerns about the noise and vibration effects from the cinema on the occupants of the proposed new flats.	DC.11
Jenny Hannaby	Personal	WAN/7226/3 and /4-CA	She was the Town Council representative on the Letcombe Brook Project Steering Group	DC.12

DC.3 **URGENT BUSINESS AND CHAIR'S ANNOUNCEMENTS**

The Chair reminded Councillors and members of the public to switch off their mobile telephones during the meeting.

DC.4 **STATEMENTS AND PETITIONS FROM THE PUBLIC UNDER STANDING ORDER 32**

None.

DC.5 QUESTIONS FROM THE PUBLIC UNDER STANDING ORDER 32

None.

DC.6 STATEMENTS AND PETITIONS FROM THE PUBLIC UNDER STANDING ORDER 33

Three members of the public had given notice that they wished to make a statement at the meeting.

DC.7 MATERIALS

None.

DC.8 APPEALS

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

One Member welcomed the decisions of the Inspector in that they supported the Council's Green Belt policies.

RESOLVED

that the agenda report be received.

DC.9 FORTHCOMING PUBLIC INQUIRIES AND HEARINGS

The Committee received and considered details of forthcoming public inquiries and hearings. An amendment to the schedule was noted in that a date for a hearing in respect of ABG/1781/3 – 116 Oxford Road, Abingdon had been programmed for 7 June 2006 and not 31 May 2006.

RESOLVED

that the report be received.

DC.10 MAJOR AND MINOR PLANNING APPLICATIONS IMPROVEMENT PLAN

The Committee received and considered report 04/06 of the Deputy Director (Planning and Community Strategy) which set out the implications of the Council being included on the list of Planning Standards Authorities for processing Major and Minor planning applications. Historical and current performance for processing all planning applications were considered and an Improvement Plan was proposed in relation to Major and Minor applications.

The Committee's attention was drawn to the performance over the last three years and it was noted that performance had fluctuated, mainly due to staffing difficulties. It was reported that there were currently some staffing problems and therefore a slight dip in performance for this quarter was likely.

Members were advised that the Scrutiny Committee at its meeting held on 13 April 2006 had recommended agreement of the Improvement Plan and Trajectory subject to an additional bullet point in paragraph 4 of the Improvement Plan specifying that all consultees were to be urged to respond within the statutory deadlines. Also Officers were requested to put in place measures to enable the monitoring of the planning process in respect of major applications to enable the reasons for delay to be readily identifiable.

One Member commented that when a member of staff left the employment of the Council there could be a delay in getting a replacement member of staff in place due to the Council's Managed Vacancy Policy. He suggested that delays could be caused because of the need to consider providing suitable alternative employment to staff elsewhere in the Authority where their posts were being deleted. He suggested that the Executive should be asked to look at this in detail to determine whether these factors had any impact on performance.

The Officers advised that the Managed Vacancies arrangement had now been halted and instead managers had been allocated 95% of last year's staffing budget and were required to manage their staffing levels within that as far as possible. It was recommended that some of the planning delivery grant should be set aside as contingency to cover periods of staff shortages.

One Member sought clarification of the targets and deadlines set out in the report. It was explained that the Plan was a working document and that some of the targets had yet to be achieved. To this end it was agreed that the deadline for these should be reviewed and included in the final document to be considered by the Executive

One Member commended the Officers for the new way of working which seemed to be accountable to some extent for an improvement in performance. She paid tribute to the former Chair of the Committee, Councillor Sylvia Patterson, who had been keen to promote new working arrangements and she thanked the Officers for their work in this area.

In response to a number of questions raised the Officers made the following points: -

- This Authority had been included in the list of Planning Standard Authorities because of its poor performance in the year ending June 2005. Notably, performance in determining major applications had fluctuated and had been below average. Performance on minor applications had also been below average. The Government had a cut off point for each category and this Authority had fallen below that point. It was explained that staff turnover at the time was the main cause for the lower performance levels.
- The Improvement Plan had been drawn up having regard to the outcome of a Best Value Review in 2001, advice from the Planning Advisory Service and check lists of other top performing authorities.
- One issue was to ensure that Section 106 obligations were in place to enable planning permission to be granted. How Section 106 funds were spent had been considered by the Scrutiny Committee.
- Past performance was due also to a philosophy of negotiating with relevant parties rather than following Government targets. It was also noted that reports sometimes had to be presented to Committee within agreed timescales when some issues had yet to be resolved.
- Drafting of Section 106 agreements could be outsourced if it was not possible to do this legal work in house, although this would be costly and would not benefit from the knowledge and expertise of the Council's legal Officers.

One Member referred to the "culture" of the Planning Officers to ensure sound planning decisions. He commented that targets were supposed to serve performance not hinder it although he recognised that some action was needed to improve performance. He specifically referred to Action 11 in the Improvement Plan emphasising that he agreed that Members should be encouraged to use their power to refer applications to Committee sparingly.

By 14 votes to nil it was

RESOLVED

- (a) *that the Executive be recommended to agree the proposed Improvement Plan and Trajectory, amended to include the following: -*
- (1) *the comments of the Scrutiny Committee, namely the inclusion of an additional bullet point in Action 4 of the Improvement Plan specifying that all consultees are to be urged to respond within the statutory deadlines;*
 - (2) *revised timetables for outstanding actions..*
- (b) *that the Executive be asked to endorse that the Officers be requested to put in place measures to enable the monitoring of Major applications to ensure the reasons for delay to be readily identifiable.*
- (c) *that the Executive be asked to consider whether the Council's internal procedures in terms of managing vacancies and recruitment have any adverse impact on performance in determining Major and Minor planning applications.*

PLANNING APPLICATIONS

The Committee received and considered report 05/06 of the Deputy Director (Planning and Community Strategy) detailing planning applications the decisions of which are set out below. Applications where members of the public had given notice that they wished to speak were considered first.

DC.11 WAN/1960/15 – CONVERSION OF PART OF UPPER FLOOR TO FORM 2 NO. 2 BEDROOM FLATS AND 2 NO. 1 BEDROOM FLATS. UNIT 8, REGENT MALL, WANTAGE

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

The Committee noted that the previous application to convert the cinema included a report stating that the use was financially viable. Therefore the main concern of the current application was the impact of a residential use so close to the cinema in terms of noise and vibration. It was reported that Building Control had advised that works could be carried out to screen any noise to meet Building Regulations. An acoustic report had been commissioned by the applicant which advised that there could be works to the building to prevent noise and disturbance. The Council's Environmental Health Officer had not objected to the application subject to conditions.

The Committee was advised that a further letter of objection had been received raising concerns regarding the adequacy of housing in Wantage; the loss of the cinema and concern that too many buildings were being put to unsympathetic uses.

One Member expressed concern that approval of the application would result in the loss of the cinema.

Another Member referred to the viability of the cinema commenting that one local resident had been of the view that approval of the application would fund repairs to the roof which would enable the cinema to re-open. The Officers advised that the consultant's report had assessed the viability of the cinema on what was already in place and not on the basis of this proposal.

One Member raised concern regarding a likely noise nuisance. He questioned the position of the Council should a noise nuisance occur. The Officers responded that the Committee needed to determine the application based on the information, advice and evidence before it.

It was explained that Members needed to make judgements about the professional assessments presented. It was commented that a resultant noise nuisance could create problems for the operator of the cinema including subsequent financial costs to remedy any noise nuisance.

One Member commented that further guidance on whether the acoustic treatment was adequate would be beneficial in determining this application. It was suggested that a redesign of the second floor in terms of the position of main habitable rooms against the walls of the cinema could be sought.

One Member reiterated her concerns that there would be noise, vibration and disturbance and that approval of the application would result in the inability of the cinema to reopen which would be detrimental to the Town.

By 7 votes to 5 with 1 abstention and 1 of the voting Members not being present during consideration of this item, it was

RESOLVED

that the Chief Executive in consultation with the Chair and/or Vice-Chair and Opposition Spokesman of the Development Control Committee and Councillors Eddy Goldsmith and Derek Verdin as local Members be delegated authority to approve application WAN/1960/15 subject to the following: -

- (1) a redesign of the second floor if possible to position habitable rooms in particular bedrooms away from the cinema part wall;*
- (2) the Environmental Health Officer's view on the applicant's acoustic report being explained to the satisfaction of the consultees; and*
- (3) the conditions set out in the report.*

DC.12 WAN/7226/3 AND /4-CA CONVERSION TO FORM APARTMENTS AND ERECTION OF BUILDING COMPRISING 41 APARTMENTS PLUS OTHER MATTERS, INCLUDING DEMOLITION OF BUILDINGS, 61 MILL STREET, WANTAGE

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

The Committee noted an amendment to the report in that planning permission for 44 apartments for the elderly had been refused in March 2005.

Further to the report, the Committee was advised that the County Engineer had raised no objection to the applications. It was explained that as the site had an existing commercial use the proposed use would not result in a net increase in traffic when compared with full use of the site for commercial purposes. It was noted that there would be junction improvements, signing, kerbing, demarcation and improved visibility. Furthermore, the applicant had agreed to provide a crossing from the site across Mill Street to meet the adjacent footpath. Therefore, subject to conditions, including a financial contribution of £10,000 towards traffic improvements, the County Engineer had raised no objection.

The Committee was advised of an additional amendment to the report in that the County Developer Funding Officer had requested a contribution of £9,401 towards library, waste management and social health care facilities together with the provision of the required number of fire hydrants.

Members were informed that comments were still awaited on an ecological report, it being noted that the County Ecologist had not objected to the applications but had stated that there might be bats on the site and crayfish associated with the Letcombe Brook.

The Committee was advised that the Environment Agency's holding objection had now been withdrawn

With reference to affordable housing, it was further noted that the comments from the Housing Officer had yet to be received. It was explained that the provision of affordable housing would be based on a development density of 50 dwellings per hectare, with 7 units to be provided although exact details had yet to be agreed. It was therefore suggested that should the Committee be minded to approve application WAN/7226/3 a condition should be added to address the need for affordable housing. Furthermore, it was suggested that additional conditions should be added to any permission to address and control external lighting; to require revised fenestration on the southwest elevation; and control the design and provision of the bin store; battery car shelter; water boosting pump house; sub station and treatment of contaminated land.

Councillor Andrew Crawford speaking on behalf of the Town Council made a statement objecting to the applications raising concerns relating to matters already covered in the report. He specifically commented on Mill Street raising concerns regarding pedestrian safety and the lack of a pavement. He commented that a pedestrian crossing would be welcomed but that it should be in place before the new dwellings were occupied and that this should be a requirement covered by a condition. He asked the Committee to be mindful of the suitability of any footpaths for use by the elderly and mobility scooters. He referred to the number of dwellings proposed commenting that this development was the third of its type for the Town in recent months. He suggested that this development was large for Wantage and he expressed concern regarding impact on infrastructure. He referred to the financial contributions sought, highlighting that there would be costs to both the Town and District Councils as a result of this development and that some funding to offset these would be welcomed.

Mr Montgomery, the applicant made a statement in support of the applications advising that there had been a redesign of the scheme to address the concerns raised and the comments of the Letcombe Brook Trust. A flood risk assessment had been carried out and the size of the proposal had been subsequently reduced. In terms of the adverse impact on the residents of Priory Orchard it was explained that in the applicant's view this would be less than that which would be caused by the extant commercial use.

Mr Cobham representing owners of properties in the Conservation Area referred to his experience of siting large structures in Conservation Areas and Designated Landscapes. He commented that there had been various meetings to discuss the form and design of the main building and detailing had been amended. He suggested that the development would integrate well with the land uses in the area. He reported that in design terms the proposal was an improvement on the derelict buildings on the site. Finally, he reported that he as a land owner and the Trustees of the Betjeman Park commended the design.

One of the local Members commented that the design was improved. However, he had concerns regarding traffic along Mill Street and the safety and ability of elderly people to cross the road. He expressed concern that residents would attempt to cross Mill Street at the access point and that the pedestrian crossing offered should be secured by condition. Furthermore, he was concerned that there was no pedestrian way within the development. However, in terms of material planning considerations he could see no reason to refuse the applications.

Another local Member commented that she did not believe that this was an appropriate site for accommodation for the elderly. She reported that due to the levels of the land, residents would need to walk up slopes and the traffic along Mill Street was dangerous. She referred to accidents along the narrow stretch of road. She commented that she had had sight of the results of the survey required by the County Ecologist commenting that crayfish were present in the Brook. She highlighted the untidy and unkempt state of the footpath along the side of the Brook and questioned whether the path could be upgraded and treated sympathetically as part of this proposal. She suggested that should the Committee be minded to approve the application further conditions should be added to address the resurfacing of the footpath (notwithstanding what was shown on the plans), a requirement to provide a new bridge and the protection of the crayfish.

Other Members spoke in support of the applications agreeing that a pedestrian crossing should be provided prior to the occupation of the dwellings. In response to comments made by one of the public speakers, it was commented that it was the responsibility of the relevant authorities to make a case for planning gain. It was suggested that a panel of materials should be erected on site and that the applicant should be asked to submit design details of the small buildings. Furthermore, it was suggested that the dormers on the southwest elevation should be reconsidered and that the ridge features on the building to be converted at the frontage of the site should be retained as they were interesting features.

One Member spoke against the applications raising concerns regarding traffic. He suggested that the speed of traffic was not the main consideration but the ability of vehicles to manoeuvre. He agreed that there should be a pelican or light controlled crossing. Finally, he referred to the comments of the Crime Prevention Design Advisor raising concerns regarding vandalism and the need to add conditions to address the comments made.

Specific reference was made to the Crime Prevention Design Advisor's comments. It was agreed that the suggested wording in the recommendation in terms of securing contributions should be amended to reflect the Advisor's sentiments, it being noted that it was not within the Council's control to require the applicant to achieve the Secured by Design Award. However, it was within the Housing Association's control to require that affordable housing should achieve the Design Award. In response to a comment made it was reiterated that advice from the Housing Officer on affordable housing was still awaited.

Consideration was given to railings, plinths and boundary treatment and it was suggested that the Crime Prevention Design Advisor's comments in this regard should be considered further by the Officers.

One Member referred to access questioning whether consideration had been given to access for mobility scooters, particularly in terms of dropped kerbs. He emphasised that it was important that the pedestrian crossing was suitable for scooter and that there was onward access to the Town centre. It was noted that the County Engineer had made reference to dropped kerbs and tactile paving to aid safe crossing. The Officers commented that it would be reasonable to impose conditions regarding enhanced access, a pelican crossing and dropped kerbs if necessary. The Officers clarified that it was the responsibility of the County Council to specify the type of crossing to be provided. However, given the site's urban location a pelican crossing might be acceptable. The Committee considered that the County Council should be urged to provide a pelican crossing.

One Member further suggested that there should be lighting at the access / pedestrian crossing, which the Committee supported.

One Member questioned whether specific consideration had been given to drainage and flooding in view of the levels of the site and its proximity to the Letcombe Brook. The Officers

responded that the Environment Agency had recommended a number of conditions including a flood risk assessment; a surface water drainage scheme; a foul water drainage scheme; treatment of contaminated land and landscaping.

By 12 votes to 1, with 1 abstention it was

RESOLVED

that the Chief Executive in consultation with the Chair and/or Vice-Chair of the Development Control Committee be delegated authority to approve applications WAN/7226/3 and WAN/7226/4-CA subject to the following: -

- (1) no objections being raised by the County Archaeologist;*
- (2) securing the contributions required by the County Developer Funding Officer and the County Engineer towards local facilities and public transport;*
- (3) the completion of an ecological survey identifying protected species on the site and including, where required, a scheme of mitigation to the satisfaction of the County Ecological Officer;*
- (4) conditions to include materials (with a sample panel being erected on site for Members perusal); detailing; boundary treatment; drainage; slab levels; occupancy restriction; affordable housing provision; landscaping; external lighting; bridge details; surface treatment of the footpath, revised fenestration on the southwest elevation; details of the bin store, battery car shelter, water boosting pump house and sub station and treatment of contaminated land,*
- (5) an enhanced access; improvements to the pedestrian access from the site to the Town Centre including an appropriate safe crossing on Mill Street, all to be provided before occupation of the new dwellings;*
- (6) the submission of design details of the small buildings on the site;*
- (7) the retention of the ridge features on the building to be converted at the frontage of the site,*
- (8) conditions recommended by the Environment Agency;*
- (9) conditions recommended by the County Engineer; and*
- (10) conditions recommended by the Crime Prevention Design Officer as appropriate.*

DC.13 EHE/14747/4 & EHE/14747/5-LB – REMOVAL OF RAILING AND DWARF WALL TO NEW POSITION WITH ANCILLARY WORKS TO FORM ENLARGED BEER GARDEN. THE EYSTON ARMS, HIGH STREET, EAST HENDRED

The Committee was advised of a representation received from the Highways Authority in respect of works to the highway land asking that detailed drawings should be submitted to the Local Planning Authority prior to approval of the applications showing how the grassed area (railway sleeper arrangement) would be treated. The Officers reported that this matter could be dealt with by condition.

Furthermore, the Committee was advised that a letter had been received from the Hendred Estate, owners of the Pub, pointing out that the village green would not be affected by the proposal.

By 14 votes to nil, it was

RESOLVED

- (a) *that application EHE/1474/4 be approved subject to: -*
 - (1) *the conditions set out in the report; and*
 - (2) *a further condition requiring that details of highways works to the grass verge should be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works.*
- (b) *that application EHE/1474/5-LB 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 8.38 pm