

DC.90

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

**HELD AT THE GUILDHALL, ABINGDON ON
MONDAY, 6TH NOVEMBER, 2006 AT 6.30PM**

Open to the Public, including the Press

PRESENT:

MEMBERS: Councillors Terry Quinlan (Chair), John Woodford (Vice-Chair), Terry Cox, Tony de Vere, Richard Farrell, Richard Gibson, Monica Lovatt, Jim Moley, Briony Newport, Jerry Patterson, Peter Saunders and Margaret Turner.

SUBSTITUTE MEMBERS: Councillor Eddy Goldsmith for Councillor Roger Cox.

OFFICERS: Sarah Commins, Martin Deans, Mike Gilbert, Rodger Hood, Laura Hudson, Carole Nicholl and Emma Phillips.

NUMBER OF MEMBERS OF THE PUBLIC: 21

DC.160 NOTIFICATION OF SUBSTITUTES AND APOLOGIES FOR ABSENCE

The attendance of a Substitute Member who had been authorised to attend in accordance with the provisions of Standing Order 17(1) was recorded as referred to above with an apology for absence having been received from Councillor Roger Cox. Apologies for absence were also recorded from Councillors Jenny Hannaby and Pam Westwood.

DC.161 DECLARATIONS OF INTEREST

Members declared interests in report 103/06 – Planning Applications as follows: -

<u>Member/Officer</u>	<u>Type</u>	<u>Item</u>	<u>Reason</u>	<u>Minute Ref</u>
Carole Nicholl – Democratic Services Officer	Interest	STA/8763/4	She was acquainted with some of the objectors.	DC.170
Councillor Eddy Goldsmith	Personal and Prejudicial	WAN/18492/2	Member of the Town Council's Planning Committee when this application had been considered.	DC.173
Councillor Terry Cox	Personal	WAN/18492/2	He believed that the supporter of the application might be known to him in so far as he might be the son of former Councillor Chic Wolage.	DC.173
Councillor Jim Moley	Personal and Prejudicial	WAN/18492/2	He was acquainted with some of the objectors.	DC.173
Councillor Jerry Patterson	Personal	KEN/19783	He was a Parish Councillor but he was not on the Planning Committee and had no prior	DC.176

			consideration of this application.	
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DC.162 URGENT BUSINESS AND CHAIR'S ANNOUNCEMENTS

The Chair announced that Emma Phillips the Senior Planning Officer in the South Team was soon to leave the employment of the Council. He was joined by other Members in wishing her well for the future.

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

The Chair announced for the benefit of members of the public that only those Members who were members of the Development Control Committee could vote.

The Chair announced that application SAH/5911/4 had been withdrawn from the agenda.

Finally, the Chair invited the Deputy Director (Planning and Community Strategy) to address the Council. The Deputy Director reported that the Council's performance in determining planning applications had improved and the Council was no longer a standards authority. He thanked the Officers who had worked hard to achieve this.

DC.163 STATEMENTS AND PETITIONS FROM THE PUBLIC UNDER STANDING ORDER 32

None.

DC.164 QUESTIONS FROM THE PUBLIC UNDER STANDING ORDER 32

None.

DC.165 STATEMENTS AND PETITIONS FROM THE PUBLIC UNDER STANDING ORDER 33

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

DC.166 MATERIALS

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

- (1) WAN/10044/2 – McCarthey and Stone, Grove Road, Wantage

RESOLVED

- (a) *that the use of the following materials be approved: -
Istock Leicester Multi Red Stock bricks
Istock Surrey Cream bricks
Self coloured render*
- (b) *that the configuration of materials shown on the 'option 1' drawings was acceptable.*

- (2) WAN/19361 – The Wharf, Mill Street, Wantage

RESOLVED

that the use of the following materials be approved: -

Natural Clay tile – colour to be agreed by officers

Contrasting red detail brick – alternative colour to be sought by officers

Sandringham dark natural slate

Contrasting Butterley Wilnecote Blue Smooth detail brick

Terca Winchester Multi brick

DC.167 APPEALS

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

RESOLVED

that the agenda report be received.

DC.168 FORTHCOMING PUBLIC INQUIRIES AND HEARINGS

A list of forthcoming public inquiries and hearings was presented.

RESOLVED

that the list be received.

DC.169 ENFORCEMENT PROGRAMME

The Committee received and considered report 108/06 of the Deputy Director (Planning and Community Strategy) which sought approval to take enforcement action in respect of 'The Close, West Street, Childrey and in respect of Woods Farm Barn', Woods Farm Road, East Hendred.

In referring to "The Close" one Member whilst expressing support to take enforcement action raised concern that the Parish Council had approached this Authority a year ago regarding this matter. He commented that the Council needed to be more prompt in taking action and that this delay was unacceptable and that developers might ignore planning rules and regulations if they were not enforced.

The Officers explained that they had been negotiating with the appellant and that it was now appropriate to take enforcement action.

By 12 votes to nil with 1 of the voting Members not being present during consideration of this item it was

RESOLVED

that authority be delegated to the Chief Executive in consultation with the Chair and/or Vice Chair of the Development Control Committee, to take enforcement action in the following cases, if in his judgement it is considered expedient to do so:-

- (1) *to secure the surfacing of 'The Close' in accordance with the requirements and intent of Condition 7 of planning permission CHD/18694 at The Close, West Street, Childrey; and*
- (2) *to secure the cessation of the unauthorised use and the removal of the unauthorised building 'Woods Farm Barn', Woods Farm Road, East Hendred, EHE/19461.*

DC.170 PROPOSED SMALL-SCALE WIND TURBINE, MEADOWLANDS, 3 HIGH STREET, STANFORD IN THE VALE

Carole Nicholl the Democratic Services Officer had declared an interest in this item.

The Committee received and considered report 102/06 of the Deputy Director (Planning and Community Strategy) which advised of an application where planning permission had been granted, although some neighbours had not been notified of the proposal. The Committee was advised of an amendment to the report in that the turbine would be sited 50 metres away from the closet dwelling and not 52 metres.

Furthermore, the Committee was advised that there had been two additional letters of objection reiterating the concerns previously raised.

The Parish Council had submitted representations referring to the concerns of the objectors regarding noise and visual impact; lack of neighbour notification; the commercial purpose of the proposal; proximity; scale; height and noise. The Parish Council had advised that it had a policy to forward all comments received and that it reiterated the objections submitted. Attached to the Parish Council's submission was a letter stating concern that condition 2 could not be complied with and concerns regarding noise.

Further to the report, the Officers clarified that the site was outside the Conservation Area (CA) although the turbine would be visible from the CA. It was explained that the proposal was for a slimline, small scale turbine, but it would be a prominent feature from the footpath and from Horsecroft the turbine would be visible behind a hedge and would also be visible from the High Street.

It was explained that the neighbour who would be most affected by the proposal had not been consulted and neither had other neighbours and therefore this had necessitated this matter being presented to Committee. Details of their objections to the proposal were set out in the report.

It was explained that in determining the application, the Officers had given significant weight to wider environmental issues such as renewable energy. Whilst there would be some visual impact, the turbine would not be in an Area of Outstanding Natural Beauty (AONB) or the CA; the turbine had a slender design and there were mature trees which would provide screening. In terms of noise it was explained that the turbine would be 50 metre away from 25 Horsecroft. The Council's Environmental Health Officer had recommended condition 2 requiring that noise attenuation measures should be carried out to ensure that the background noise was not increased by more than 3 dB at the boundary of the site.

It was explained that the Committee could decide to revoke permission but that this would need to be confirmed by the Secretary of State and compensation to the applicant might be necessary.

Mrs Thomasson made a statement objecting to the application raising concerns relating to matters already covered in the report. Speaking on behalf of the petitioners she commented

on the mistake of the Officers and the inability of residents to express their views when this application was considered. She advised that she was not opposed to renewable energy but that this proposal was unacceptable. She reported that the turbine was north of her house and was near the CA. She reported that there were extensions to her house which had made the distance calculations inaccurate. She advised that the turbine would be 14.5 metres high and was designed for light industrial use. She commented that its generating capacity exceeded the needs of a domestic dwelling. She referred to adverse impact commenting that the turbine should be preferably 100 to 150 metres away from her dwelling whereas it would be less than 50 metres away. She expressed concern regarding noise and commented that she doubted whether the applicant would be able to satisfy condition 2. She advised that information in this regard had been sent to the Council's Environmental Health Officer. She referred to the question of propriety and asked for a modification to the proposal. She suggested that planning permission should be revoked and a more suitable turbine, further away from her property should be considered.

Mr S Munday, the applicant made a statement in support of the application expressing his disappointment at the current position. He thanked Members for having visited the site commenting that the only reason the matter was now being considered was because neighbours had not been notified and not because of planning concerns. He commented that it was a shame that his application was the first of its kind in the District explaining that this type of turbine was silent and insignificant. He reported that he had been forced into a dispute with his neighbours, resulting in delays and costs. He referred to condition 2 advising that it was inappropriate and could not be withdrawn even though it was likely that he would win an appeal against it. He explained that the noise requirement was erroneous.

The local Member reported that he had visited the site. He explained that he had also viewed the turbine manufacturer's website which had stated that a turbine should be at least 75 metres from the nearest neighbour and at least 50 metres from the main dwelling. He asked whether a compromise could be reached. He reported that there might be a possibility that the turbine could be sited nearer the goat shed which would move it away from the neighbour and away from the applicant's house. He understood that this would result in the need for another planning application. He commented that he had studied the email sent from the applicant to all Members of the Committee, in terms of wind speeds and the resultant difference in decibels and he agreed that it would be difficult for the applicant to comply with the requirements of condition 2. Finally, he reiterated that the turbine should be moved further away from nearby properties into the paddock.

One Member expressed amazement that the maximum distances had not been required commenting that on previous occasions reference had been made to frequency which resonated in the body and could be felt. He commented that low frequency sound could be very damaging.

Another Member disagreed stating that it had not been found that low frequency sound was damaging, although he did agree that it was reasonable to relocate the turbine. He commented that he had visited the site and the applicant had advised him that the location of the turbine on the application drawing was intended to be indicative only.

One Member suggested that the matter was now the responsibility of the applicant. He had advised that he would be unable to comply with condition 2 and therefore he should submit a revised application showing a re-siting of the turbine.

In response to a question raised it was explained that the re-siting of the turbine could not be considered as a minor amendment.

One Member referred to the reasoning behind condition 2. He drew the Committee's attention to the graph set out on page 42 of the report which set out differences between wind turbine

noise and background noise. The Officers explained that the Guidance provided that large turbines should be 5 decibels and because this was a smaller turbine, the view of the Environmental Health Officer had been that 3 decibels was appropriate. The Member responded that the condition was unclear in his view.

It was proposed by Councillor Jerry Patterson, seconded by Councillor Tony de Vere and by 13 votes to nil it was

RESOLVED

that consideration of whether to agree with the decision made to grant planning permission in respect of application STA/8763/4 be deferred to enable the Officers to invite the applicant to submit a further application re-siting the turbine in a more acceptable location east of the goat shed away from the main house and the neighbour's property.

PLANNING APPLICATIONS

The Committee received and considered report 103/06 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.171 SAH/5911/4 – CHANGE OF USE FROM OUTBUILDING TO HAIR SALON.
(RETROSPECTIVE) 33, SANDLEIGH ROAD, DRY SANDFORD

This application had been withdrawn from the agenda.

DC.172 MIL/10797/19 – ERECTION OF 112 SEAT TIERED GRANDSTAND WITH THREE SEATING
SPACES ALLOCATED FOR WHEELCHAIR USERS. MILTON PLAYING FIELDS, MILTON
HEIGHTS, MILTON

Mr Strange made a statement on behalf of Milton Parish Council commenting that whilst the Parish Council had supported the Club in the past the current proposal was inappropriate. He raised concerns regarding the proposal being contrary to Local Plan Policy GS.2 in that it was unjustified development in the open countryside in that the Club already had facilities. He made reference to Bramley Cottage in Potash Lane where planning permission was refused for reasons associated with traffic generation. He explained that the Committee should be consistent and refuse this application for similar reasons. Finally he expressed concern regarding parking which he considered would be inadequate for this proposal.

Mr Smith speaking on behalf of the applicant advised that the Football Association had increased the seating capacity requirement for Grade 5 clubs and therefore the Club had been forced into putting forward a proposal. He explained that in addition the Club did not have facilities for disabled people. He commented that the Club provided football for the community and that the facilities were used for training by the Oxford United Football Club and local schools. He advised that there was sufficient parking and in the event that additional parking was needed the Club had permission from Grove Farm to use its land for overspill parking. He commented that the average attendance was 70 people, with the largest gate being 680 people. At this event no parking problem had been experienced and that there was no on-road parking. Finally, he commented that there would be no visual impact and that there was an avenue of trees and some broadleaf trees which provided screening.

One Member expressed sympathy for the comments made by the Parish Council regarding the Committee being inconsistency. She referred to the refusal of an application nearby due

to increase traffic and questioned how it would be possible not to refuse this application having regard to that. She suggested that this facility would draw traffic into the area and that there would be more traffic at the Milton interchange. However, she commented that she understood the need for more seating and she expressed concern that other clubs would come forward with similar applications. Finally, she referred to the use of land at Grove Farm for overspill parking, albeit on an adhoc basis, questioning whether this was acceptable.

The Officers reported that the Council had already received similar applications for seating because of the new Football Association requirements and that each application needed to be considered on its merits. He clarified that the issue of parking on the neighbouring farm land would qualify for temporary use rights and would not require planning permission if it occurred on no more than 28 days in the year.

Other Members spoke in support of the application commenting that there were no reasons to refuse permission. However, it was commented that the Council would not wish to see extensive advertising all over the stand. The Officer clarified that the stand was to be painted dark green.

One Member whilst supporting the application queried why the proposal was not linked to parking provision. The officers clarified that the County Engineer had raised no objection and that there was no indication that the level of parking need would increase.

By 12 votes to nil with 1 abstention it was

RESOLVED

that application MIL/10797/19 be approved subject to the conditions set out in the report.

DC.173 WAN/18492/2 – DEMOLITION OF SINGLE STOREY EXTENSION. EXTENSION AND ALTERATIONS TO EXISTING DWELLING AND ERECTION OF A DWELLING. 5 BELMONT, WANTAGE

Councillors Jim Moley and Eddy Goldsmith had each declared a personal and prejudicial interest in this item and in accordance with Standing Order 34 they withdrew from the meeting during its consideration. Councillor Terry Cox had declared a personal interest in this item and in accordance with Standing Order 34 he remained in the meeting during its consideration.

Further to the report the Officers explained the comments of the County Engineer and it was reported that a Tracking Plan had been received earlier in the day setting out the vehicle manoeuvring capabilities.

The Officers referred to the impact on neighbours raised by the Inspector commenting that the Inspector had not concluded that this was sufficient on its own to warrant refusal.

The objections received were highlighted and it was noted that the neighbour had raised concerns regarding parking, vehicle manoeuvring, design and impact.

Finally, the Officers advised that they considered that this proposal overcame the previous objections.

At this point in the meeting, one Member drew attention to the comments of the Highways Authority which stated that “the present application had taken accounts the Inspector’s reasons for refusal of the previous appeal and therefore a refusal based on these grounds

could not be sustained at appeal". She asked the Committee to disregard this as the Highway Authority could not predetermine an Inspector's future opinion.

S Whitfield a planning consultant representing the views of neighbours made a statement objecting to the application raising concerns relating to matters already covered in the report. He specifically raised concerns regarding inadequate parking; vehicle manoeuvring and adverse impact on 5 and 6 Belmont. He explained that the proposal was contrary to National Guidance DB32 in that there were only 5 metres in front of the bays and a strip of 200 mm at the back whereas the minimum requirements were 6 metres and 800 mm respectively. He commented that whilst the Highways Authority had stated that there were additional clear areas either side, the width of the forecourt and parking spaces were the same as before with only a slight increase in depth due to the setting back of the dwelling. However, he explained that there was still inadequate room to enter and leave the forecourt in one movement without encroaching on the land opposite. He expressed concern regarding the effect on 6 Belmont in that the extension would be only 10 metres from habitable rooms whereas the minimum requirement was 12 metres. He referred to the adverse visual and overbearing impact of this. He raised concern regarding the effect on 5 Belmont in terms of the 2 storey rear element projecting 0.5 metres beyond the rear elevation of 5 Belmont which was beyond the 40 degrees angle struck from the rear window. He commented that the protruding element did not comply with planning guidelines. Finally, he commented that the application had many deficiencies and was contrary to Structure Plan Policy T8 and Local Plan Policies DC5 and DC9.

Mr Wolage made a statement in support of the application. He commented that whilst this application was similar to the previous application it had two significant differences namely the parking had been amended and it had been proved that vehicles could reverse onto the forecourt without many manoeuvring. He commented that the road was a low grade road which was not busy. He commented that the only people who would access the car parking spaces would be the occupiers of the dwelling. Finally, he commented that he welcomed the tracking document advising that principle of building a house on this site acceptable.

One of the local Members spoke against the application commenting that the proposal had the potential for conversion into a 4 bed house and she asked that if the Committee was minded to approve permission a condition be added to prevent the conversion of the garage. She expressed concern regarding vehicle manoeuvring commenting that vehicles would need to take at least two sweeps to avoid using the land opposite. She explained that the road varies in widths from 3 metres to 4.1; there were no footpaths and no passing bays making the manoeuvring difficult and unsafe. She commented that 6 metres was needed for one manoeuvring sweep and therefore the proposal was contrary to Planning Policy DC9 in this regard. Furthermore, she commented that the late submission of a tracking plan had meant that there had been insufficient time for it to be properly considered. She raised concern regarding safety referring to the use of the road by cyclists, pedestrians and mobility vehicles. She commented that 6 Belmont currently had an extension being built which was not shown on this application. Finally, she reiterated that the proposal was contrary to planning policy and guidance, namely Planning Policies DC1 and DC9.

The Officers explained that the 40 degree rule related to the impact of the proposed dwelling itself which was due north where there was the least likely possibility of impact on the light to the neighbour. The Officers did not feel that this was so significant in itself to warrant refusal.

Some Members expressed concern regarding the application in terms of the impact on the neighbouring properties, breach of the 40 degree rule and the ability of vehicles to easily enter and leave the forecourt, particularly having regard to the road widths. It was noted that notwithstanding the tracking plan, the measurements on site appeared less than the minimum requirements. Furthermore, it was argued that the road was in continual use.

In response to the comments made it was reported that the County Engineer had not commented on the tracking plan and that a second opinion could be sought on the tracking plan and the vehicle manoeuvring capability.

It was proposed by Councillor Jerry Patterson, seconded by Councillor Terry Cox and by 8 votes to nil with 3 abstentions (with 2 of the voting Members not being present) it was

RESOLVED

that consideration of application WAN/18492/2 be deferred for the following :-

- (1) to enable the Officers to ask the County Engineer to comment on the tracking plan now received;*
- (2) that having considered the tracking plan, the County Engineer still raises no objection to the application an independent highways opinion on the proposal be sought specifically considering safety;*
- (3) to enable the Officers to clarify the extent of the breach of the 40 degree rule and its impact for inclusion in the next report to Committee on this application, to include the presentation of plans showing the breach setting out the exact position of windows..*

DC.174 ABG/19058/2 – RETROSPECTIVE APPLICATION FOR A SUMMERHOUSE/GAMES ROOM AND RAISING GROUND LEVEL. (RE-SUBMISSION). 5 NORMAN AVE, ABINGDON

The Committee's attention was drawn to paragraph 4.2 of the report and it was explained that objections had also been raised regarding the effect of the proposal on the neighbour's trees. Also, it had been requested by neighbours that if the Committee was minded to grant planning permission conditions should be attached removing permitted development rights; requiring that the material used to raise the garden be removed from the site; landscaping be provided and that the proposed building should not be used as a dwelling, for entertainment or for business uses.

It was clarified that planning permission would be required for use of the building for any other use than that which would be ancillary to a dwelling. Furthermore, the Officers considered that a condition requiring the removal of the material was reasonable.

Further to the report the Committee was advised of the distances of the proposal from the boundary and the differences between this application and one previously refused.

Charlotte Riggs speaking on behalf of the neighbour made a statement objecting to the application raising concerns relating to matters already covered in the report. She explained that she disagreed that the building was single storey pointing out that there would be an internal staircase. She commented that the door would be replaced by a window which in her view would not address concerns regarding overlooking. She expressed concerns regarding mass emphasising that the building had not reduced in size from that previously refused, highlighting that the eaves and ridge height were the same. She referred to the raising of the garden level reporting that some 95 lorry loads of material had been delivered. She considered that raising the garden level was in her opinion presumably to give an impression that ground levels were lower and to lessen impact. She also raised concerns regarding visual impact and dominance explaining that the building was visible from other dwellings in the vicinity. She expressed concern regarding its intended use and particularly concerns regarding noise commenting that whilst there were powers available to the Council under

Environmental Health legislation, the Council should pre-empt the possibility of disturbance now by refusing permission.

Jane Luker had given notice that she wished to speak objecting to the application but she declined to do so.

In response to a question raised the Officers advised that the proposal was 0.6 metre higher than what could have been built under permitted development rights.

Members spoke against the proposal making the following comments: -

- It could not be seen how removal of the balcony had reduced the size and bulk of the building.
- The building was higher than that allowed under permitted development rights.
- It was thought that there had been considerable engineering works to raise the garden and there were some concerns regarding the purpose and impact of this.
- The building was dominant and out of keeping.
- There was concern regarding impact and over looking of the property in Radley Road.
- There was concern regarding the buildings overall height relative to that of the main property it being commented that the difference of 0.6 metres in height would have an impact in this location.
- There was concern regarding the building's intended use and an assurance was sought that there were measures in place to control this.
- The dwelling was overbearing and at odds with the main dwelling.
- There had been no reduction in the overall mass of the building from that previously refused.
- The siting seemed odd for a summerhouse given its positioning between high trees and hedges.

The Officers reported that the building would not overshadow the neighbouring property 105 Bradley Road, as it abutted a flank wall.

In response to concerns raised that Officers advised that they could seek more details on the garden levels to ascertain impact on the neighbouring gardens.

It was commented that a domestic dwelling could be used for business purposes without planning permission depending on its scale. It was clarified that if the overall use of the site remained residential then planning permission might not be necessary but each case needed to be considered on its merits.

The Officers asked Members to note that the applicant had argued that the engineering works raised the garden to the same level as the neighbour's garden. It was explained that raising the ground level might not in itself be harmful. However, the Officers considered that the work was more than would be reasonable for ordinary garden works and might require planning permission.

One Member suggested that an organised site visit would be beneficial.

By 13 votes to nil it was

RESOLVED

that consideration of application ABG/19058/2 be deferred to enable the Officers to obtain further information regarding ground levels with a view to determining possible impact and to enable an organised site visit for Members.

DC.175 EHE/19767 – ERECTION OF 2 DWELLINGS WITH ASSOCIATED ACCESS. LAND ADJACENT TO SHEARD STUDIO, NEWBURY ROAD, EAST HENDRED

Further to the report the Committee was advised that a further letter of objection had been received raising concerns regarding the design and access statement was inadequate. Members were informed that an e-mail from the applicant's agent had been received which drew attention to permitted development rights and advising that the properties could be altered at a future date in any event and that there would be less disruption if such works were undertaken at this stage.

Mr Roger Turnball the neighbour made a statement objecting to the application in terms of the inadequacy of the design and access statement. He referred to Circular 1 of 2006 which stated what was required in such a statement. He explained that matters such as the justification of layout; scale; clearance and landscaping etc would need to be included and that as part of this there should be community involvement; an evaluation of information collected; alternatives to how the development needs could be met and the design needed to show how that assessment had been carried out. He stated that the design and access statement submitted as part of this application was comprised of only three short paragraphs which in his view was wholly inadequate. He considered that in accepting this statement the Council would be setting a precedent for the future. He suggested that it might be helpful if the Council included information on the requirements of design and access statements on its website. Furthermore he expressed concern regarding the possible loss a tree. He explained that fencing around the tree had been removed and he sought a condition that should the tree be removed it should be replaced with a tree similar in location, size and species. Finally, he commented that there should be planning conditions and that there should be a survey of the trees on site.

One Member spoke in support of the application commenting that planning permission already existed for two dwellings on this site and therefore the Committee was being asked to consider the difference between the two schemes. However, he suggested that additional conditions should be added to any permission to address slab levels and the protection of trees during construction.

In response to a question raised regarding the hedge which had been removed along the front boundary it was commented that an informative advising that the Council would look to see this replaced could be attached to any permission.

One Member made reference to the comments made by the speaker and it was noted that the design and access statements were required for all new dwellings and that the reason why the short statement had been accepted in this case was that planning permission already existed for two dwellings.

By 13 votes to nil it was

RESOLVED

that application EHE/19767 be approved subject to: -

- (1) the conditions set out in the report;*
- (2) additional conditions to address slab levels and to provide for the protection of tress during construction; and*
- (3) an informative to advise that the Council would wish for a hedge to be reinstated along the frontage boundary.*

DC.176 KEN/19783 – CHANGE OF USE FROM SHOP TO ONE BEDROOM FLAT. 12 MEADOW
VIEW ROAD, KENNINGTON

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

Mr Peter Biggs on behalf of the Parish Council made a statement objecting to the application commenting that the Parish Council had a policy to oppose the loss of all retail facilities in the village. However, he explained that he understood why the proposal was put forward and he commented that he hoped a solution could be sought. He reported that the Parish Council was opposed to the loss of the shop which was the only shop in this part of the village where there were many young families and elderly residents who would find it difficult to shop elsewhere. He reported that the Parish Council was financially unable to take on the shop.

Mr Hardiman, the applicant made a statement in support of the application commenting that he had run the shop for 23 years with his wife who was now disabled. He explained that the shop had been closed for some months. He referred to local competition reporting that the shop had not made enough to employ additional staff. Finally, he commented that after nearly 24 years he could not longer run the shop and that all attempts to sell it had been unsuccessful.

One of the local Members commented that times had changed and that with supermarkets and home deliveries local stores such as this one struggled to survive. He commented that it was unfortunate that Kennington would lose a shop but there were no reasons to refuse permission.

Another local Member agreed that within the Local Plan there was no provision to save a shop of this kind and that whilst some local residents would miss the facilities there were no reasons for the Committee to refuse the application.

By 13 votes to nil it was

RESOLVED

that application KEN/19783 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 9.25 pm