

DC.102

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

**HELD AT THE GUILDHALL, ABINGDON ON
MONDAY, 27TH 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 Gibson, Jenny Hannaby, Monica Lovatt, Jim Moley, Briony Newport, Jerry Patterson, Peter Saunders, Margaret Turner and Pam Westwood.

SUBSTITUTE MEMBER: Councillor Terry Fraser for Councillor Richard Farrell.

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

NUMBER OF MEMBERS OF THE PUBLIC: 12

DC.177 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 Richard Farrell. An apology for absence was also recorded from Councillor Roger Cox.

DC.178 MINUTES

The Minutes of the Meeting of the Development Control Committee held on 16 October 2006 were adopted and signed as a correct record subject to the deletion of the word "eternal" in the third paragraph of minute DC.159 and the substitution thereof with the word "external".

DC.179 DECLARATIONS OF INTEREST

Members declared interests as follows: -

<u>Councillor</u>	<u>Type of Interest</u>	<u>Item</u>	<u>Reason</u>	<u>Minutes Ref</u>
Monica Lovatt	Personal and Prejudicial	Dismissed Appeal decision in respect of ABG/10612/16	She was acquainted with the appellant.	DC.185
Terry Cox	Personal	Dismissed Appeal decision in respect of ABG/10612/16	He was acquainted with the appellant in so far as he was formerly the Bursar of Templeton College.	DC.185
Jerry Patterson	Personal	Dismissed Appeal decision in respect of ABG/10612/16	He was acquainted with the appellant in so far as he was formerly the Bursar of Templeton College.	DC.185
All Members	Personal	Proposed works to trees at Hall Barn Close	They were acquainted with Councillor Farrell the applicant's husband.	DC.189

All Members	Personal	NHI/19799	In so far as the Council was the applicant.	DC.196
Jenny Hannaby	Personal	WAN/19791	She had been present at the meeting of the Town Council's Planning Committee when this application had been considered. However, she had taken no part in the discussion or voting thereon.	DC.200

DC.180 URGENT BUSINESS AND CHAIR'S ANNOUNCEMENTS

The Chair announced that all mobile telephones should be switched off during the meeting.

The Chair reported that a letter from Thames Valley Police had been sent to all Members entitled "Planning out Crime".

DC.181 STATEMENTS AND PETITIONS FROM THE PUBLIC UNDER STANDING ORDER 32

None.

DC.182 QUESTIONS FROM THE PUBLIC UNDER STANDING ORDER 32

None.

DC.183 STATEMENTS AND PETITIONS FROM THE PUBLIC UNDER STANDING ORDER 33

It was noted that 6 members of the public had each given notice that they wished to make a statement.

DC.184 MATERIALS

None.

DC.185 APPEALS

Councillor Monica Lovatt had declared a Personal and Prejudicial Interest in this item and in accordance with Standing Order 34 she withdrew from the meeting during its consideration.

Councillors Terry Cox and Jerry Patterson had each declared a Personal Interest in this item and in accordance with Standing Order 34 they remained in the meeting during its consideration.

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

RESOLVED

that the agenda report be received.

DC.186 FORTHCOMING PUBLIC INQUIRIES AND HEARINGS

The Committee received and considered a list of forthcoming Public Inquiries and Hearings.

RESOLVED

that the list be received.

DC.187 TREE PRESERVATION ORDER (WANTAGE) NO. 6 2006

The Committee received and considered report 112/06 of the Landscape Officer (Arboriculture) which advised that in August 2005, the Council had received a planning application from the Vale Housing Association to develop the garage area of Barwell and part of the garden of 53 Barwell, Wantage. It was reported that the development would have meant the loss of a large weeping willow that stood in the rear garden of no. 53. Following discussions with the Council's Planning Officers and the Vale Housing Association the application was withdrawn.

The Committee noted that in April 2006, the same application for development was made by the Vale Housing Association. The Council had been unable to come to an agreement with the developers about repositioning the buildings to allow the willow to stay. Consequently a Tree Preservation Order was issued in June 2006 to protect the willow. A plan showing the location of the tree was appended to the report.

An objection was received to the Order from the Vale Housing Association details of which were outlined in the report and reiterated at the meeting.

One of the local Members commented on the importance of the tree in this area but also recognised the need for affordable housing.

Another Member spoke in support of confirming the Order commenting on the significance of the tree and the contribution it made to the lives and enjoyment of the residents in the area. He noted that the land was in the ownership of the applicant and he disagreed that the scheme would be unviable if the tree was retained. Finally, he welcomed affordable housing but not to the detriment of the area through the loss of this significant tree.

Another Member spoke against confirming the Order commenting that the provision of affordable housing took precedence over the retention of trees.

Other Members spoke in support of confirming the Order commenting on the significance of the tree, its contribution to the local area and the need for its protection noting that it had a likely life span of a further 30 to 40 years. It was commented that there was no justification not to confirm the Order.

By 13 votes to nil, with 1 abstention, it was

RESOLVED

that Tree Preservation Order (Wantage) No.6 be confirmed.

DC.188 ENFORCEMENT PROGRAMME

The Committee received and considered report 111/06 of the Deputy Director (Planning and Community Strategy) which sought approval to take enforcement action in respect of the alleged conversion of a garage into a classroom at Cothill Kindergarten, 68 Marcham Road, Cothill, Abingdon.

The Committee was advised that a planning application had now been lodged but there was insufficient information for it to be processed.

Further to the report, the Committee was advised that a letter had been received from one of the neighbours supporting enforcement action in this case.

Members spoke in support of taking enforcement action thanking the Officers for bringing the report to the Committee in a timely way. It was commented that without a planning application it was difficult for Members to consider a different use. It was emphasised that it was essential that enforcement action should be taken where planning permission did not exist. However, it might be that the change of use would be allowed in this case, notably if it did not result in an increase in the number of children that the nursery cared for.

One Member commented that the Enforcement Officers had been reasonable and that efforts to obtain the information had been continuous. It was explained that enforcement action might not be necessary in this case if the additional information sought was forthcoming.

By 13 votes to nil, with 1 abstention 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 respect of the alleged conversion of a garage into a classroom at Cothill Kindergarten, 86 Marcham Road, Cothill, Abingdon, if he considers it expedient to do so.

DC.189 PROPOSED WORKS TO TREES IN THE CONSERVATION AREA AT HALL BARN CLOSE, CHAPEL LANE, BLEWBURY

All Members of the Committee had declared a Personal Interest in this item and in accordance with Standing Order 34 they remained in the meeting during its consideration.

The Committee received and considered an agenda item which advised that notification had been received under the Town and Country Planning Act 1990 for works to trees at Hill Barn Close, Chapel Lane, Blewbury.

This notification was reported to the Committee as the person giving notice was married to an elected Member of the Council.

The Committee noted that the conifer was small and there would no loss to the village if the cedar was felled.

By 14 votes to nil it was

RESOLVED

that the agenda report be received and no further action be taken.

PLANNING APPLICATIONS

The Committee received and considered report 113/06 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.190 ABG/19058/2 – RETROSPECTIVE APPLICATION FOR A SUMMERHOUSE/GAMES ROOM AND RAISING GROUND LEVEL. (RE-SUBMISSION). 5 NORMAN AVE. ABINGDON

One of the local Members thanked the Officers for arranging an organised visit to the site which she had found beneficial. She expressed support for the proposal commenting that the summer house faced the applicant's house and was screened by high hedging. However, she commented that the building was close to the neighbouring property, the occupier of which had expressed concern regarding a potential for noise disturbance.

Another Member agreed commenting that any measures to mitigate noise should be required.

One Member commented that the building was unattractive building, although noted that this was not a reason to refuse permission. She expressed concern that the property could be used for residential purposes and that a condition to prevent noise disturbance should be added.

Other Members spoke in support of the proposal considering that there would be no harm but agreeing that a condition to prevent a noise nuisance was appropriate, together with a condition regarding the colour of the building.

Members discussed potential activities which might take place in the property such as playing drums. It was noted that this could be acceptable provided a noise nuisance did not result. If a noise nuisance did occur this would be dealt with under Environmental Health legislation. To this end it was considered that a condition restricting amplified music would be reasonable.

By 14 votes to nil it was

RESOLVED

that application ABG/19058/2 be approved subject to: -

- (1) the conditions set out in the report;*
- (2) a further condition requiring the building to be maintained a specific colour; such colour to be agreed by the Planning Officer;*
- (3) a further condition to restrict the playing of amplified music; and*
- (4) an Informative setting out this Committee's concern regarding potential noise disturbance and drawing attention to the relevant Environmental Health legislation in this regard.*

DC.191 DRA/19517/2 – ERECTION OF A FIRST FLOOR EXTENSION. 39 ABINGDON ROAD, DRAYTON

By 14 votes to nil it was

RESOLVED

that application DRA/19517/2 be approved subject to the conditions set out in the report.

DC.192 DRA/6267/1 – MR M SELBY ERECTION OF A REAR EXTENSION TO FORM A LOUNGE AND BEDROOM. INTERNAL CHANGES AND RE-ROOFING. 37 ABINGDON ROAD, DRAYTON

By 14 votes to nil it was

RESOLVED

that application DRA/6267/1 be approved subject to the conditions set out in the report.

DC.193 GFA/19744 – SINGLE STOREY EXTENSION AND CONVERSION OF INTEGRAL GARAGE INTO BEDROOM. 30 TOWN END ROAD, FARINGDON

On Member asked that the Officers be requested to check that the parking was being provided.

By 14 votes to nil, it was

RESOLVED

that application GFA/19744 be approved subject to the conditions set out in the report.

DC.194 GRO/10877/1 – MR PAUL LONGWORTH DEMOLITION OF EXISTING GARAGE. BUILD NEW GARAGE WITH UTILITY ROOM AND SHOWER ROOM ATTACHED. 2 LAUREL CRESCENT, GROVE

Further to the report, the Committee was advised that additional comments had been received from the County Engineer asking that the garage be retained as a garage; a parking plan be sought and a pedestrian access vision splay be provided. However, the Officers reported that they did not consider that this was reasonable.

By 14 votes to nil it was

RESOLVED

that application GRO/10877/1 be approved subject to the conditions set out in the report.

DC.195 NHI/19742 – DEMOLITION OF EXISTING HOUSE AND CONSTRUCTION OF A NEW BUILDING CONTAINING 9 FLATS. 29 WEST WAY, BOTLEY

Further to the report the Committee was advised that car parking was a main issue to consider as part of this application. However, the Officers explained that there were car free flats elsewhere in Oxford and that the site was contained within an area of on-street parking control. The Committee was asked to consider how likely it was that residents of the proposed flats would have a vehicle. It was commented that the Botley shopping centre was nearby and that there were cycle and bus routes immediately in front of the site. Therefore, the Officers had concluded that it was likely that the residents of the flats would not necessarily need to have a vehicle. However, should they have a vehicle the Committee was asked to consider what harm would be caused.

The Officers explained that they had made several visits to the site at different times of day to assess the parking situation. It was reported that there was parking in the area during the day but not the evening, which suggested that the area was not used for residents parking. Where there were no parking restrictions there was on-street parking. Therefore, the Officers had concluded that it was difficult to argue that cars from this scheme would cause on-street

parking. It was commented that the site was in a sustainable area and that the application could not be refused on highway grounds.

Mr P Stevens made a statement on behalf of North Hinksey Parish Council raising concerns relating to matters already covered in the report. He particularly raised concerns regarding the level and continuity of traffic; parking restrictions and the lack of parking provision. He suggested that the proposal was contrary to Planning Policy Guidance in view of the lack of parking proposed. He suggested that the development would require several parking spaces and that no spaces was unreasonable and contrary to the Guidance and he suggested that there was a need for better supporting information where there was a lower amount. He suggested that the application should be refused which was the view of the Parish Council.

Mr P Uzzell the applicant's agent made a statement in support of the application advising that the key matter was that the site was in an appropriate location for a car free scheme and that it would be difficult to find another more sustainable location. He explained that in terms of PPG3 and PPG13, the absence of any parking provision was aimed at reducing the need for parking. He highlighted that the County Engineer had raised no objection and that there were car free scheme in similar locations in Oxford city. Notwithstanding the merits of the application in terms of the acceptability of not requiring parking provision, he advised that there was some spare capacity for parking in the evenings in the vicinity and consequently residents would not be compromised. He explained that there would be no overlooking, loss of privacy and all the windows were positioned forward of the office building. He reported that high density developments were encouraged and that the surface water would not drain into a public sewer.

One of the local Members expressed her concern at the proposal referring to the level of traffic and parking. She explained that she knew the area very well and that the promotion of a car free scheme was not appropriate in this location. She raised concerns regarding flooding; the setting of a precedent; displaced parking; parking problems generally and the possibility of other similar applications in Botley. She disagreed that this was a sustainable location and disagreed that a car free scheme would be possible.

Another local Member noted that the Officers had consulted with Thames Water and commented that there was a need for an upgrading of the drainage system in this area. He commented that he had some concerns but welcomed the principle of a car free development. He commented that whilst he agreed that the occupiers of the flats might not have cars any visitors might. However, he could not object to the proposal in planning terms.

Some Members spoke against the application making the following comments: -

- There was insufficient evidence that this scheme would be appropriate.
- Notwithstanding that this was intended as a car free development the reality of any occupiers not owning a vehicle was remote.
- It was not possible to enforce that the residents should not have a vehicle.
- There was insufficient parking in the locality.
- Approval of the scheme would set a precedent for similar applications in the area.
- Large family homes were being lost in Botley.
- This proposal was different to a car free scheme in Abingdon where there was a public car park near by and residents were able to purchase parking permits for that car park.
- Vehicle access to the development was restricted.
- Even taking a view that only one space was needed for each flat, 7 or 8 spaces would realistically be needed. There were flats in Wantage where the occupiers had more than one vehicle.
- There was no public car parking nearby where the occupiers could purchase a season ticket or use another parking facility.

Some Members spoke in support of the application making the following comments: -

- There were many residents in the Vale who did not have a vehicle and that this scheme was achievable.
- The County Engineer had raised no objection to the proposal and therefore should the Committee be minded to refuse the application a view from an independent highway expert supporting refusal should be sought.
- This was a unique site in that the primary roads around it were restricted, which was not a situation which was likely to be repeated elsewhere and therefore the possibility of setting a precedent was remote. Furthermore, every application needed to be considered on its merits.
- It was possible to obtain a season ticket for the car park in Westway. Only people who would buy these properties would be car free.

It was proposed by Councillor Terry Cox and seconded by Councillor Briony Newport that a view be sought from an independent highway consultant regarding the car parking requirement associated with this development. However, on being put, by 8 votes to 7 with the Chair exercising his second and casting vote the proposal was lost.

By 8 votes to 7 with the Chair exercising his second and casting vote and Councillors Terry Cox, Monica Lovatt, Briony Newport, Peter Saunders, Margaret Turner and Pam Westwood voting against and having asked that this be so recorded in the Minutes, it was

RESOLVED

that application NHI/19742 be approved subject to the conditions set out in the report.

DC.196 NHI/19799 – CHANGE OF USE FROM ACCOMMODATION TO OFFICE AND STORAGE 9A THE SQUARE, WEST WAY, BOTLEY

All Members had declared a personal interest in this item and in accordance with Standing Order 34 they remained in the meeting during its consideration.

Mrs A Green made a statement in support of the application commenting that she believed that Botley was a developing area and that the change of use would be an improvement on the existing use. She reported that the change would result in the availability of a disabled toilet which was currently used for storage. She explained that previously the flat had been occupied by tenants which had been difficult to manage and the flat had been neglected. She considered that the change of use would not significantly impact on the availability of residential accommodation and would be beneficial to her business. She referred to a similar situation where a flat had been converted into offices. Finally, she commented that the proposal would not result in the need for additional parking.

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

In response to a question raised, the Officers explained that planning permission was not necessary for a flat above a shop and therefore should the current lease holder surrender the lease, the premises could revert back to residential accommodation. However any other change of use would require planning permission.

By 14 votes to nil it was

RESOLVED

that application NHI/19799 be approved subject to the condition set out in the report.

DC.197 SAH/5911/4 – CHANGE OF USE FROM OUTBUILDING TO HAIR SALON.
(RETROSPECTIVE) 33 SANDLEIGH ROAD, DRY SANDFORD

Mr S Grigson made a statement on behalf of the Parish Council objecting to the application raising concerns relating to matters already covered in the report. He commented that advances in technology had enabled people to work from home but that this type of home working was different. He commented that the proposed use was more akin to a retail shop use. He advised that there were no restrictions regarding employees. He reported that the road frontage was very open and gardens had low walls. As such the proposal would adversely impact on the amenity of neighbours in terms of the disturbance caused by visitors and parking. He commented that the circumstances of this application were different to those of a similar application at No. 63 Oxford Road, where the site was set back from the road and was well screened. He suggested that one intention of working from home was to minimise travel. He considered that this proposal would result in increased traffic to the area as clients would visit the property and that this traffic generation was contrary to the objectives of the policy on home working.

Mr Talbot also made a statement objecting to the application commenting that the area was residential and that approval of the proposal would set a precedent for similar applications in the area. He referred to the number of clients which would visit the property expressing concern regarding loss of privacy; increased traffic; parking; damage to verges and pavements and loss of outlook. He explained that he would be able to view the commercial premises from his garden and he expressed concern regarding the number of staff which could be employed. He commented that there was already a hair dresser and shops nearby which served the local community and that there was no need for the proposal. He commented that the proposal would change the character of the area causing harm to the amenity of neighbours. Finally, he questioned whether approval would be personal to the applicant should the Committee be minded to approve the application.

Mr Homewood made a statement on behalf of the applicant referring to the improvements made to the property. He reported that the outbuilding had been installed by the previous owner. He explained that it was unobtrusive and that there would be no noise, smell or other disturbance from its proposed use and that there would be no loss of amenity. He advised that there was 6ft high fencing along one boundary and the applicant was willing to provide similar fencing along the other boundary. He reported that there was sufficient parking on site for customers and that there was excellent visibility when entering and leaving the driveway. He reported that there would be no deliveries and that there were numerous types of businesses run from home and he gave several examples of others locally. He commented that in comparison to the examples given, the proposed use would not be a nuisance and there would be no adverse impact. Finally, he reported that the business would not be widely marketed.

One Member referred to the expected level of customers commenting that based on this assumption the intended use would not be unreasonable. However, he considered that if there were to be more customers visiting the site a level of use might be reached which would be unreasonable. The Officers responded that conditions were proposed to prevent a further intensification of the use. The hours of use were specified and the planning permission is approved was to be personal to the applicant although this did not prohibit the applicant employing someone to help with the business.

One Member commented that there were many self employed hairdressers working from home, which was acceptable if that work was subsidiary to the use of a domestic dwelling. However, he was concerned that this proposal might set a precedent. He noted the

commented of one of the speakers regarding the willingness to erect a fence along the opposite boundary and considered that this should be welcomed.

By 14 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 local Members be delegated authority to approve application SAH/5911/4 subject to :-

- (1) the conditions set out in the report; and*
- (2) further conditions to require the erection of a fence along the boundary and the restriction of use by limiting the number of employees.*

DC.198 SHE/19644 – ERECTION OF GARAGES, CONSTRUCTION OF NEW HIGHWAY ACCESS AND ASSOCIATED LANDSCAPING WORKS. 2 & 3 FARM COTTAGES, FERNHAM ROAD, SHELLINGFORD

Colin Broadley made a statement on behalf of the Parish Meeting and as a neighbour objecting to the application raising concerns regarding safety in terms of increased traffic, traffic speeds and pedestrian safety. He advised that he had previously been approached regarding the sale of part of his garden with a view to the development of two new properties. He expressed concern regarding the reason for this application and the future development intentions. He expressed concern regarding increased traffic along the track and commented that sufficient space for two garages would exist. He reiterated concerns regarding safety commenting that a traffic accident was inevitable. He referred to the comments of the County Engineer and suggested that there should be a restriction on the number of vehicles which could use the access. Finally, he asked the Committee to consider the original plans commenting that the access proposal contained in those would be safer.

In response to the speaker's comments, the Officers reminded the Committee that each application had to be judged on its merits and that assumptions should not be made regarding future development proposals.

One Member spoke in support of the application but considered that an additional condition should be added to require a mechanism to prevent parking to the rear of cottages 2 and 3 (such as a close boarded fence) and closure of the vehicular access to the rear of the cottages.

Another Member commented that whilst he had sympathy with the views of the objector there were no material planning reasons to refuse permission.

By 14 votes to nil, it was

RESOLVED

that application SHE/19644 be approved subject to the conditions set out in the report and further conditions to require a mechanism to prevent parking to the rear of cottages 2 and 3 and the closure of the vehicular access to the rear of the cottages.

DC.199 SUT/19729/1 – ERECTION OF A DOUBLE GARAGE.48 MILTON ROAD, SUTTON
COURTENAY

Members noted that the minutes of the meeting of the Committee held on 16 October 2006 when this application had been considered previously were set out elsewhere on the agenda. By 14 votes to nil, it was

RESOLVED

that application SUT/19729/1 be approved subject to the conditions set out in the report.

DC.200 WAN/19791 – ERECTION OF 2 CHICKEN SHEDS AND RETROSPECTIVE APPLICATION
FOR WATER PUMP WITH CONCRETE BASE. LAND ADJACENT TO LETCOMBE
FOOTPATH COTTAGE (LITTLE ACRE), WILLOW LANE, 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.

Further to the report the Committee was advised that an email had been received from the objector reiterating the concerns previously raised and expressing concerns regarding the fence around the site. However, the Officers explained that planning permission was not required for the fence, but an informative could be added to any permission advising the applicant of the need for the fence to be sympathetic to its rural setting.

One Member commented that the Town Council had raised concerns regarding pest control matters although it was noted that this was not a material planning consideration.

By 14 votes to nil it was

RESOLVED

that application WAN/19791 be approved subject to the condition and informative set out in the report and a further informative to advise of the need for the fence to be sympathetic to its rural setting.

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

None.

The meeting rose at 9.30 pm