

DC.1

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

**HELD AT THE GUILDHALL, ABINGDON ON
MONDAY, 21ST MAY, 2007 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 Farrell, Richard Gibson, Jenny Hannaby, Anthony Hayward, Sue Marchant, Jerry Patterson, Peter Saunders and Val Shaw.

SUBSTITUTE MEMBERS: Councillor Matthew Barber for Councillor Margaret Turner and Councillor Julie Mayhew-Archer for Councillor Angela Lawrence.

NON MEMBERS: Councillors Andrew Crawford and Jim Halliday.

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

NUMBER OF MEMBERS OF THE PUBLIC: 95

DC.1 **NOTIFICATION OF SUBSTITUTES AND APOLOGIES FOR ABSENCE**

The attendance of the 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 apologies for absence having been received from Councillors Angela Lawrence and Margaret Turner.

DC.2 **MINUTES**

The Minutes of the meetings of the Development Control Committee held on 12 March 2007 and 2 April 2007 were adopted and signed as correct records.

DC.3 **DECLARATIONS OF INTEREST**

Members declared interests in report 5/07 – Planning Applications as follows: -

<u>Councillor</u>	<u>Type of Interest</u>	<u>Item</u>	<u>Reason</u>	<u>Minute Ref</u>
Jenny Hannaby	Personal	CHD/713/5 and CHD/713/6	She was acquainted with the applicant.	DC.11
Jerry Patterson	Personal	CUM/1429/12	He was acquainted with the representative of the Parish Council.	DC.12
Matthew Barber Terry Cox Richard Farrell Richard Gibson	Personal	ABG/1615/51	They were acquainted with one of the objectors who was a former District Councillor.	DC.13

Jerry Patterson John Woodford				
Jenny Hannaby	Personal and Prejudicial	WAN/1645/9	A letter had been received by the District Council stating that Councillor Hannaby had given her full support for the proposal.	DC.14
Matthew Barber Roger Cox Terry Cox Tony de Vere Richard Farrell Richard Gibson Jenny Hannaby Sue Marchant Julie Mayhew-Archer Terry Quinlan Jerry Patterson Peter Saunders John Woodford	Personal	ECH/2972/16	They were acquainted with the applicant's agent who was a former Planning Officer for the Council.	DC.15
Tony de Vere Julie Mayhew-Archer	Personal	ABG/10456/5	They were acquainted with some of the objectors.	DC.16
Richard Farrell	Personal	ABG/10456/5	He was acquainted with the representative of the Thames Chamber of Commerce	DC.16
Richard Gibson	Personal	ABG/10456/5	He was acquainted with the applicant's agent.	DC.16

DC.4 URGENT BUSINESS AND CHAIR'S ANNOUNCEMENTS

For the benefit of members of the public, the Chair announced that only Members of the Development Control Committee or their Substitutes could vote and that Ward Members, whilst being allowed to address the Committee, could not vote.

The Chair reminded Councillors and members of the public that all mobile telephones should be switched off during the meeting and that members of the public should listen to the debate in silence and without interruption.

The Chair announced that Application WHE/19637/1 – College Farmhouse, West Hendred had been withdrawn.

The Chair announced that consideration of report 06/07 – Footpath Diversion Order, Footpath 5, Sparsholt would be considered after all the Planning Applications at the end of the meeting.

DC.5 STATEMENTS AND PETITIONS FROM THE PUBLIC UNDER STANDING ORDER 32

None.

DC.6 QUESTIONS FROM THE PUBLIC UNDER STANDING ORDER 32

None.

DC.7 STATEMENTS AND PETITIONS FROM THE PUBLIC UNDER STANDING ORDER 33

It was noted that 21 members of the public had given notice that they wished to make a statement at the meeting. However, 2 members of the public declined to do so.

DC.8 MATERIALS

None.

DC.9 FORTHCOMING PUBLIC INQUIRIES AND HEARINGS

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

One Member updated the report advising that the appeals in respect of GCO/2087/21-X and GCO/2087/22 - Lorry Park, Chowle Farm Industrial Estate, A420, Faringdon had both been dismissed.

One Member referred to ABG/19504 – Land adjacent to Abingdon Motor Cycles, Marcham Road, Abingdon advising that the decision should read “Allowed” and not “Approved”. The Officers undertook to update the report accordingly.

RESOLVED

that the report be received.

DC.10 FOOTPATH DIVERSION ORDER - FOOTPATH 5 SPARSHOLT - NORTHFIELD FARM BUNGALOW

The Committee received and considered report 06/07 of the Strategic Director and Monitoring Officer which sought authority to make a Diversion Order in respect of Footpath No.5 Sparsholt under Section 199 of the Highways Act 1980. The proposal was to divert the existing footpath from points A to B shown on the Plan appended to the report to a new route between B to C, also shown on the Plan.

By 14 votes to nil (with one of the voting Members having already left the meeting prior to the consideration of this item) it was

RESOLVED

that authority be delegated to the Strategic Director and Monitoring Officer to proceed with the Diversion Order Footpath No.5 Sparsholt.

PLANNING APPLICATIONS

The Committee received and considered report 05/07 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 CHD/713/5 & CHD/713/6-CA – EXTENSION AND ALTERATIONS TO EXISTING HOUSE, DEMOLITION OF BARN AND ERECTION OF ANNEX. REBUILD SOUTH AND EAST EXTERNAL WALLS OF HOUSE, LAND AT PENN HOUSE, HIGH STREET, CHILDREY, WANTAGE, OXON OX12 9UA

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 Officers explained the details of the amended scheme and reported that, in their opinion, the amended plans now met the requirements sought by Members at the earlier meeting of the Committee when consideration of this application had been deferred.

Attention was drawn to a letter sent to all Members of the Committee from the neighbour, reiterating concerns previously raised and attaching a petition of 58 signatures objecting to the application.

Mrs Scatchard made a statement objecting to the applications, raising concerns relating to matters already covered in the report. She commented that, whilst welcoming the amended plans, most of the concerns previously raised had not been addressed and she highlighted that the Parish Council had now raised objections. She particularly raised concern regarding the loss of the tiled catslide roof; the insertion of dormer windows; the proposal having an adverse visual impact; overlooking; roof heights; loss of light; visual intrusion; appearance; overcrowding; the annex needing to be subservient to the main dwelling; the need for a separate access; objection to living accommodation being at first floor level resulting in overlooking; change of use; loss of privacy; materials; the proposal neither enhancing nor protecting the character and appearance of the area; unreasonable siting of the garage; and detrimental impact on the Conservation Area. She questioned the need for the dormer windows and suggested that the living accommodation should be at ground floor level. Furthermore, she referred to 2 other applications in the village where there had been a requirement for the retention of the catslide roofs.

The local Member raised objection to the applications in terms of the roof height, suggesting that as the height was now higher and the lower height had been previously been found unacceptable, the current proposal should be refused. He referred to the need for Members to be consistent in decision-making, commenting that Rose Cottage and Yew Tree Barn were not allowed dormers in their catslide roofs. He expressed concern regarding overlooking and commented that the proposal did nothing to preserve or enhance the character and appearance of the area. Finally, he referred to the petition of 58 signatures against the proposal.

The Officers explained that at the previous meeting of the Committee concerns had not been raised regarding the dormer windows and hence this matter had not been discussed with the applicant. It was commented that the dormer closest to the neighbour was to a bathroom and would be obscure glazed and the other was to a landing. It was explained that the barn was wider than the proposed replacement and whilst it was correct to say that the ridge height would be higher, the eaves would be lower by some half a metre and the Officers did not believe this would cause demonstrable harm sufficient to warrant refusal. Furthermore in relation to the annex, there were roof lights proposed. However, a condition was proposed which would require that these dormer windows would be 1.7 metres above floor height, which would mean that it would be difficult for anyone to look out of them.

Some Members spoke in support of the applications commenting that on balance the current proposal was now acceptable, although condition 6 should be amended to provide that cottage-style windows should be included. Furthermore, it was noted that the front garden was surrounded by white railings and that these should be retained.

By 15 votes to nil it was

RESOLVED

- (a) *that application CHD/713/5 be approved subject to the conditions set out in the report with condition 6 being amended to require that the windows should be a cottage-style and a further condition requiring that the metal railings to the front of the property should be retained and painted white; and*
- (b) *that application CHD/713/6-CA be approved subject to the condition set out in the report.*

DC.12 CUM/1429/12 – CREATION OF COURTYARD ENTRANCE SPACE WITH 2 X 3 BED LINKED DETACHED DWELLING HOUSES INCORPORATING CAR PORTS, 106 OXFORD ROAD, CUMNOR OX2 9PQ

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

The Committee was advised that the Plans had been amended to address the inconsistency regarding fenestration and it was explained that there were now no side-facing windows at first floor level. Members were advised that should they be minded to approve the application, an additional condition should be added requiring details of the final finish and appearance of flues and furthermore a condition regarding surface treatment of the courtyard.

Further to the report, it was noted that one additional letter of objection had been received raising concerns regarding design, overlooking and the level of parking which it was considered was inadequate.

Janet Craven made a statement on behalf of the Parish Council objecting to the application raising concerns regarding parking and over-development of the site. She commented that there was no on-street parking in the area and no visitor parking on the entire site. The proposal was near a zig-zag area for the Primary School and it was considered that the level of parking was totally inadequate. Furthermore, she raised concern regarding waste collection and pedestrian safety on this heavily-used pavement.

One of the local Members disagreed with the comments of the Parish Council welcoming the design and supporting approval subject to the extra conditions now suggested.

One Member, whilst supporting the application, made reference to a copper beech tree at the end of the garden. In response the Officers advised that a condition was proposed regarding landscaping and that the tree should be included in any scheme.

By 15 votes to nil it was

RESOLVED

that application CUM/1429/12 be approved subject to: -

- (1) *the conditions set out in the report;*
- (2) *a further condition requiring details of the final finish and appearance of the flues;*
- (3) *a further condition regarding surface treatment of the courtyard.*

DC.13 ABG/1615/51 – DEMOLITION OF EXISTING GARDEN CENTRE. EXTENSION TO STORE AND CAR PARK, TESCO, MARCHAM ROAD, ABINGDON OX14 1AA

Councillors Matthew Barber, Terry Cox, Richard Farrell, Richard Gibson, Jerry Patterson and John Woodford 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 was reminded that the main concerns expressed when consideration of this application had been deferred at an earlier meeting of the Committee were flooding and retail impact. In terms of flooding, the Environment Agency had been approached but had raised no objection and it was noted that it was intended that the applicant would undertake work to make an increased permeable space on the site. The Environment Agency had requested that should the Committee be minded to approve the application, this be conditioned. In terms of retail impact, Signet Planning had been employed by the Council to look at this issue afresh and had concluded that there were no suitable alternatives to the proposed extension. There was a need for the proposal and even in the worse case scenario, it had been concluded that there was enough predicted expenditure to support both Tesco and retail in the town centre by 2011.

It was noted that an objection had been received from Threadneedle, the principal leaseholder of the Bury Street Precinct in Abingdon, expressing concern regarding the impact of the proposal on retail in the town centre, commenting that the proposal might jeopardise future investment in the Precinct. It was explained that the proposed works to the Precinct had been examined by Signet Planning, but it had been concluded that the Stage 2 Plans for creating new floor space were not well enough advanced to warrant refusal of this application. Reference was made to accessibility and it was commented that in the absence of any sequential site, there was no objection.

Further to the report, it was noted that four further letters of objection had been received raising concerns relating to matters already covered in the report namely, retail impact; increased flood risk; increased traffic problems and the proposal being contrary to planning policy.

Furthermore, it was noted that a letter had been received from County and Town Councillor Lesley Legge objecting to the application, commenting that the proposal was contrary to Planning Policies; it was important to consider the application bearing in mind developments elsewhere, such as in Didcot; the increased need to travel by car; the detrimental effect on encouraging signs of improvement and vitality in Abingdon town centre.

The Committee was advised that a petition of 1,084 signatures had been received from Tesco shoppers in support of the application commenting that there would be an improvement in the shop environment, an increase in investment, increased jobs and a better choice for Tesco shoppers.

Martin Smith made a statement on behalf of Abingdon Town Council objecting to the application raising concerns relating to matters already covered in the report. He specifically referred to the vitality of the town centre, advising that the proposal was contrary to PPS 6 which set out that one of the key objectives of the Government was to promote the vitality of Town Centres. He explained that it had been acknowledged that town centres suffered when development was out of town. He reported that the store was the largest supermarket in the County and he questioned the need for the proposal. He indicated that the closure of the garden centre would be a dis-benefit and that there would be increased traffic on the A34. He commented that the traffic implications needed to be considered and expressed concern regarding the need to reduce reliance on car transport not having been considered.

Malcolm Moore made a statement on behalf of the South Abingdon Flood Action Group objecting to the application raising concerns regarding flooding; increased run-off; design; impact on neighbouring properties and inaccuracy of the drawings. He suggested that prior to seeking to extend the store, the existing store should be made greener. He further commented that the flood elevation scheme would result in an adverse impact on neighbouring properties.

Jill Carver made a statement on behalf of Abingdon-on-Thames Chamber of Commerce objecting to the application raising concerns regarding the impact of the proposal on the vitality of the town centre. She drew attention to the figures supplied by Tesco stating that there would be limited capacity for other retail in Abingdon up until 2011 and she emphasised that this would not allow enough expenditure to enable the town centre to grow. She suggested that Abingdon would be severely limited on the number of businesses coming forward, as it would be found that Tesco would have eaten up any surplus capacity. She expressed concern regarding the figures and drew attention to Nathaniel Litchfield Planning Consultant's report which highlighted reservations regarding vitality. She commented that the expected level of diversion to an out-of-town centre was a dis-benefit and that no measurement had been allowed for local situations, including the Abingdon Integrated Transport Strategy, the new Westgate Centre in Oxford and the current shopping development in Didcot, which she believed would all impact on retail in Abingdon.

Nick Cosford, Peter Wiblin and Dr Corragin were each due to make a statement objecting to the application but they declined to do so.

Mark Buxton, the applicant's agent, made a statement in support of the application commenting that an independent consultant had been employed to consider sequential sites. He advised that the results of this additional work had reinforced that there were no reasons to refuse the application. He explained that the Environment Agency had no objection, stating that there would be an improvement and a reduced risk of flood for third parties. He commented that there were no sequentially preferable sites available and that there would be no adverse impact even in a worse case scenario on the retail in the town centre. He commented that there was a need for the proposal and that the objections were based on out-dated material or non-substantial evidence. He explained that there was a need to have improvement to avoid 'peak hours' congestion. Furthermore there was a desire to improve the appearance of the store; make enhancements to home deliveries; provide improved car parking; further reduce the risk of flooding; provide some 50 jobs for local people and make a significant financial contribution of £485,000 towards the Abingdon Integrated Transport Strategy.

In considering the application Members made the following comments: -

- The application was a departure from the Development Plan.
- The proposal would not benefit the area.
- The comments of the retail consultants were not based on actual information but suppositions.
- Signet Planning had acknowledged that much of the information concerning quantitative need was theoretical.
- It had been theoretically concluded that there was sufficient retail capacity and by 2011 there would be excess capacity which could accommodate the extension for convenience and comparison goods, but it had been acknowledged that this was not substantial.
- There was a difference of opinion on how the proposal would impact on retail in the town centre.
- There was a lack of evidence that developments elsewhere in Oxford and Didcot had been taken into account.

- Any surplus in retail was being taken up by those developments elsewhere.
- One of the District Council's corporate priorities was to improve town and village vitality and this application was contrary to that priority.
- The proposal would undoubtedly have an adverse impact of the vitality of the town centre.
- The reduced use of the Council's pay and display car parks from 41,000 to 35,000 per month was indicative of the decrease in retail trade in the town centre.
- The Nathaniel Lichfield figures had been prepared at a time when developments elsewhere were unknown. The figures had been too high at the time and were now even more inaccurate.
- Trade in the town centre was reducing.
- The improvements to the Bury Street Precinct had not been taken into account.
- PPS6 referred to 12 key indicators and there was no evidence to show that the tests had been met.
- Health of the retailers had not been looked into.
- It was suggested that some 50% of the additional theoretical trade would be diverted away from the Town Centre but that the Town Centre could still cope. There was little evidence of this having been properly predicted taking into account the draw off of any remaining surplus to Oxford and Didcot.
- PPS6 gave clear guidance on measuring vitality and viability health checks. It was explained that local authorities should regularly collect information on 12 key indicators. There was no evidence that the proposal was not contrary to criteria 4 of PPS6 in terms of impact on town centres.
- If it was not intended that there should be more customers, why was there a need for increased parking.
- Accessibility of the site. It was perplexing that a contribution of £485,000 was sought to improve the access to the site other than by car. The application sought 180 additional car parking spaces (an increase of 25%). The impact of this additional traffic had not been assessed and properly mitigated.
- The local and trunk road system was overstressed. Specific schemes were not identified.
- An application for a cinema and restaurant on an adjacent site had been refused on the basis of increased traffic.
- The traffic improvements were unclear, it being noted that it was no longer proposed that there should be a dual carriage way along Marcham Road.
- The proposal and financial contributions would not improve travel by other means than the private car such as by bus.

The Officers advised that should the Committee refuse the application the exposure to costs could be substantial as there would probably be a public inquiry. Officers confirmed that technical reasons to support refusal were needed.

In response to a question raised the Officers advised that the Committee would be unwise to depart from the guidance in PPS6. Members were reminded that the figures provided had been reassessed independently and that theoretical predictions were not unreasonable as no one could predict the future.

In response to a further comment made, the Officers advised that the information which formed the basis of the Local Plan was relevant and that figures were not updated as time went on. It was explained that the plans for Didcot were known in 2004, but actually floor space was not. It was commented that Nathaniel Lichfield would have made allowances for the development at Didcot as they had done for the development at Witney.

In response to a further question raised, the Officers advised that the Committee should not have regard to whether the application would be called in or not by the Secretary of State but should consider the proposal in terms of its merits.

The Chair proposed that the Deputy Director (Planning and Community Strategy), in consultation with the Chair and/or Vice-Chair of the Development Control Committee be delegated authority to approve application ABG/1615/51 subject to (1) referral of the application to the Secretary of State and to her deciding not to make the application the subject of call-in; (2) conditions, including materials, parking layout, landscaping, slab levels, details of works on permeability of the site, and to cover amended plans; and (3) a Section 106 Obligation to secure the financial contribution to ABITS.

In accordance with Standing Order 29(3), before the vote was taken, Councillor Terry Cox who was supported by one fifth of the number of voting Members present asked for a recorded vote.

The voting was therefore recorded as follows: -

<u>FOR</u> <u>Councillors</u>	<u>AGAINST</u> <u>Councillors</u>	<u>ABSTENTIONS</u> <u>Councillor</u>
Richard Farrell Terry Quinlan John Woodford	Matthew Barber Roger Cox Terry Cox Tony de Vere Richard Gibson Jenny Hannaby Anthony Hayward Julie Mayhew-Archer Jerry Patterson Peter Saunders Val Shaw	Sue Marchant
3	11	1

The proposal was therefore lost by 11 votes to 3 with 1 abstention.

It was thereupon proposed by Councillor Richard Gibson, seconded by Councillor Julie Mayhew-Archer and by 12 votes to nil, with 3 abstentions it was

RESOLVED

that application ABG/1615/51 be refused with the reasons for refusal to be formally endorsed at a future meeting of the Committee, such reasons to include the following:-

- (1) the proposal being contrary to the Development Plan;*
- (2) the proposal being contrary to PPS6 (planning for town centres) in particular paragraphs 3.20 – 3.23 in that the development would have a harmful impact on Abingdon Town Centre and that the tests set out in PPS6 have not been met; and*
- (3) having regard to the proposed substantial increase in car parking, the development would promote the increase in use of the private car contrary to the principles of sustainability.*

DC.14 WAN/1645/9 – CHANGE OF USE TO TEA ROOMS, 9 NEWBURY STREET, WANTAGE, OX12 8BU

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

Further to the report, the Committee was advised of one further letter of support commenting that the proposal would be of benefit in that it would increase the number of shoppers to the area; it had not been possible to find a tenant for the premises; and it would provide a balance of retail having regard to the new Sainsbury's development.

Andy Jackson, the applicant, made a statement in support of the application advising that he had retired in 2003 and had previously used the premises for a coffee bar. He advised that the property had been marketed for 5 months and there had only been one expression of interest. He explained that this part of Wantage was a secondary shopping area and that the proposal would improve the vitality of the street, providing a balance of retail with the Sainsbury's development on the other side of town.

Mr Martin Austin, the applicant's agent, made a statement in support of the application commenting that the increase in passing trade would be welcomed by other retailers. He referred to the reduced footfall in this area and commented that the applicant would be willing to make a small concession of sales items, such as table-ware and confectionery. He suggested should Members be minded to refuse the application, they should defer consideration pending the receipt of further evidence.

One Member commented that the area was designated in the Local Plan as Primary Shopping although it was noted that there was very little shopping beyond this point and that the proposal might improve the vitality of the town. He suggested that additional people would be attracted to the area and that, on balance, the application should be approved. It was suggested that the application would not be harmful but would benefit the area.

However, other Members spoke against the application commenting that the Local Plan had been approved less than a year ago and that applications, unless there were very good reasons, should be determined in accordance with the Local Plan. It was commented that whilst this was on the edge of the shopping area, it was unwise to approve the application contrary to policy as approval would set a precedent for other applications. It was emphasised that the correct place to address primary shopping was as part of the Local Plan process. It was further commented that the policy sought to safeguard ground floor space and that the coffee shop and restaurant had been at first floor level.

By 8 votes to 5, with 1 abstention (and 1 of the voting Members not being present during consideration of this item), it was

RESOLVED

that application WAN/1645/9 be refused for the reasons set out in the report.

DC.15 ECH/2972/16 – DEMOLITION OF EXISTING BUILDINGS. ERECTION OF 14 NO. DWELLINGS, CHALLOW COUNTRY CLUB, WOODHILL LANE, EAST CHALLOW, OX12 9PA

Councillors Matthew Barber, Roger Cox, Terry Cox, Tony de Vere, Richard Farrell, Richard Gibson, Jenny Hannaby, Sue Marchant, Julie Mayhew-Archer, Terry Quinlan, Jerry Patterson, Peter Saunders and John Woodford had each declared a personal interest in this item and in accordance with Standing Order 34 they remained in the meeting during its consideration.

Further to the report, the Officers explained details of the required contributions towards affordable housing and local infrastructure. It was reported that the total level initially required in relation to the full development of 14 units had been in excess of £600,000 which had included off-site affordable housing contributions, rather than on-site provision due to the remote nature of the site. This had included the County Council's requirement to mitigate the impact of the development. It was reported that the applicant had provided information in confidence showing that the scheme would not be viable with this level of contribution. This view had been endorsed by an external consultant appointed by the Council to assess the figures. It was reported that the approved 9 unit scheme had no requirements for contributions for affordable housing or local infrastructure due to the policy context at that time. Furthermore, the applicants had confirmed that the site had been purchased at a price based on the permission for 9 units with no contributions. It was noted that Officers had considered this and had agreed, based on the external consultant's view of the figures, that the affordable housing requirement should be based on the additional 5 units only above those approved, and not the full 14. This equated to 2 units and a total contribution of £140,000 being £70,000 per unit. The County Council had also reviewed its requirement in light of the advice taken and although there was some residential development on the site, the revised figure was £70,000 resulting in a total requirement from the County and District Councils in the sum of £210,000 which was a significant reduction on the £600,000 originally requested.

It was reported that the applicants were currently offering a contribution of £140,000 up front with the extra £70,000 by way of a claw-back agreement when the development was sold, should it exceed the expected price. This would be secured by way of a Section 106 Agreement. It was noted that the initial payment would be split between the County and provision of one affordable housing unit with the further £70,000 to provide the extra affordable unit once the development was sold. Officers had considered this at length and had come to the view that this would be acceptable bearing in mind the advice received on viability and the fact that the 9 unit scheme, if built, would provide no contributions at all. There was an opportunity to secure some affordable housing and some mitigation of the impact of the development which the 9 unit scheme would not have provided. The Committee was therefore recommended to delegate approval of the application subject to the Section 106 Agreement requiring contributions of £140,000 and a claw-back Agreement to secure the second affordable housing unit once the development was sold. This would take longer than 3 days to prepare, therefore the recommendation to refuse, if the Section 106 Agreement could not be received by 28 May 2007, as set out in the report, was removed.

Mr A Tompkins made a statement on behalf of the Parish Council raising concerns relating to matters already covered in the report. He specifically raised concern regarding the isolation of the site; the proximity of the site to the A417; the narrowness of the access road; the proximity of a travellers' site; the lack of bus services to schools; the lack of a footpath; the need for the use of vehicle travel; infilling; backland development; expansion of growth to the west and potential further development compromising any traffic network between the A417, the A420 and Mably Way; lack of planning gain for East Challow and waste collection.

Ken Dijkman the applicant's agent made a statement in support of the application commenting that the Committee needed to be mindful that permission existed for 9 units and therefore consideration only needed to be given as to whether an additional 5 units would cause any harm. He referred to the financial contributions which would be given towards highways, social infrastructure and affordable housing and commended the scheme for approval.

One Member expressed concern regarding the financial contributions, commenting that Members of the Committee should have sight of the confidential information. To this end it was suggested that the Opposition Spokesman be included in any delegation.

Another Member also expressed concern regarding not having sight of the confidential figures although the Officers explained that the Chair and Vice-Chair of the Committee were usually advised of such information but in this case the information had been received as late as one hour before the meeting.

Other Members spoke in support of the application noting that there was an extant planning permission for 9 units and that there would be no harm from the additional 5 units proposed. Furthermore, there were significant benefits in terms of the financial contributions and the affordable housing.

One Member on referring to the financial contributions, expressed concern that the Council was not seeking a contribution towards waste management provisions and he requested that the Officers should have regard to this in any future considerations. Furthermore, another Member suggested that the Officers should have regard to financial contributions towards leisure.

It was proposed by Councillor Matthew Barber, seconded by Councillor Jenny Hannaby that consideration of application ECH/2972/16 be deferred to enable Members to have sight of the information on a confidential basis and to enable the officers to negotiate the percentages required. However, this was lost by 13 votes to 2.

By 14 votes to nil, with 1 abstention, it was

RESOLVED

that the Deputy Director (Planning and Community Strategy) in consultation with the Chair and/or Vice-Chair and the Opposition Spokesman of the Development Control Committee, be delegated authority to approve application ECH/2972/16 subject to:-

- (1) the completion of a Section 106 Agreement to secure the agreed level of financial contribution for highways, social infrastructure and affordable housing;*
- (2) a claw-back agreement to secure the second affordable housing unit once the development is sold; and*
- (3) the conditions set out in the report.*

DC.16 ABG/10456/5 – DEMOLITION OF EXISTING BUILDINGS. ERECTION OF 2 BUILDINGS CONTAINING 14 X 1 BEDROOM FLATS WITH ASSOCIATED ACCESS, AMENITY SPACE, CAR PARKING AND LANDSCAPING, AMBULANCE STATION, SPRINGFIELD DRIVE, ABINGDON, OXON OX12 1JG

Councillors Tony de Vere, Richard Farrell, Richard Gibson and Julie Mayhew Archer had each declared a personal interest in this item and in accordance with Standing Order 34 they remained in the meeting during its consideration.

Jeanette Halliday made a statement on behalf of Abingdon Town Council commenting that whilst there were no objections to the plans, she expressed concerns regarding the use of Trendle Place for a rat-run; the increase in speeding vehicles; an increase in the number of vehicles using Trendle Place and the need for traffic calming measures.

Eileen Jeffreys made a statement objecting to the application raising concerns relating to matters already covered in the report. She specifically raised concern regarding the dangerous entrance to the trading estate; the alleyway and blind bend in terms of safety; loss of vehicle manoeuvring space; pedestrian safety; use of the alleyway by children and the elderly; additional vehicles; traffic congestion; vehicle manoeuvring; the possibility of vehicles reversing onto the footpath; the design being not in keeping with the existing houses; the balconies being out of keeping; loss of privacy; overlooking; noise; loss of sunlight; overdevelopment; the 2-storey element and loss of trees.

Nick Lyzba the applicant's agent, made a statement in support of the application commenting that the site was in an urban area; it was close to local facilities such as a shop and pub; there was adequate access to the town centre; density would be increased; the proposal was a good scheme; parking was consistent with the Local Plan; access was consistent with the outline planning permission; visibility on the corner had not changed from the scheme previously approved; and the block had been turned around allowing for a footpath which would improve safety. Compared to the approved scheme, the current proposal would have no adverse impact and there was a unilateral undertaking in relation to highway improvements.

One of the local Members expressed concern regarding overlooking from the balconies commenting that the design was very modern in this location. He suggested that only the top portion of the wall should be rendered rather than the entire wall and he expressed concern regarding traffic movement and traffic hazards. He suggested that any Section 106 contributions should be earmarked to traffic calming measures in Trendell Place and to the east end of Springfield Drive. Furthermore, he suggested that consideration should be given to lorries continuing to reverse into the drive.

Another local Member also raised concerns regarding traffic but noted that the County Engineer had raised no objection. He noted that the principle of development had been agreed in highway terms, and that professional advice regarding design was supportive. He referred to the balconies noting that they faced Springfield Drive, commenting he was doubtful that these were sufficient to warrant refusal as they would overlook front gardens.

One Member referred to the traffic calming sought suggesting that it was unreasonable to request that this development make a contribution towards an existing traffic problem. He considered that the proposal was acceptable in terms of design.

One Member suggested that the Officers should be requested to write to the County Council regarding the specific concerns raised, suggesting that an assessment of traffic should be undertaken.

By 15 votes to nil, it was

RESOLVED

- (a) *that the Deputy Director (Planning and Community Strategy) be delegated authority in consultation with the Chair and/or Vice Chair of the Development Control Committee to approve application ABG/10456/5 subject to :-*
- (1) *the completion of a Section 106 Agreement to secure the required financial contributions for highways and social infrastructure;*
 - (2) *the conditions set out in the report;*

(3) *the Deputy Director (Planning and Community Strategy) being requested to write to the County Council drawing attention to the concerns raised regarding the traffic issues and traffic calming in Trendell Place;*

(b) *that the Deputy Director (Planning and Community Strategy) in consultation with the Chair and/or the Vice Chair of the Development Control Committee being delegated authority to refuse application ABG/10456/5 should the Section 106 Agreement not be completed within the 13 week period (which ends on 5 June 2007) the reason for refusal being based on the lack of necessary financial contributions towards improving local services and facilities.*

DC.17 ABG/14753/10 – VARIATION OF CONDITION 1 OF PLANNING PERMISSION ABG/14753/9 TO ALLOW THE STORE TO RECEIVE TWO DELIVERIES BETWEEN THE HOURS OF 2100 AND 0630 ON A PERMANENT BASIS, WAITROSE, ABBEY CLOSE, ABINGDON, OX14 3HL

The Committee was advised that further to report, an additional four letters of objection had been received reiterating concerns to matters already covered in the report.

Carol Newman was due to make a statement objecting to the application but declined to do so.

Barry Wells made a statement objecting to the application raising concerns regarding the unacceptable level of noise during the night from HGV vehicles; the noise of vehicles reversing to get over a speed ramp; the applicant breaching late night delivery requirements; noise caused by banging bins and cages; the lack of noise readings taken during night time deliveries; concern that noise levels were acceptable if the windows of the neighbouring properties remained closed, which he considered was unreasonable; and a number of the residential units not being unoccupied and therefore it was not possible to assess the noise levels. He suggested the application should not be approved until all the properties were occupied and the views of those residents could be taken into account.

Further to the report, the Committee was advised that the Town Council had raised no objection to the application.

One of the local Members considered that the views of local residents were essential and that should those residents experience a noise nuisance, they should report the details to the Council's Environmental Health Officers. She commented that some residents had taken up their concerns direct with Waitrose and therefore the extent of any complaints was unknown. She reiterated that the residential accommodation had yet to be occupied and she had understood that the temporary planning permission was to allow for the comments of those residents. She suggested that planning permission should be granted again for a further temporary period. She understood that Waitrose was doing the best it could to take deliveries in a responsible way. However there were disturbances and night time deliveries should be carefully monitored.

The other local Member noted that the adjoining residential development had yet to be completed and occupied and he considered that lorries reversing into the delivery yard would disturb the residents of the new accommodation on the Thames View Estate. He suggested that the Council needed to consider what was a sensible solution in terms of deliveries and he asked the Officers to consider better arrangements for the long term.

Members emphasised that any complaints regarding noise needed to be made to the Environmental Health Officers to enable a catalogue to be maintained and this information

presented to a future meeting of the Committee when a further Planning application would be considered.

By 15 votes to nil, it was

RESOLVED

- (a) *that application ABG/14753/10 be approved subject to the condition set out in the report with that condition being amended to make it a temporary permission for one year from the date of permission;*
- (b) *that the Deputy Director (Planning and Community Strategy) in consultation with the local Members, be asked to write to the residents of the neighbouring properties and to Waitrose advising them that this Council will monitor compliance with the condition during the period of operation and that the decision regarding any application for night time deliveries will be informed by the outcome of that monitoring and that any noise complaints should be reported to the Council's Environmental Health Officers;*
- (c) *that the Council's Deputy Director (Environmental Health) be requested to monitor the deliveries.*

DC.18 WHE/19637/1 – DEMOLITION OF EXISTING PRE-FABRICATED GARAGE, CONSTRUCTION OF GARAGE WITH ROOM OVER, COLLEGE FARM HOUSE, WEST HENDRED, WANTAGE OX12 8RL

As referred to elsewhere in these Minutes it was noted that this application had been withdrawn.

DC.19 NHI/19742/1 – CONSTRUCTION OF THREE-STOREY BUILDING COMPRISING 10X 2-BEDROOM AND 2X1 BEDROOM FLATS, (AMENDMENT TO PREVIOUS PERMISSION), 29 WEST WAY, BOTLEY, OX2 0JE

Further to the report, the Committee was advised that should the Agreements not be in place by the agreed timescales, the Deputy Director (Planning and Community Strategy) should be delegated authority to refuse the application.

Mr Phillip Stevens on behalf of the Parish Council made a statement objecting to the application, raising concerns relating to matters already covered in the report. He specifically raised concerns regarding traffic; lack of parking; waste collection.

Mr P Uzzell the applicant's agent, made a statement in support of the application advising that the Committee was being asked to consider whether 3 more flats was acceptable, it being noted that extant permission existed for 9 units. He explained that there had been a reorganisation of the layout but that the footprint was the same. He reported that the proposal accorded with PPG 13 in terms of affordable units. In terms of car parking, he explained that uniquely this site was well served by other forms of transport and it was unnecessary for occupiers of the units to own cars. Notwithstanding this he believed that there was ample parking as the area was inherently attractive to non car owning residents. Finally, he reiterated that the proposal was simply a reordering of accommodation.

The Committee was advised of an amendment to the report in that financial contributions were being sought towards the Oxford Transport Strategy, local services and infrastructure.

Some Members spoke against the application, commenting that it was unacceptable to provide residential accommodation without parking. It was suggested that there would be

harm to the amenity of the area caused by on-street car parking and that the sustainability of the site was questionable. It was commented that notwithstanding other forms of transport, the residents were more than likely to own vehicles and as such would have nowhere to park them.

Other Members spoke in support of the application, it being commented that the Committee was being asked to consider whether 3 more units on this block was acceptable.

By 9 votes to 6 it was

RESOLVED

- (a) *that the Deputy Director (Planning and Community Strategy) in consultation with the Chair and/or Vice Chair of the Development Control Committee be delegated authority to approve application NHI/19742/1 subject to:*
- (1) *the completion of a Section 106 obligation to secure financial contribution towards the Oxford Transport Strategy, local services and infrastructure; and*
 - (2) *conditions to include materials, architectural details, closure of the existing access, a scheme for surface water drainage and landscaping.*
- (b) *that the Deputy Director (Planning and Community Strategy) in consultation with the Chair and/or Vice Chair of the Development Control Committee be delegated authority to refuse application NHI/19742/1 should the Section 106 Agreement not be completed within the 13 week period (which ends on 7 June 2007) the reason for refusal being based on the lack of necessary financial contributions towards improving local services and facilities.*

DC.20 APT/19972 – PROPOSED CONVERSION OF ROOF SPACE TO BEDROOM ACCOMMODATION INCLUDING THE INSERTION OF THREE DORMER WINDOWS TO REAR ELEVATION. MINOR EXTENSION TO THE EXISTING FRONT ELEVATION TO CREATE AN EXTENDED STAIRCASE FOR ACCESS INTO THE ROOF SPACE AND CONVERSION OF PART OF THE GARAGE TO KITCHEN AREA, BRIDGE HOUSE, OAKSMERE, APPLETON OX13 5JS

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

By 14 votes to nil with 1 of the voting members having already left the meeting prior to the consideration of this item, it was

RESOLVED

that application APT/19972 be approved subject to the conditions set out in the report.

DC.21 NHI/19996 – AMENDMENTS TO EXISTING EGRESS POINT TO CREATE AN ADDITIONAL VEHICULAR ACCESS FROM THE A420 (LEFT, IN, LEFT OUT PRIORITY JUNCTION), SEACOURT ESTATE, WEST WAY, BOTLEY OX2 0JJ

Phillip Stevens made a statement on behalf of the Parish Council objecting to the application raising concerns regarding access and vehicular movement within the site. He commented that two lanes would not be adequate and that there would be a queue of vehicles to access the petrol pumps. He suggested that a tracking plan showing how the internal vehicles manoeuvring arrangements would be achieved.

One of the local Members, whilst supporting the application, raised concern regarding access and likely congestion due to the internal layout. He agreed with the concerns raised by the Parish Council and suggested that the County Engineer should be asked to re-consider his comments in this regard.

By 15 votes to nil, it was

RESOLVED

that the Deputy Director (Planning and Community Strategy) be delegated authority in consultation with the Chair and/or Vice-Chair of the Development Control Committee to approve application NHI/19996 subject to:

- (1) the completion of a Section 106 Agreement to secure the required financial contribution for highways;*
- (2) the conditions set out in the report; and*
- (3) a further condition to require that prior to the commencement of development the applicant should provide details of the internal traffic circulation within the site, with such details to be agreed with the District Council.*

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

None.

The meeting rose at 10.55 pm