

DC.77

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

**HELD AT THE GUILDHALL, ABINGDON
ON MONDAY, 3RD SEPTEMBER, 2007
AT 6.30PM**

Open to the Public, including the Press

PRESENT:

MEMBERS: Councillors John Woodford (Vice-Chair - in the Chair), Matthew Barber, Terry Cox, Tony de Vere, Richard Farrell, Richard Gibson, Anthony Hayward, Angela Lawrence, Sue Marchant and Jerry Patterson.

SUBSTITUTE MEMBERS: Councillor Joyce Hutchinson for Councillor Jenny Hannaby, Councillor Jenny Shepherd for Councillor Terry Quinlan), Councillor Melinda Tilley, for Councillor Roger Cox, Councillor Reg Waite for Councillor Margaret Turner and Councillor Chris Wise for Councillor Val Shaw.

NON MEMBERS: None.

OFFICERS: Sarah Commins, Martin Deans, Mike Gilbert, Geraldine Le Cointe and Jason Lindsey.

NUMBER OF MEMBERS OF THE PUBLIC: 39

DC.112 NOTIFICATION OF SUBSTITUTES AND APOLOGIES FOR ABSENCE

The attendance of Substitute Members who had been authorised to attend in accordance with the provisions of Standing Order 17(1) was recorded as referred to above with apologies for absence having been received from Councillors Roger Cox, Jenny Hannaby, Terry Quinlan, Val Shaw and Margaret Turner.

DC.113 MINUTES

The Minutes of the meetings of the Development Control Committee held on 2 July and 1 August 2007 were adopted and signed as a correct record, subject to the following amendment:-

1 August 2007 - Minute DC.79 – ABG/20044/1, 1 Galley Field, Abingdon

Substitute “16” for “14” in the second paragraph of the preamble.

DC.114 DECLARATIONS OF INTEREST

<u>Councillor</u>	<u>Type of Interest</u>	<u>Item</u>	<u>Reason</u>	<u>Minute Ref</u>
Terry Cox	Personal	KBA/7535/4	Acquainted with the applicant	DC.123

Tony de Vere	Personal	HAR/16731/1	His Spouse was an employee of UKAEA.	DC.125
		CHI/16952/1-X	His Spouse was an employee of UKAEA	DC.126
Angela Lawrence	Personal	ABG/19058/4	She was a Member of Abingdon Town Council, which had commented on the application. She was not a member of its Planning Committee.	DC.127

DC.115 URGENT BUSINESS AND CHAIR'S ANNOUNCEMENTS

The Chair reminded all those present that their mobile telephones should be switched off during the meeting.

DC.116 STATEMENTS AND PETITIONS FROM THE PUBLIC UNDER STANDING ORDER 32

None.

DC.117 QUESTIONS FROM THE PUBLIC UNDER STANDING ORDER 32

None.

DC.118 STATEMENTS AND PETITIONS FROM THE PUBLIC UNDER STANDING ORDER 33

It was noted that twelve members of the public had each given notice that they wished to speak at the meeting. In the event only nine members of the public made statements. Furthermore, the Chair advised that he had agreed to an additional speaker in respect of application ECH/19891/1.

DC.119 MATERIALS

RESOLVED

that the following materials be approved in respect of 103, 105 and 107 Milton Park (MIL/59/137(A), MIL/59/137 (B) and MIL/59/137 (C)-D):-

*Rainscreen Cladding by Markey Eternit, colour Anthracite 7024
Aluminium Frame Curtain Walling colour RAL7021
Timber Cladding by Composites Gurea, colour Boak
Timber Cladding Panel Frame – finish brushed stainless steel
Brick plinth by Blockley's Brick Ltd, colour Windermere Grey*

DC.120 FORTHCOMING PUBLIC INQUIRIES AND HEARINGS

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

RESOLVED

that the report be received.

DC.121 CHD/713/7 AND CHD/713/8-CA - PROPOSED RECONSTRUCTION AND REMODELLING OF EXISTING DWELLING. SUBSTANTIAL DEMOLITION OF EXISTING DWELLING. PENN HOUSE, HIGH STREET, CHILDREY OX12 9UA

The Area Planning Officer reported that Counsel's Opinion on whether the demolition works already undertaken at the site were lawful, was still awaited. In this regard, she advised that in the event of Committee deciding that planning permission should be granted, such approval would need to be delegated to the Deputy Director (Planning and Community Strategy) subject to receipt of the opinion. She further reported that a late representation had been received from the owner of a neighbouring property raising concerns over the longevity of the gable end and the choice of materials to be used. The neighbour was concerned that although the roof tiles remained on site, the bricks had been removed.

Mr H Marsh, on behalf of the Parish Council, made a statement in respect of the application raising issues relating to matters already covered in the report. He explained that the Parish Council had accepted that the conditions attached to the previous consent were sufficient to protect the general layout of Penn House in its historic form. However, the resulting difference in interpretation of that consent had caused unprecedented communication from local people to the Parish Council. It had not been made clear to the Parish Council that it was a retrospective application, despite the virtual disappearance of the building and the assertion in the application that the original building had been built after 1948 was not the case. He commented that had the Council been aware that the previous application had been for the total demolition of the building in the heart of the village conservation area, leaving only one wall standing, it would have been robustly opposed. In this regard, the Parish Council objected to the process leading to the granting of the permission. However, in the circumstances, the Parish Council did not object to the rebuilding of a house closely resembling the one previously permitted. He requested that the public pavement in Dog lane was fully reinstated to its original state on completion of the works. Finally, he hoped that the matter would be resolved as soon as possible.

One member asked that the white metal railings, that previously enclosed the front garden, be reinstated. Furthermore he sympathised with the Parish Council views regarding the window design, use of reclaimed tiles and the reinstatement of the pavement. Finally, he asked what action the Council could take if Counsel's Opinion was that the demolition works were unlawful. In response, the Area Planning Officer advised that if Counsel's Opinion was that the demolition works were unlawful, the application would come back to the Committee. The retention of the railings had been conditioned on the previous permission and should have been included in the

recommendation before the Committee. Finally, a materials condition could be included to require a sample panel to be erected on the site. It was suggested that an informative be added to indicate that the Council would expect the use of the highest quality reclaimed bricks and tiles and would wish to see render used on the building.

Another Member reminded the Committee that Conservation Area consent implied that the development proposed should improve and enhance the area and therefore it was important that extreme care was taken with the choice of materials. Furthermore, he supported the concerns raised by the Parish Council representative regarding the planning process in this instance in terms of the confusion caused by the descriptions submitted with the drawings accompanying the application.

In response to a question, the Area Planning Officer confirmed that the plans accompanying the application indicated that all walls would be brick facing and in any event planning permission would be require for the use of render, as that would be considered to be a form of cladding.

By 15 votes to nil, it was

RESOLVED

that authority to approve applications CHD/713/7 and CHD/713/8-CA be delegated to the Deputy Director (Planning & Community Strategy) in consultation with the Chair and/or Vice-Chair of the Development Control Committee, subject to:-

- (1) the receipt of Counsel's Opinion;*
- (2) the conditions set out in the report, together with further conditions requiring the retention of the white metal railings enclosing the front garden and a materials panel to be erected on site and an informative stressing that good quality appropriate materials, including the use of brick for the facing walls will be expected in this prominent location.*

DC.122 ECH/1989/1/1 - DEMOLITION OF EXISTING HOUSE AND ERECTION OF TWO HOUSES WITH GARAGES. PARK VIEW HOUSE, MAIN STREET, EAST CHALLOW, OX12 9SL

Mr A Gregson made a statement objecting to the application, raising concerns relating to matters already covered in the report. He referred to past legal challenges regarding access along footpaths and confirmed that vehicular access along footpath No 6 could be proven prior to 1930. In this regard he was doubtful as to whether access rights could be passed to both the dwellings proposed as part of the new development. Finally, he referred to a statement previously made that the repair of Park View House was uneconomic and claimed that this was untrue and had not been substantiated by any estimate from a qualified Quantity Surveyor or builder.

The Council's Solicitor advised that issues regarding vehicular access rights along the footpath and the economic viability of the existing dwelling were not material planning considerations.

One Member referred to the development site, which was well screened and remarked on the enormous change to its appearance if the tree located at the front of the site was removed. In this regard, use of materials would be an important consideration for any development at this prominent location in the village. Finally, he expressed concern as to whether the site was large enough to accommodate two large dwellings. Other Members shared these views. In respect of a suggestion concerning the use of re-constituted stone, one Member referred to a development in Buckland where such material had been successfully used. He suggested that in the event that planning permission was granted, a panel of materials should be erected at the site and due to the prominent and sloping nature of the site slab level and landscaping conditions be added.

By 11 votes to 4, it was

RESOLVED

that application ECH/19891/1 be approved subject to the conditions set out in the report, together with additional conditions requiring a materials panel to be erected on site and landscaping and slab level conditions.

DC.123 KBA/3105/10 - VARIATION OF CONDITION TO ALLOW FITTING OF GARAGE DOORS. RESTWOOD, FARINGDON ROAD, SOUTHMOOR

(Councillor Terry Cox had declared a personal interest in this application and in accordance with Standing Order 34 he remained in the meeting during its consideration).

Mr P Uzzell, the applicant's agent, made a statement in support of the application. He reminded the Committee that the imposition of the condition preventing the installation of garage doors to ensure that they were used for parking in the interests of highway safety. He referred to the current level of parking on the site and claimed that the part of Faringdon Road in the vicinity of the application site was of sufficient width that on-street parking, if it did occur, would not cause a danger. Finally, he advised that due to the lack of security it was unlikely that the garages would be used for domestic storage.

Members supported the views of the applicant's agent and noted that the County Engineer had raised no objection.

By 15 votes to nil, it was

RESOLVED

that application KBA/3105/10 be approved subject to the condition set out in the report.

DC.124 KBA/7535/4 - ERECTION OF A SUMMER HOUSE. 58 LAUREL DRIVE, SOUTHMOOR, OX13 5DJ

(Councillor Terry Cox had declared a personal interest in this application and in accordance with Standing Order 34 he remained in the meeting during its consideration).

Then local Member raised no objection to the application. Members generally agreed that the colour of the summer house should be an oak stain to match that of the boundary fence.

By 12 votes to 2 with 1 abstention, it was

RESOLVED

that application KBA/7535/4 be approved subject to the conditions set out in the report.

DC.125 HAR/16731/1 - DEMOLITION OF 2 HOUSES, SQUASH COURTS AND TENNIS COURTS. ERECTION OF HOTEL, LEISURE CLUB, SPA AND BAR. LAND TO THE NORTH AND SOUTH OF CURIE AVENUE, HARWELL INTERNATIONAL BUSINESS CENTRE, HARWELL

(Councillor Tony de Vere had declared a personal interest in this application and in accordance with Standing Order 34 he remained in the meeting during its consideration).

It was noted that Appendices 3, 4 and 5 to the report had been circulated separately. In respect of the comments received from Sport England (Appendix 3), the Area Planning Officer advised that no reference had been made to national or local planning policies. She advised that a model of the proposed development was available at the meeting for the Committee to view. Finally, she reported three further letters of representation received, as follows:-

- Letter from Councillor Jim Moley, on behalf of a number of members of the Harwell Squash Club living in his ward, drawing attention to the letter from Sport England and statements made about the Club not being economic, when such clubs were not configured to make a profit. He referred also to the current development of the Harwell site and considered that the Club should be allowed to develop to reflect the increased population.
- Harwell Tennis Club.
- Mr M Coates, Chairman of the Harwell Squash Racquets Club advising that the views expressed by the Chairman of the Harwell Laboratories Recreation Association (Appendix 4) were personal and not the views of the Association.

In respect of the draft Section 106 Agreement attached at Appendix 5 to the report, the Council's Solicitor advised that this agreement was the old format and any new agreement would reflect the new format.

Mr M Coates, Chairman of the Harwell Squash Racquets Club made a statement objecting to the application raising concerns relating to matters already covered in the report. He referred to the views expressed by Sport England, which he considered presented a fair and balanced case for continued squash court provision on the Harwell site. He explained that the Club currently had three teams competing in the Oxfordshire Squash League.

Mr D Summers also made a statement objecting to the application, raising concerns regarding land usage at the site and the loss of both residential properties and amenity land outside of the security gate. He considered that there was sufficient land within the Harwell Campus for the proposed development to be located, thereby avoiding the loss of residential and amenity land. Finally, he reminded the Committee that it had previously been mindful of the impact of development of this site on the Area of Outstanding Natural Beauty (AONB).

Mr C Homes, Chief Executive of the Four Pillars Hotel Group, made a statement in support of the application. He explained that his company was the largest hotel operator in the Region and that there was significant demand for a hotel on the Harwell campus. The provision of a hotel would create 125 new jobs, many of which would be for local people. Furthermore, the hotel would assist UKAEA attract new businesses and have a positive impact on local businesses. He regretted the loss of the squash courts and despite extensive efforts to replace the facility, it had not proved possible on the grounds of expense and the level of subsidy required. Finally, he referred to the leisure facilities that would be provided as part of the development, which would enhance local provision and confirmed that 1,000 memberships would be made available to local people.

At this point in the meeting, it was proposed by the Chair and

RESOLVED

that the meeting do adjourn for five minutes to allow Members of the Committee to view the model of the proposed development.

At 7.25pm the meeting re-convened.

One of the local Members present at the meeting made the following comments:-

- The single phase development was now acceptable due to timelines having moved on.
- The principle of a 142 bedroom hotel and leisure facility in this location had been established. The permission was extant.
- Query the applicants claim that to provide squash courts would render the scheme financially unviable.
- Support the views of Chilton and Harwell Parish Councils that replacement squash court facilities should be provided, as alternative local provision was poor.
- The replacement of the tennis courts was welcomed.
- Pleased that the legal agreement specified that membership of the leisure facility should be open to local residents, although the price may be prohibitive.
- Welcome the more traditional design of the proposed hotel.

- Assurance that any light pollution from the proposed development would be carefully monitored and any lighting schemes agreed by the Council to lessen any impact on the AONB. Also details of signage and other forms of advertising to be carefully considered and monitored.

Members generally welcomed the overall design of the proposed development but expressed concern at the loss of the squash court facility. One Member considered that responsibility for replacing the squash court facility lay with UKAEA, as it was selling the land on which the hotel was to be built. It was suggested that the Council should be proactive in discussing alternative squash court provision with the site owner. Officers advised that Local Plan Policy L7, requiring the replacement of leisure facilities lost as a result of development, only applied to such facilities which were available to the public.

By 15 votes to nil, it was

RESOLVED

- (a) *that authority to grant planning permission be delegated to the Deputy Director (Planning and Community Strategy) in consultation with the Chair and/or Vice Chair of the Committee and the local Members subject to:-*
- (1) *the completion of a S106 Agreement securing the use of the leisure club;*
 - (2) *conditions relating to materials (the most publicly visible part of the development to be brick), hard and soft landscaping, tree protection, contaminated land, visibility splays, cycle parking, vehicular parking provision, cycleway provision, external lighting and the inclusion of a sustainable drainage scheme;*
 - (3) *a materials panel being erected on site;*
 - (4) *an informative advising the applicant that signage will require a separate application;*
- (b) *that the Leader of the Council be requested to initiate discussions with the owners of the Harwell site to find an alternative site for the squash club.*

DC.126 CHI/16952/1-X - RESIDENTIAL DEVELOPMENT WITH ASSOCIATED COMMUNITY FACILITIES AND ACCESS. LAND TO THE SOUTH OF CHILTON FIELD, AVON ROAD, CHILTON, DIDCOT, OXON.

(Councillor Tony de Vere had declared a personal interest in this application and in accordance with Standing Order 34 he remained in the meeting during its consideration).

Mr I Thompson, on behalf of the Parish Council, made a statement in respect of the application. He placed on record his appreciation to the Area Planning Officer for allowing the Parish Council an opportunity to continue discussions regarding this

application. He welcomed the provision of a community room in addition to the extension to the village hall, increased informal open space areas and the provision of affordable housing on the site. He stressed the need for the ownership of the informal open space and community hall to be transferred to the local community and highlighted the importance of upgrading the underpass under the A34 to assist village cohesion, securing adequate funding towards improved bus services and the provision of a comprehensive landscaping scheme to assist the screening of the new development. He supported the provision of a shop shell, referring to the increase in the number of new residents and employees that would be accommodated on the site. Finally, he urged the Committee to seize the opportunity to provide a modern eco home residential development which the local community could be proud of.

Mrs Woollard made a statement on behalf of the residents of Severn Road, objecting to the application. She reminded the Committee that the A34 ran through the middle of the parish which made integration difficult. She considered that the community room and children's play area should be located close to the school and that the existing shops and post office should be relocated closer to the proposed new development. She referred to the impact of the proposed development and urged the Committee to ensure that existing trees and boundary hedges were retained and that the rear gardens to existing properties were secure. Finally, she reminded that the site was located in the AONB and that the southern storage area at the site was regularly used by walkers.

Ms N Green, the applicants agent had given notice that she wished to make a statement but declined to do so.

One of the local members present at the meeting welcomed, that after many months of discussion between planning officers, the Parish Council and the developer, agreement had been reached regarding the development. He hoped that the amendments to the proposed Heads of Terms of the Section 106 Agreement would be acceptable to the Committee. In respect of the proposed play areas he considered it was sensible that the developer undertook all the design and construction work and passed on responsibility for the maintenance to the Parish Council together with a commuted sum to cover the costs. Finally, he asked that the second recommendation be amended to include local members.

In considering the application, members made the following comments:-

- Support the provision of eco homes built to the highest standard.
- Landscaping and planting important consideration.
- The provision of affordable housing should be set at 40%, in accordance the Council's policy, not 25% as set out in the Section 106 Agreement.
- 25% provision for affordable housing equated to 69 dwellings and the dwellings should be spread across the site.
- Before transferring responsibility for the play area, the developer should ensure that the play equipment was to the Royal Society for the Prevention of Accidents (RoSPA) standard.
- The design of the proposed dwellings should be appropriate for a rural area.
- Lighting for the underpass should be person activated.

In response to the above, the following comments were made:-

- Eco home standard would be covered by a condition. An informative could be added to any permission advising that the highest quality of design would be expected.
- In respect of landscaping at the site, the application was supported by an Environmental Statement which made specific reference to a landscape strategy for the site and this was a matter that would be considered at the reserved matters stage.
- The appropriate play equipment standard would be specified in the Section 106 Agreement, following consultation with the Council's Parks Manager.
- The level of affordable housing required (25%) had been discussed and agreed in October 2006 and at that time 25% was the maximum level that could be applied to the site.
- Planning policy was the only tool available to provide affordable housing.

By 15 votes to nil, it was

RESOLVED

- (a) *that the heads of terms as outlined in Section 4 of the report be agreed;*
- (b) *that authority to approve application CHI/16952/1-X be delegated to the Deputy Director (Planning and Community Strategy) in consultation with the Chair and/or Vice-Chair of the Committee and the local Members subject to the completion of a Section 106 agreement including the heads of terms agreed above, relevant conditions and an informative advising that the number of affordable homes required as part of the development is 69 dwellings and that those dwellings be spread across the site.*

DC.127 ABG/19058/4 - PROPOSED TWO STOREY SIDE AND REAR EXTENSION. 5
NORMAN AVENUE, ABINGDON, OX14 2HQ

(Councillor Angela Lawrence had declared a personal interest in this application and in accordance with Standing Order 34 she remained in the meeting during its consideration).

Mr M Smith, on behalf of the Town Council, made a statement objecting to the application raising concerns relating to matters already covered in the report. He considered that it was important that town and parish councils were made aware of how much weight was given to the Council's House Extensions Design Guide by Officers and the Committee in considering planning applications. Furthermore, he was perplexed as to what constituted permitted development and considered that the combined impact of all the extensions on the application site should be taken into account.

Ms C Riggs made a statement objecting to the application, raising concern relating to matters already covered in the report. She considered that the Council's Supplementary Planning Guidance House Extensions Design Guide, adopted as part of the Vale of White Horse Local Plan 2011, was a material consideration in determining a planning application, in that it stated that "two storey side extensions should normally be at least 1m from the boundary". Referring to the single storey

extension already build as permitted development, she advised that it was 6.6m in length contrary to guidance set out in the Design Guide, which stated that "rear extensions should not normally exceed 4m". She believed that the combined effect of the application and the single storey rear extension already built by the applicant under permitted development rights would be identical to the application refused by the Committee on 19 May 2005 and dismissed on appeal. In dismissing the appeal the Inspector concluded that "the proposal would harm the living conditions of the occupants of No 7 Norman Avenue". Referring to the Officer report, which concluded that the Inspector was referring to the single storey element of the proposal and the reasons given why, in the Officer's opinion, the amenity of the occupiers of No 7 would not be harmed by the proposed two storey extension and that the appeal Inspector had not objected to this element of the previous proposal, Ms Riggs expressed doubts as to how those conclusions could be drawn having regard to the appeal decision letter. She suggested that implementing a previously unacceptable proposal as a two stage process did not make the final product and effect anymore acceptable and the harm to the living conditions of the neighbouring properties would be just the same. She also made the point that the very small twin opening doors, with a total width of 1m proposed for the front of the ground floor extension would add to the squeezed and cramped appearance of the development, an observation made also by the Inspector. Finally, she referred to a previous permission granted in 2003 for a two storey side and rear extension, which had not yet been implemented and stated that this, together with the current proposal, would mean the only window in her living room would be at the dark end of a 6m long tunnel created by extensions on both boundaries. She urged the Committee to refuse the application.

The Area Planning Officer confirmed that the Design Guide required extensions to be 1m off the boundary to help avoid a terracing effect. However, in this instance given the relationship between the two properties, it was not felt that a terracing effect would be created. He confirmed that the single storey extension had been built as permitted development, as it had been constructed with a flat roof and was narrow in its design. At the request of the Committee, the Officer explained the statutory position regarding permitted development.

Some Members referred to the detrimental impact of the proposed development on the amenities of neighbouring properties in terms of overshadowing, loss of privacy and the creation of a terracing effect. One Member considered that the single storey extension built under permitted development caused more harm than the proposed development. Other Members expressed the view that there were no justifiable planning reasons to refuse the application.

By 9 votes to 5, with 1 abstention, it was

RESOLVED

that application ABG/19058/4 be approved subject to the conditions set out in the report.

The Area Planning Officer amended paragraph 5.1 to her report by confirming that the neighbour dispute regarding the boundary was a civil matter and not a material planning consideration.

One of the local members present at the meeting spoke on behalf of the resident of the neighbouring property, 24 Belmont. She referred to the long planning history of the site, which had previously been nursery land and was concerned at over development of other plots in the vicinity of the application site.

By 15 votes to nil, it was

RESOLVED

that application WAN/20178 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 9.20 pm