

DC.147

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

**HELD AT THE GUILDHALL, ABINGDON
ON MONDAY, 8TH DECEMBER, 2008 AT
6.30PM**

Open to the Public, including the Press

PRESENT:

MEMBERS: Councillors Richard Gibson (Chair), John Woodford (Vice-Chair), Matthew Barber, Paul Burton, Roger Cox, Terry Cox, Mary de Vere, Richard Farrell, Jenny Hannaby, Anthony Hayward, Sue Marchant, Jerry Patterson, Val Shaw and Margaret Turner.

NON MEMBERS: Councillors Janet Morgan and Alison Rooke.

OFFICERS: Sarah Commins, Martin Deans, Mike Gilbert, Laura Hudson, Carole Nicholl and Stuart Walker.

NUMBER OF MEMBERS OF THE PUBLIC: 22

DC.178 **NOTIFICATION OF SUBSTITUTES AND APOLOGIES FOR ABSENCE**

An apology for absence was recorded from Councillor Terry Quinlan.

DC.179 **MINUTES**

The minutes of the meeting of the Committee held on 6 October 2008 were adopted and signed as a correct record.

DC.180 **DECLARATIONS OF INTEREST**

Members declared interests in report 126/08 as follows: -

<u>Councillor</u>	<u>Type of Interest</u>	<u>Application</u>	<u>Reason</u>	<u>Minute Ref</u>
Jerry Patterson	Personal	KEN/20688	In so far as he was a Member of Kennington Parish Council which had objected to the application. However, he explained that he had not taken part in consideration of this matter.	DC.194
Terry Cox	Personal	STA/14023/4 - LB	In so far as he knew the applicant.	DC.192
Anthony	Personal and	STA/14023/4	In so far as he was the	DC.192

Hayward	Prejudicial	- LB	applicant's agent.	
---------	-------------	------	--------------------	--

DC.181 URGENT BUSINESS AND CHAIR'S ANNOUNCEMENTS

The Chair introduced himself and welcomed everyone present to the meeting which was the last meeting of the Committee in 2008.

For the benefit of members of the public the Chair pointed out the Officers who were present to give advice and to minute the proceedings and he explained that only elected Members of the Committee could vote on the items on the agenda. He commented that local Members could address the Committee but could not vote on any applications unless they were a Member of the Committee. He reported that there were two local Members present at the meeting.

In the unlikely event of having to leave the meeting room, the Chair pointed out the emergency exits.

The Chair asked everyone present to ensure that their mobile telephones were switched off during the meeting. He also asked everyone to listen to the debate in silence and allow anyone speaking to make their comments without interruption. Furthermore, he asked that members of the public to refrain from approaching Officers and Members sitting around the table.

DC.182 STATEMENTS AND PETITIONS FROM THE PUBLIC UNDER STANDING ORDER 32

None.

DC.183 QUESTIONS FROM THE PUBLIC UNDER STANDING ORDER 32

None.

DC.184 STATEMENTS AND PETITIONS FROM THE PUBLIC UNDER STANDING ORDER 33

Thirteen members of the public had each given notice that they wished to speak. However, 3 members of the public declined to do so.

DC.185 MATERIALS

SUT/375/3 - Redevelopment of garage and workshop premises including tyre and exhaust fitting centre and petrol filling station with associated forecourt shop. Sutton Courtenay Tyre and Garage Services, 144 High Street, Sutton Courtenay.

The Committee received and considered materials in respect of the above application.

By 14 votes to nil it was

RESOLVED

- (a) that the use of Merlin grey cladding in matt finish be approved; and*
- (b) that samples of other materials be sought from the applicant.*

DC.186 **APPEALS**

The Committee received and considered details of one appeal which had been dismissed by the Planning Inspectorate in respect of the Lamb Public House, West Hanney.

The local Member commented that this appeal decision was interesting and Officers and Members should take note of the decision in this case. He noted that the Inspector had dismissed the appeal as he was of the view that the pub providing a different type of facility to another pub in the same village and therefore should be retained. The local Member was joined by other Members in welcoming the decision.

DC.187 **FORTHCOMING PUBLIC INQUIRIES AND HEARINGS**

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

RESOLVED

that the report be received.

PLANNING APPLICATIONS

The Committee received and considered report 126/08 of the Deputy Director (Planning and Community Strategy) detailing planning application, 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.188 **ECH/5231/13- D - ACCESS ARRANGEMENTS FOR NEW SCHOOL
CHALLOW PARK, CHALLOW ROAD, WANTAGE**

It was noted that one main area of concern was the closure of the footpath through the site. However, it was noted that the applicant was required to divert the footpath and that this was not part of the planning process and not part of this application. Notwithstanding this it was suggested that should the Committee be minded to approve the application, an informative should be added advising the applicant to note the need for a footpath diversion Order in respect of the footpath through the site.

One Member agreed with the concerns raised regarding the footpath which was well used by the residents of East Challow and commented that in her experience diversion Orders could take some time.

By 14 votes to nil, it was

RESOLVED

that application ECH/5231/13 – D be approved subject to the conditions set out in the report and an informative advising the applicant to note the need for a footpath diversion Order in respect of the footpath through the site.

DC.189 ABG/5566/2/ - ERECTION OF 1 ATTACHED DWELLING INCLUDING PART DEMOLITION OF EXISTING GARAGE. 11 CHANDLERS CLOSE, ABINGDON

The Committee noted the proposal was a resubmission in response to an outline application scheme which was refused in May. That application had had all matters reserved and had envisaged a 2 or 3 bedroom dwelling, whereas this proposal was for a full application for a 2 bedroom dwelling with all details for consideration. It was noted that the car parking space had been lengthened.

The Officers advised that since writing the report, six additional letters of objection had been received reiterating concerns already covered in the report and commenting that the parking on the amended plans was still inadequate to accommodate two parked cars on the site. Furthermore, there had been a query over the accuracy of the plans. In response to this the Officers explained that a detailed survey drawing had accompanied the application and on site measurements had been taken by the Officers and these were in accordance with the submitted plans.

The main issues were identified in the report. The detailed design of the dwelling and the proposed car parking arrangements as amended were considered acceptable and the proposal was considered to overcome the previous reason for refusal as detailed in the report.

In response to a comment challenging the statement in the report that the previous scheme was much larger than the scheme proposed, it was clarified that this statement was made in respect of the street scene elevation. It was explained that the previous scheme was 1m wider than that now proposed, and filled more of the plot. As the previous application had been outline only with all matters reserved, Officers had been concerned that granting permission in such circumstances could easily have led to pressure for a larger dwelling than that shown on the illustrative drawings. However, in this application there was a material difference in that all details of the dwelling proposed were due for consideration now.

It was commented that in respect of development at No 7A, Plot 3 was only 18m away at ground floor level, where boundary treatments could ensure adequate privacy. The distance from first floor windows was in excess of 21m. Consequently, the relationship of the new dwelling to that scheme was considered acceptable. Furthermore, it was noted that the relationship between these dwellings was not a parallel back to back relationship. The new dwelling lay to the northeast.

Finally, the Officers commented that the proposed parking and access arrangements were acceptable for the reasons set out in the report and the County Engineer had raised no objections to the amended proposal.

Mr M Smith made a statement on behalf of Abingdon Town Council objecting to the application raising concerns relating to matters already covered in the report. Whilst recognising there was a smaller footprint to the earlier application he expressed concern regarding over development; traffic manoeuvring and hazard as a result of the parking arrangements; whilst noting the county engineer's comments regarding the side parking the Town Council was of the view that the arrangements were more dangerous; access on the bend; visibility splays and restricted lines of sight if there was on street parking. He suggested that the County Engineer's view should be challenged.

Chris Jones presented a petition signed by 23 residents of Chandlers Close objecting to the application on the grounds of the plot being too small to accommodate a 2 /3 bedroom property; the proposal being cramped and visually harmful; the driveway being positioned at the apex of a dangerous bend and the necessary sight splays being blocked by cars parked on the drive. Furthermore he made a statement objecting to the application also raising concerns to matters already covered in the report. He particularly raised concerns regarding the building now occupying a larger area, not a smaller area, as stated in the report; the dominate side elevation; cramped appearance; the plot being too small and the proposal being out of keeping with the character and appearance of the area in terms of spatial planning. He commented that the original developer had not considered this plot appropriate for a dwelling and had left the clear space between the straight boundary wall and the curved path, although subsequently the area had been included as garden. The resultant loss of visibility had created a dangerous bend which would be made worse as the proposed drive would emerge on the apex. The parking area would still be shorter than 9.6m and that any car parked on the front space would completely obscure the necessary sight splays. He was concerned that the rear of the drive would be enclosed by fencing making the garden gate unusable if a car was parked on the rear space and that future owners were most likely to park one car on the drive and one on the street which would create a significant hazard as the on-street parking in the locality was already fully utilised. He commented that consent had recently been granted at No.7a and that it would be only 18m away from the new house which was less than the minimum 21m distance required to prevent overlooking.

Mr D Rollinson made a statement in support of the application commenting that the parking had been amended to accommodate two vehicles; the gateway could be put to one side; parking in Chandlers Close was a problem which the residents created themselves as they did not park at the rear of the properties where there was space.

One of the local Members speaking on behalf of residents of Hedgemoad Avenue and Chandlers Close raised concern regarding traffic safety; access; parking; pedestrian safety; on street parking and run off and drainage. She requested that should the Committee be minded to approve the application she requested that the hardstanding be constructed of permeable materials.

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

- The County Engineer had no objection to the proposal.

- It was not considered that the extent of the development would be no more or less than many other communities around the Vale.
- Once the County Engineer had given a professional view on the proposal in support of an application in terms of highway grounds it was difficult to refuse an application in this regard without seeking an independent view giving contrary advice, which in this case was not thought justifiable.
- The garden would be smaller than others in the area but this was not a reason for refusal.
- The minimum distance rule of 21m could not be used as a reason for refusal based on the reasoning set out in the report.
- A wall had already been constructed years ago resulting in the loss of the amenity value of the area.
- The area was already “tight” but even if one more house made the appearance and feel even more cramped this was not a ground for refusal.
- On balance there were other houses in urban parts of the Vale which were similar.

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

- It was questioned whether the dwelling would fit on the site.
- The houses nearby had small gardens and the loss of the area would affect a number of those. However building the wall and including the area as garden already had resulted in a loss of the public amenity value of the area. The access would be dangerous and would make the situation of on street parking worse.

One Member suggested that the surrounding wall should be lowered but this was not supported

By 14 votes to nil it was

RESOLVED

that application ABG/5566/2 be approved subject to the conditions set out in the report.

DC.190 ECH/9964/2 - ERECTION OF A NEW WORKSHOP AND ACCESS. (AMENDMENT TO PLANNING PERMISSION ECH/9964/1). CHALLOW HOUSE FARM, MAIN STREET, EAST CHALLOW

L Cannings, the applicant had given notice that he wished to make a statement but he declined to do so.

Some Members spoke in support of the application but considered that an additional condition should be added to require the removal of the oil tanks.

By 14 votes to nil, it was

RESOLVED

that application ECH/9964/2 be approved subject to the conditions set out in the report and a further condition to require the removal of the oil tanks.

DC.191 APT/13012/8 - TWO SINGLE STOREY EXTENSIONS TO THE EXISTING SCHOOL: AN EARLY YEARS FOUNDATION STAGE UNIT AND A NEW CLASSROOM. APPLETON C OF E PRIMARY SCHOOL, CHURCH ROAD, APPLETON

One of the local Members commented that he was concerned regarding parking but noted that the county engineer had raised no objection.

Another Member commented that he knew the site well noting that an improvement in facilities was needed. He commented that the area was busy in terms of traffic at school drop off and pick up times but he did not consider this to be any different to any other school and was only for short periods.

By 14 votes to nil it was

RESOLVED

that application APT/3012/8 be approved subject to the conditions set out in the report.

DC.192 STA/14023/4 - LB - INTERNAL ALTERATIONS TO A GRADE II LISTED BUILDING RECTORY HOUSE, 18 CHURCH STREET, STANFORD IN THE VALE

Councillor Anthony Hayward had declared a personal and prejudicial interest in this application and he left the meeting during its consideration.

Councillor Terry Cox had declared a personal interest in this item.

Further to the report, the Officers highlighted an amended plan which related to the provision of a cloak room and the need to restore the link between the annexe and the main house by the relocation of the cloak room.

By 13 votes to nil with 1 of the voting Members having withdrawn from the meeting for this item it was

RESOLVED

that application STA/14023/4 – LB be approved subject to the conditions set out in the report.

DC.193 ABG/14214/1 - PROPOSED CONVERSION OF EXISTING DWELLING INTO DAY CARE NURSERY.122 OXFORD ROAD, ABINGDON, OX14 2AG.

The Officers advised that the letters of support referred to in the report were not from residents in the immediate vicinity of the site. It was clarified that "local residents" was used in a generic sense but to clarify Officers reported that 7 letters were from residents within Abingdon, 1 from Shippon, 1 from Marcham and 1 from Wantage.

It was reported that the Officers considered that a child day care nursery in this location was acceptable and would not be out of keeping with or harmful to the locality. Furthermore, the proposal was not considered to be so unduly harmful to neighbouring amenity to warrant refusal. It was explained that the proposed on site parking arrangements were considered acceptable and the dropping off and picking up of children was also considered acceptable.

Mr Martin Smith made a statement on behalf of the Town Council objecting to the proposal commenting that he disagreed with the view of the County Engineer and that he was astonished that he had raised no objections commenting that he had obviously had no experience of taking children to a day centre, explaining that parents had to get out of their cars and therefore cars had to be parked. He commented that the plans referred to visitor parking and not parents and he therefore expressed concern regarding displaced parking; traffic congestion and hazard in the service road; noise and disturbance to neighbours and the proposal being contrary to planning policies DC5 and DC9.

Mr S Pickles made a statement objecting to the proposal raising concerns regarding its detrimental impact; the number of children exceeding guidelines set to protect the amenity of the area; noise; traffic congestion; adverse impact; the proposal being contrary to policy and the need to move a bedroom window.

Mr M Wilkinson had given notice that he wished to make a statement objecting to the application but he declined to do so.

Mr T Peegram made a statement objecting to the proposal raising concern regarding the number of children proposed; inadequate parking; noise; a statement that there was a large amount of background noise in this area being incorrect; disturbance to neighbours; the proposal being out of keeping with this residential area; the service road already being very busy and traffic congestion.

Mr D Padalino made a statement in support of the application advising that the nursery would accommodate local children which were currently attending the Abingdon Northcourt Kindergarten which was closing; many families had built strong relationships with staff at the nursery and by approving this application these relationships would continue; the need to meet guideline requirements regarding staff, quantity of children and their development, size of rooms etc; the concerns raised being irrelevant; the views of the County Engineer in support; the arrival of children being staggered and the number of children being requested being the maximum permitted.

A Adderley made a statement in support of the application commenting that she had a child at the Abingdon Northcourt Kindergarten and that she walked their as would many parents to the new nursery; the proposal would provide much needed nursery accommodation in Abingdon with improved facilities and furthermore, there would be a continuation and extension of care which was important to many families.

One of the local Members raised objection to the proposal and whilst she considered that the nursery was a good nursery and well run, this site was not the right place for new premises. She noted that the supporters of the application were people from the nursery or staff. She commented that the property was not set in large grounds and that 49 children was not acceptable. She commented that with a large number of children in the garden there would be a noise nuisance. Furthermore, she advised that there would be traffic congestion with the dropping off and picking up of children and that a Green Travel Plan would not prevent this as many parents were working and had to rush off to work. She commented that collecting children was not a quick process and whilst the service road was better than the main road for dropping off, with the number of movements associated with 49 children she could foresee problems. She commented that the service road seemed to be used for many purposes and she referred to another use elsewhere in the road. Finally, she explained that whilst not opposing a nursery, she considered that this was not the right site for a nursery of 49 children being a residential area.

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

- Unloading children was noisy.
- There were concerns regarding the number of children in terms of noise and disturbance it being noted that 24 was generally acceptable and that 49 was double this.
- The Local Plan text was clear in that 24 children or a number close to that would be acceptable for a large house in large grounds. 49 was more than double the Local Plan Guidance. The building was close to other buildings and homes and not apart from other dwellings. The building was not satisfactory for the number of youngsters proposed.
- The proposal would adversely impact on the neighbours and was unfair in this residential area.
- 49 children and 16 staff was considered too many.

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

- There would be no noise at night and weekends.
- A key issue was the service road which was wide enough for parked cars and room to pass. It was commented that it might be suggested to the County Council that the service road be made one way.
- The Environmental Health Officer had raised no objection in terms of noise.
- Ofsted matters were not part of the planning consideration.
- Child care was in short supply and this facility would be welcomed.
- There was a nursery near this site and there had been no problems with that.
- The employer needed to make it clear to staff that they needed to get to the nursery by other means than a private vehicle.
- The Local Plan text on Childcare Provision was only guidance and therefore Members needed to assess the proposal on its merits. Members were asked to

consider the degree of harm. A nursery elsewhere was referred to where there was a similar number of children and staff and there were no problems.

- It was considered that there was insufficient harm to warrant refusal of the application.

In response to a question raised regarding whether there would be 49 children present at the same time, the Officers responded that they did not have specific figures but 49 would be the threshold.

One Member commented that 49 was a maximum figure and that in his view it was unlikely that a nursery could be operated at capacity all the time. He reported that the St Mary's Nursery in Faringdon Road had permission for 60 children but noted that it was a very large building with a considerable amount of off road parking. He commented that the significant concern in this case was the number of children proposed noted that generally 24 would be acceptable for a large house with a large garden. He considered that the County Engineer had raised no objection in this case because of the service road suggestion that if the premises fronted straight onto the main road, objections would have been raised. It was noted that the applicant had stated that few staff drove to the nursery although it was noted that parents did. On balance he supported the proposal.

In response to a question raised the Officers advised that the physical suitability of a building for a nursery was not a planning matter.

It was proposed by the Chair that application ABG/14214/1 be approved subject to the conditions set out in the report. However, on being put to the vote, this was lost by 9 votes to 4 with 1 abstention.

It was then proposed by Councillor Paul Burton, seconded by Councillor Terry Cox and by 14 votes to nil

RESOLVED

that consideration of application ABG/14214/1 be deferred to enable Officers to discuss with the applicant an alternative lower number of children which the nursery could accommodate.

DC.194 KEN/20688 - ERECTION OF A FRONT AND REAR EXTENSION, DEMOLITION OF ATTACHED GARAGE PLUS LOFT CONVERSION. 174 POPLAR GROVE, KENNINGTON

Councillor Jerry Patterson had declared a personal interest in this application.

In addition to the report, the Committee had before it duplicate copies of the plans in the agenda which had not been printed clearly.

Mr Peter Biggs 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 the Parish Council had consistently opposed large extension in Kennington, especially in this area. He commented that there were 40 bungalows all

about the same size with just a few small extensions. He raised concerns regarding the current proposal in terms of over dominance; adverse impact and change to the street scene which had been relatively unchanged since the war; other similar examples elsewhere in the road being visually harmful; adverse impact on the amenity of neighbours and overlooking from the balcony. He commented that he had thought of suggesting alterations to the plans but in this case considered that the application should be refused.

Mr Bradbury, a neighbour spoke against the application also raising concerns to matters already covered in the report. He specifically raised concern regarding there being no properties at this end of Manor Grove that had loft conversions; the juliet balcony resulting in overlooking; loss of privacy; adverse impact on the character and appearance of the area; the roof height being out of keeping; visual impact; loss of light to No.172 Poplar Grove; over dominance and loss of amenity.

Mr Adams had given notice that he wished to make a statement but he declined to do so.

One of the local Members commented that Popular Grove still maintained the look of a 1930's estate and he expressed concern regarding the need to retain this noting that in other areas continual extensions and alterations to properties had adversely affected the visual appearance and hence the character of the area. However, notwithstanding his desire to keep the properties in their current state he realised that this was not possible. He drew Members' attention to the dormer window on the front elevation commenting that every roof in the road was fully hipped and with this in mind he suggested that a condition should be added to the dormer should be fully hipped rather than a gable.

Other Members supported the application and the Officers advised that the additional condition would be reasonable in this case having regard to the street scene and the need to preserve the overall design of the estate.

By 14 votes to nil it was

RESOLVED

that application KEN/20688 be approved subject to the conditions set out in the report and a further condition to hip the dormer instead of a gable.

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

None.

The meeting rose at 8.35 pm