

DC.112

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

**HELD AT THE GUILDHALL, ABINGDON
ON MONDAY, 17TH NOVEMBER, 2008
AT 6.30PM**

Open to the Public, including the Press

PRESENT:

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

SUBSTITUTE MEMBERS: Councillor Laurel Symons for Councillor Sue Marchant and John Morgan for Councillor Matthew Barber.

NON MEMBERS: Councillor Gervase Duffield.

OFFICERS: Sarah Commins, Geraldine Le Cointe, Martin Deans, Mike Gilbert, Carole Nicholl, Emma Parkes, Andrew Thorley, Stuart Walker and Paul Yaxley.

NUMBER OF MEMBERS OF THE PUBLIC: 25

DC.152 **NOTIFICATION OF SUBSTITUTES AND APOLOGIES FOR ABSENCE**

The attendance of Substitute Members who had been authorised to attend in accordance with Standing Order 17(1) were recorded as referred to above with apologies for absence having been received from Councillors Matthew Barber and Sue Marchant. An apology for absence was also recorded from Councillor Val Shaw.

DC.153 **DECLARATIONS OF INTEREST**

Members declared interests in report 117/08 – Planning Applications as follows: -

<u>Councillor</u>	<u>Type of Declaration</u>	<u>Item</u>	<u>Reason</u>	<u>Minute Ref</u>
Paul Burton	Personal	KEN/6613/5	His wife's employer was near the site.	DC.165
Richard Farrell	Personal and Prejudicial	BLE/6636/6	In so far as the applicant was his wife.	DC.166
Paul Burton Roger Cox Terry Cox Mary de Vere Richard Gibson	Personal	BLE/6636/6	In so far as they were acquainted with Councillor Farrell and his wife was the applicant.	DC.166

Jenny Hannaby Anthony Hayward Jerry Patterson Terry Quinlan Margaret Turner Laurel Symons John Woodford				
Terry Cox	Personal	UPT/20226/1 – D	In so far as the applicant was known to him as a resident of his Ward and in that he had listened to the applicant who had spoken to him about the application. However, he explained that he had listened to his comments but he had not expressed a view on the proposal.	DC.168

DC.154 URGENT BUSINESS AND CHAIR'S ANNOUNCEMENTS

The Chair introduced himself and welcomed everyone present to the meeting.

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 was one local Member 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 refrained from approaching Officers and Members sitting around the table.

DC.155 STATEMENTS AND PETITIONS FROM THE PUBLIC UNDER STANDING
ORDER 32

Two members of the public each made a statement at the meeting under this Standing Order in connection with the Enforcement report regarding Abingdon Marina as follows: -

- (1) Gary Boughton-Smith, Marina Manager: -

Boats moored across the development boundary – Mr Boughton-Smith reported that this had been discussed at the previous meeting on 12 May 2008 when he had pointed out that in his opinion the invisible blue line drawn at 43 metres from and parallel to South Quay could only relate to fixed items, such as the pontoons and not moveable objects such as the boats that might or might not be tied to them. He stated that he wished to make it clear to the Council that it was not the Marina's intention to expand the moorings westwards or expand it further at all. He commented that occasionally it might be prudent, for ease of marina boat movement, to moor a boat abreast of the boat at the end of a pontoon for a short period of time, as was the case in the summer of 'Penelope Jane' tied to 'Bonnie Blue'. He assured the Committee that this would be a rare and by no means permanent occurrence.

He commented that he had produced a plan, but due to the rules regarding the circulation of material at Committee meetings was unable to circulate it to Members. He explained that the plan (a copy of which had been supplied by the planning department) had the limit to development line highlighted in blue and joining the ends of the pontoons was a red line, indicating clear divergence of the two getting wider, the further north. He commented that the difference between the blue line and the end of the first pontoon was 0.6 metres which would make the difference at the end of the third pontoon approximately 3 metres.

Permanent residential moorings – Mr Boughton-Smith commented that he believed there were no existing rules or regulations which stopped people staying on their boats in the Marina provided that they had a permanent place of residence elsewhere. He asked that if this was correct a local resident who had complained should be informed to enable her to cross this complaint off her list. He reported that the Inland Waterways Association had been consulted regarding this issue. He stated that to restrict the number of nights owners were allowed to stay on their boats would put this Marina out of kilter with other marinas throughout the country. He reported that he turned down on average three requests for residential moorings each week because only one residential mooring was allowed and apart from that one, he had land based addresses for all other boat owners; indeed the mooring agreement requested it. He stated that people did stay on their boats very occasionally for weeks on end, but then they left until the next time they tried to go cruising. He commented that most people would rather go cruising, than stay in the Marina, but due to the recent weather and how the Environment Agency chose to control the river, it was often not possible with the river flowing so fast to go cruising.

Mr Boughton-Smith reported that the Council's Enforcement Officer had had the Marina under surveillance since February this year, which was more than 9 months and he believed that the Officers had not been able to draw any

conclusion as to whether or not people were living on their boats. However, he commented that many people spent time on their boats and consequently money in the town. He asked that as the Officers had not found compelling evidence in the past 9 months the surveillance should now cease because although the Officers were affable and non-intrusive, people who moored their boats did not like the possibility of being spied upon. Consequently, people had left the Marina, thus affecting business. He commented that there would be people on their boats over the Christmas period but that they did not live on them.

He stated that concerns regarding the Marina had come about because one resident had been under the impression, quite incorrectly, that the only people allowed to stay on their boats were overnight visitors. He stated that he thought it was time that sense prevailed and that the surveillance and waste of taxpayer's money stopped.

Finally, he suggested that it would be prudent for any further complaints about the Abingdon Marina to be at least first put to the Marina owners or him as the Marina Manager for consideration, before expending more local taxpayer's money.

Mr Boughton-Smith thanked Members for having been given the opportunity to speak.

(2) Neil Boston : -

Provision, location and use of the 20 overnight moorings – Mr Boston reported the continued disappointment of residents' regarding the procrastination on this matter as yet again it seemed that a revised proposal was being deployed to fend off potential enforcement action. He requested that when the new proposal for overnight moorings was submitted, it should be made available for comment by those who could be affected by it.

Moored boats extending beyond the western limit of the marina application site – Mr Boston stated that the report suggested that the boat Heron Island extended beyond the permitted zone by 2m and not the previously reported 0.5 – 1.5m which the Enforcement Officer had declared when this matter had last been considered. Referring to Appendix 2 which showed Heron Island to have a beam width of 3.8m, it was a simple matter to calculate that it must extend 2.3m beyond the permitted zone. He reported that at the meeting of the Committee on 12 May, it had been resolved "that in this particular case no further action be taken against the mooring of the boat "Heron Island" when on mooring/berth number 93 on the western end of the northern arm of the marina". This decision had been based on incorrect information presented by the Enforcement Officer. He stated that it was not surprising to residents, having regard to the operator's track record of creeping development, that Members were now asked to consider permitting any boat of less than 4m beam width to moor to any of the 6 westernmost finger pontoon moorings. He commented that should this be permitted, this would equate to permitting

vessels to infringe beyond the permitted zone by up to 2.5m or in excess of 8 feet. Furthermore, should this relaxation be granted, residents fully anticipated there soon being a 5.m boat or boats being moored on these pontoons taking the total infringement up to 3.5m or 12 feet.

Mr Boston suggested that the application before Members might still be misleading and that it should be deferred pending the preparation of the following:

- (a) The production of a professional, accurate scale map of the western aspect of the development showing the distance from South Quay to each of the 3 arms and the 6 associated finger moorings of the public marina;
- (b) The establishment by the operator of a full, accurate record of the beam widths of all boats with term mooring rights at the public marina. Thereafter, it was suggested that a clear individual limit be set by the Committee for the maximum beam width of boats moored on each of the 6 moorings in question; this width to be set to prevent any part of any boat extending outside of the permitted zone taking account of its distance from South Quay.

Finally, Mr Boston suggested that this permission must carry a codicil to prevent any form of multiple mooring on the moorings in question.

Storage of box trailer in the secure compound – Mr Boston stated that residents were yet again faced with prospective enforcement action being deferred and instead a reason for not enforcing against the box trailer was being considered. He reported that the reason was that the box trailer was required for “essential storage purposes”. If the storage purposes were essential this clearly equated to a permanent requirement. He suggested that this should have been clear from the outset and an application for a permanent structure submitted. He commented that the box trailer had power running to it which also suggested a permanent structure would be much more appropriate and resident strongly urged that the recommendation before the Committee be rejected and that the operator be required to seek permission for a permanent structure, appropriately and sympathetically designed and located to provide the essential storage space required. Mr Boston reported that the parking compound remained an eyesore and potential source of contamination to the marina. There was assorted rubbish around the compound and full containers of anti-freeze, diesel and possibly other products, none of which were contained within bunds and all of which should be removed.

Mr Boston stated that residents would be interested to learn what reports had been received further to Councillor Burton’s request for an environmental survey of the marina.

Finally, Mr Boston stated that Members had the opportunity to restore the balance between the public marina and the absolutely legitimate interests of local householders and he asked the Committee to support residents’ views.

The Chairman thanked Mr Boughton-Smith and Mr Boston for their statements.

DC.156 QUESTIONS FROM THE PUBLIC UNDER STANDING ORDER 32

None.

DC.157 STATEMENTS AND PETITIONS FROM THE PUBLIC UNDER STANDING ORDER 33

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

DC.158 MATERIALS

None.

DC.159 APPEALS

The Committee received and considered an agenda item detailing four appeals which had been dismissed by the Planning Inspectorate and one where there had been a split decision.

On considering this report, the Committee was advised that approximately 72% of appeals were dismissed against a target of 65%.

RESOLVED

that the agenda report be received.

DC.160 FORTHCOMING PUBLIC INQUIRIES AND HEARINGS

The Committee received and considered a list of forthcoming public inquiries and hearings.

RESOLVED

that the agenda report be received.

PLANNING APPLICATIONS

The Committee received and considered report 117/08 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.161 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 Officers confirmed that a petrol station was a lawful use on this site. It was commented that the design was industrial in nature but on balance it was considered acceptable as the proposal was set back from the High Street and not directly opposite the properties in Southfield Drive.

It was noted that the building was higher, but that the previous building had a flat roof. It was explained that there would not be a harmful impact especially having regard to the orientation of the building. It was reported that the building was single storey in part and that there were no windows directly overlooking neighbours. It was reported that the Environmental Health Officer had raised no objection to the proposal in terms of noise and disturbance.

It was reported that concerns had been raised regarding safety and it was highlighted that there were a number of conditions proposed in this regard but also that some concerns were controlled by other legislation other than planning.

It was noted that the County Engineer had raised no objection but it was considered that an informative should be added regarding the access and egress to the site.

Yvonne Cocking made a statement objecting to the application. She explained that she did not oppose the principle of a garage on this site but expressed concern regarding safety commenting that her property, no.14 Southfield Drive, had suffered damage as a result of the recent fire. She explained that she had concerns which she had reported to Officers previously regarding height; loss of light; the proposal being inconsistent with neighbouring houses and over dominant. However, she commented that her main concern was the 1 metre strip of land which separated the site from the neighbour which was currently covered with foliage. She reported that when this area was cleared, a condition should be imposed requiring that it be maintained as an open area and not used as a dumping ground for rubbish, tyres and other combustible materials and items. She suggested that the strip should be sealed to prevent access. Furthermore, she considered that a condition should be added to prevent car sales at the garage in perpetuity. She raised concerns regarding gases being combustible and smell. Finally she questioned whether Members had considered traffic coming from the east and turning right very close to properties. She suggested that the entrance to the garage should be from the High Street and not in Southfield Drive.

Angela Banks, the applicant's agent made a statement in support of the application commenting that the proposal to retain a garage in the village had been welcomed by residents. She referred to design commenting that it was higher for safety reasons but that the roof was further away from the neighbour at no.14 Southfield Drive. She reported that there were no windows that would result in overlooking and that the access was acceptable. She reported that the applicant was willing to keep the area at the back clear. She reiterated that the proposal was for a garage and that the proposal amalgamated what was there before. She explained that there were benefits in that the portacabin would be removed and that the garage would be more attractive in the locality providing a service for local people.

One Member spoke in support of the application noting that the applicant's agent had stated that combustible material would not be stored on the site; the applicant would

have to seek planning permission to sell vehicles from the site and that the access was gated and conditions were proposed to address fire safety requirements.

The local Member reported that he was not opposed to the application but that appropriate conditions should be imposed on any permission. He expressed concern regarding size, height and width of the proposed building. He commented that there was concern locally regarding car sales from this site in view of the on-street parking of vehicles and access and egress to the site. He reported that the nearby road was narrow and cars had been parked everywhere causing nuisance and annoyance to residents. He hoped that vehicle sales would not be allowed in the future and he welcomed the informative in this regard. He reported that there was a mini roundabout which was steadily growing and the visibility was not good. He suggested that there should be an in and out access system away from the roundabout. Finally he referred to the strip of land at the back commenting that it was used as a tip. He asked that this strip be cleared and used properly and not as a dumping ground especially for flammable materials and items.

In response to a question raised the Officers reported that the applicant could not rebuild the garage to the original plan without planning permission. One Member commented that he had considered what had been there before stating that it was unfortunate that what was being proposed was something bigger. However, the previous structure had been a 1950's petrol station. In response to a further question raised it was noted that brick render was proposed together with a more industrial material. The Member expressed some concerns in terms of design and visual impact towards the southwest elevation commenting that the building would be so much larger than what was there before. Finally, the Member referred to the impact on neighbours and welcomed the conditions regarding boundary treatment and storage. One Member suggested that the proposed materials should be reported back to Committee for approval and this was agreed.

The Officers commented that the boundary treatment was to ensure that the boundary was secure and that the only way of getting in would be by the gate. It was reported that the storage of hazardous materials was not a planning issue.

One Member commented that the design could have been improved but on balance the proposal was acceptable having regard to the benefits of the facility to the village and the locality. In respect of the rear strip of land he raised concerns regarding storage and other issues such as vermin. He suggested that a condition should be added to require that the area be kept free of stored material. In response the Officers asked Members to consider what would be the harm in that vermin and flammable materials were covered by other legislation and the area was not visible; therefore this would be an unreasonable condition.

One Member commented that he disagreed with the Officer's comments stating that the garage had burnt down and that the storage of materials in this area was an important consideration.

It was proposed by Councillor Jerry Patterson and seconded by Councillor Terry Cox that should the Committee be minded to approve the application a further condition be

added to ensure that the rear strip of land be kept clear. However, on being put this was lost by 8 votes to 6.

By 13 votes to 1 it was

RESOLVED

that application SUT/375/3 be approved subject to the conditions and informative set out in the report with a further condition to require that the materials be presented back to Committee for approval.

DC.162 ABG/2259/20-LB AND /21-A - TWO VERTICAL FABRIC BANNERS WITH GROUND FLOOR UPLIGHTING; POLE SIGN WITH EXTERNAL TROUGH LIGHT; LECTERN-STYLE MENU WITH INTERNAL ILLUMINATION. PULPIT HOUSE, 1 THE SQUARE, ABINGDON, OX14 5SZ

Some Members spoke in support of the application commenting that the signs were a sensitive way in which to advertise the restaurant.

One Member raised concern regarding light pollution to neighbouring properties. It was thought that the neighbouring properties were offices, although the Officers undertook to look into this and furthermore, it was agreed that a condition to control light spillage should be added to any permission.

By 14 votes to nil, it was

RESOLVED

- (a) that application ABG/2259/20 - LB be approved subject to the conditions set out in the report; and*
- (b) that application ABG/2259/21-A be approved subject to the conditions set out in the report and a further condition to require that the lights shall be first tested and thereafter controlled.*

DC.163 ABG/2649/3 - DEMOLITION OF EXISTING GARAGE. ERECTION OF TWO STOREY FLANK EXTENSION AND SINGLE STOREY REAR EXTENSION. NEW PITCHED ROOF TO EXISTING REAR EXTENSION. (AMENDMENT TO PLANNING PERMISSION ABG/2649/2) 37 SELLWOOD ROAD, ABINGDON, OX14 1PE

One Member commented that there were similar extensions on nearby properties.

By 14 votes to nil it was

RESOLVED

that application ABG/2649/3 be approved subject to the conditions set out in the report.

DC.164 CUM/6358/7 - PROPOSAL IS FOR A TWO STOREY REAR EXTENSION SO TO PROVIDE ADDITIONAL OFFICES AND STORES, TOGETHER WITH ASSOCIATED PARKING FOR STAFF AND VISITORS. CHANDLER HOUSE, CUMNOR ROAD, FARMOOR, OX2 9NS

One of the local Members spoke in support of the application but expressed some concern regarding the parking layout and achievability.

In response to a question raised the Officers reported that there was a requirement for 1 parking space per 30sq m of officer space.

Another local Member noted that the parking spaces were shown up to the boundary wall, but he was aware that there was a container at the far end and he questioned whether it was necessary for the operation of the business.

In response to a further question raised the Officers reported that it would be reasonable to request that the car parking space should be kept free of any storage and that a condition could be added to any permission requiring this. In addition it was considered that an informative advising on not parking on a classified road could also be added.

By 14 votes to nil, it was

RESOLVED

that application CUM/6358/7 be approved subject to: -

- (1) the conditions set out in the report;*
- (2) a further condition to require that the car parking space should be kept free of any storage; and*
- (3) an informative advising on not parking on a classified road.*

DC.165 KEN/6613/5 - CONSTRUCTION OF A TWO BEDROOM SINGLE STOREY LOG CABIN DWELLING ON LAND TO THE REAR OF 85 BAGLEY WOOD ROAD, KENNINGTON, SHARING THE SAME ACCESS. 85 BAGLEY WOOD ROAD, KENNINGTON, OX1 5LY

Councillor Paul Burton had declared a personal interest in this application.

Henry Venners, the applicant's agent was due to make a statement but was not present at the meeting to do so.

One of the local Members commented that once the principle of development had been accepted there would be nothing to prevent another application. He noted that although the application stated a log cabin for a daughter there was nothing to prevent the applicant selling on the property. He noted that making any permission personal would be unreasonable. He referred to the impact on the amenity of neighbours and

the link roads commenting that provided there was no adverse impact on these he could see no reason to object to the proposal.

One Member reported that the road and driveway was narrow and of poor quality, although the proposal was for a small dwelling. He raised concern about attracting cars noting that the road would be unsuitable for lots of vehicles.

Another Member expressed concern that the proposal would set a precedent and that it would be difficult to refuse a larger proposal once the principle of development was agreed. To this end it was considered that an informative should be added to any permission advising that the principle of this proposal was acceptable due to its low impact.

By 14 votes to nil it was

RESOLVED

that application KEN/6613/5 be approved subject to the conditions set out in the report and an informative advising that the principle of this proposal is acceptable due to its low impact.

DC.166 BLE/6636/6 - PROPOSED ERECTION OF A GREENHOUSE. HALL BARN CLOSE, CHAPEL LANE, BLEWBURY, OX11 9PQ.

Councillor Richard Farrell had declared a personal and prejudicial interest in this application and he withdrew from the meeting during its consideration.

Councillors Paul Burton, Roger Cox, Terry Cox, Mary de Vere, Richard Gibson, Jenny Hannaby, Anthony Hayward, Jerry Patterson, Terry Quinlan, Margaret Turner, Laurel Symons, and John Woodford and had each declared a personal interest in this application.

By 13 votes to nil with 1 of the voting Members not being present during consideration of this item it was

RESOLVED

that application BLE/6636/6 be approved subject to the conditions set out in the report.

DC.167 WCH/15381/21 - ERECTION OF A CONSERVATORY (AMENDMENT TO PREVIOUSLY APPROVED APPLICATION WCH/15381/16 FOR ERECTION OF A DWELLING), VOSKINS BARN, SILVER LANE, WEST CHALLOW, OX12 9TN

Mr D Randell made a statement on behalf of the Parish Council commenting that the pictures did not explain the full impact of the proposal or identify everything which was significant in considering the application. He raised concern at the proposal in terms of its impact on water voles at Childrey Brook and other wildlife; the volume and size of the conservatory despite it being single storey; the extended footprint; adverse visual impact; the design being out of keeping and overlooking.

M Swaddling made a statement objecting to the proposal raising concerns relating to matter already covered in the report. She particularly raised concern regarding the size of the conservatory; the extent of glazing; the proposal being contrary to Planning Policies DC1, HE4 and DC9; height; scale; mass; the proposal being out of keeping with the character and appearance of the area; proximity to neighbouring properties; adverse impact on the nearby listed building; loss of privacy; over dominance; drainage and the risk of flooding.

Some Members spoke in support of the application considering that the proposal was reasonable and acceptable. Other Members agreed and it was commented that the colour of the conservatory would compliment the appearance of the barn in appearance.

By 14 votes to nil, it was

RESOLVED

that application WCH/15381/21 be approved subject to the conditions set out in the report.

DC.168 UPT/20226/1-D - APPROVAL OF RESERVED MATTERS FOR DEMOLITION OF EXISTING BUNGALOW AND ERECTION OF TWO CHALET BUNGALOWS. (APPROVED REF: UPT/20226-X) HITHERTO, CHURCH STREET, UPTON, OX11 9JB

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

Further to the report, the Committee was advised that a further letter had been received from Upton Parish Council which was read out in full at the meeting. The Parish Council had stated that it was a very diligent council which actively sought the opinion on planning applications from those living in the parish and then passed them on to the planning officers. The Parish Council accepted that planning was a matter of opinion but it considered that it was the opinion of those currently living in the parish and in particular the nearby neighbours of the proposed buildings rather than the opinions of Planning Officers, who should be listened to. The Parish Council had stated that planning officers had no direct interest in the parish and continued to make poor out of touch decisions which the parishioners had to look on everyday. The Parish Council had stated that it was its local community that should have the major say on how the village would look in the future. The Parish Council had earnestly requested that the District Council start to implement the local community involvement that was supposed to be so key to the latest planning policy; listen to the local community and say no to blue slates, timber cladding and the monstrous gable windows which were proposed for this application.

In response the Chair suggested that representatives of the Parish Council should be invited to discuss the process with planning Officers to clarify matters.

Some Members spoke in support of the application noting that there was a mix of properties in the area and similar materials had been used elsewhere in the village, it

being noted that horizontal timber boarding was a feature of the house opposite. Members disagreed with the comments of the Parish Council considering that there were no grounds to refuse the application.

By 14 votes to nil it was

RESOLVED

that application UPT/20226/1 – D be approved subject to the conditions set out in the report.

DC.169 CUM/20624 - ERECTION OF A DETACHED 2 STOREY DWELLING WITH 3 BEDROOMS. LAND ADJACENT TO TITHE BARN, HIGH STREET, CUMNOR, OX2 9PE

Further to the report, the Committee was advised that the first informative set out in the report should be disregarded and instead a condition added to require the submission of a method statement to retain the existing wall which would be incorporated into the existing dwelling.

By 11 votes to 1 with 2 abstentions to nil it was

RESOLVED

that application CUM/20624 be approved subject to the conditions and the second informative set out in the report and an additional condition to require the submission of a method statement to retain the existing wall which will be incorporated into the existing dwelling.

DC.170 ARD/20678 - ERECTION OF TWO SEMI-DETACHED 2 BEDROOM DWELLINGS. LAND ADJACENT TO 1 NEW COTTAGES, ARDINGTON

Mr G Huntingford, the applicant's agent made a statement in support of the application reporting that the Village Charitable Housing Trust owned 57 houses which provided accommodation for people in working life. He explained that the housing was affordable in that the rent was 70% of the market rate. He commented that Ardington was a dispersed settlement but it had had infill over the last 50 years, namely the Jubilee Cottages and others built in the 1990s. He commented that development was acceptable in the Conservation Area and that this proposal would fit in with the existing village development. He stated that the proposal would be visually acceptable in that it would be insignificant compared to properties next door. In terms of the potential for overlooking he commented that he did not see this as an issue.

In response to a question raised the Officers reported that this application had not been promoted as an application under the rural exceptions needs policy and that to do so would require a needs based survey and parish council support. Furthermore, there was no evidence to suggest that the accommodation would be affordable.

Some Members spoke against the application commenting that the application was outside of the village settlement and was contrary to planning policy.

Other Members commented that some small development to support villages allowing people to live and work in the amenity of the area might be acceptable and that had the application been submitted as a rural exception application it might have been agreed subject to the necessary evidence and support.

In response to a question raised regarding determination of the built up area of this village, the Officers responded that at the periphery of this village the development became more loose knit which was part of its character and charm and that there was a need to follow the built form and that in this case the site was clearly outside of the village settlement.

By 10 votes to 3 with 1 abstention it was

RESOLVED

that application ARD/20678 be refused for the reasons set out in the report.

DC.171 ENFORCEMENT PROGRAMME

The Committee received and considered report 118/08 of the Deputy Director (Planning and Community Strategy) which updated Members on issues still outstanding following the report considered by the Committee on 12th May 2008 in respect of the Abingdon Marina.

In considering the report, the Committee had regard to the statements made by members of the public as recorded elsewhere in these minutes.

In considering the report, Members made the following comments: -

- It was suggested that overnight moorings should be looked into further.
- There was concern regarding the marina ecosystem, it being commented that it was thought that the algae might be due to nitrate and phosphate leaking into the river from farm land and not as a result of boats or houses in the vicinity.
- Plans for more active management of the environment should be put in place with a report back to the Committee in this regard on a regular basis.
- In terms of the provision, location and use of the 20 overnight moorings, it was questioned what measures could be imposed. It was also questioned whether it was reasonable to impose a time limit on the discussions suggested, it being commented that within 3 months would be reasonable.
- An individual's sole place of residence was clear but a principal place of residence was less clear, it being noted that one residence needed to be registered for council tax purposes. It was commented that a non permanent use could still amount to a considerably long stay.

- Knowing whether a property was a main residence or not would not help control the amount of time the boats were used.
- The Council Officers should cease surveillance of the Marina. The Marina was not suitable for residential use it being a long walk from any facilities such as showers or shops etc. It was considered that this in itself would discourage boat owners from staying long periods. It was suggested one test would be whether the boats had engines or not and that there was a presumption if they did not then they were being used for residential purposes. It was commented that notwithstanding this, what harm was being caused it being noted that there were few complaints. It was suggested that the surveillance should cease until such time as complaints were received.
- The Officers had spent a considerable amount of time investigating the complaints and it was unclear what public harm was arising out of the few alleged complaints made. It was commented that in agreeing the recommendations it was not being agreed that the Officer should not investigate further but that this was not a priority.

In response to the comments made the Officers reported as follows: -

- It might be possible to look into overnight moorings further without the need for additional surveillance such as checking addresses of residents registered at permanent addresses elsewhere.
- In terms of water in the basin there was a flow of water but that this was a matter which the Environment Agency was responsible for.
- There was an application for a variation to the Section 106 agreement to remove the restriction of the overnight moorings and three months was reasonable to conclude negotiation in this regard.
- Regarding the sole or principal place of residence, a principal residence was a matter of fact and degree and paying council tax and places of work etc were consideration in this regard. It was noted that a person could spend a considerable amount of time in another residence.

By 13 votes to nil with 1 abstention it was

RESOLVED

- that in respect of the total number of boats moored in the Abingdon marina exceeding agreed numbers, no action be taken against boats moored on the 113 permitted moorings;*
- that with reference to the provision, location and use of the 20 overnight moorings, time be allowed for discussions to be held with the owners of the marina, with the prospect of a revised proposal for the variation of the Section 106 agreement being made within 3 months, before deciding whether to take enforcement action in relation to the lack of overnight moorings at the marina;*

- (c) *that with reference to the moored boats extending beyond the western limit on the Marina application site, no action be taken against any boat, of less than 4 metres beam width, which may be moored directly to any of the six western most finger pontoon moorings, two of which are located on the western end of each of the three main east west pontoon arms of the marina;*
- (d) *that with reference to the storage of a box trailer in the secure compound, no action be taken against the box trailer in question, other than requesting that it be painted a dark green colour;*
- (e) *that in respect of the permanent residential moorings, authority be delegated to the Deputy Director (Planning and Community Strategy) in consultation with the Committee Chair and/or Vice Chair, to decide whether enforcement action should be taken against Builders Ede Ltd. Abingdon Boat Marina, South Quay, Abingdon, and any individual(s) residing on a boat if it is established that any boat(s) in the marina (apart from the Marina Manager's boat) are being used as an individual's sole or a principal place of residence.*

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

None.

The meeting rose at 9.00 pm