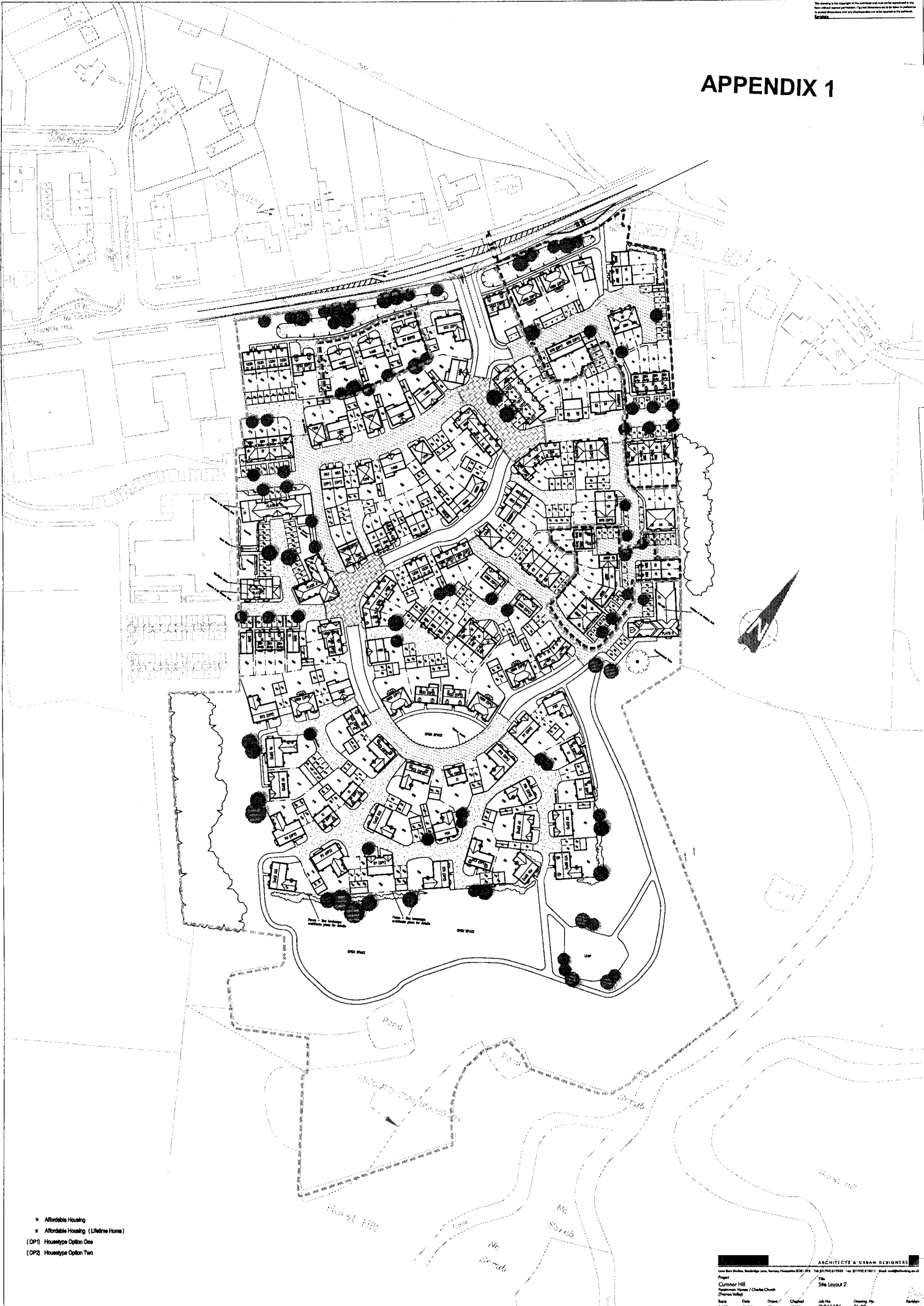


APPENDIX 1



- * Affordable Housing
- * Affordable Housing (Lifetime Home)
- (OP1) Housetype Option One
- (OP2) Housetype Option Two

CUMNOR PARISH COUNCIL RESPONSE FORM

The observations of Cumnor Parish Council.

Register No. 08/01552/FUL

Officer: Mr Stuart Walker

Application Number: CUM/80/32

Amended plans: Yes

Address of Proposal: Timbmet Ltd, Cumnor Hill, Oxford, Oxon, OX2 9PH

Proposal: *Removal of Condition 10 and Variation of Condition 12 of Planning Permission CUM/80/26-X. (Option A to permit 31 dwellings to be built prior to off-site works being completed. (Re-submission.)*

The Council's observations for CUM/80/32, CUM/80/33 and CUM/80/34 should be considered both separately and together as some of the comments are common to all three applications.

Please select the response that most accurately reflects your views on this application by ticking one box and providing the relevant reasons where this is requested, using a separate sheet if required.

1. Fully support for the following reasons:

2. No objections.

3. Do not object but request the following issues be given consideration:

4. Object for the following reasons:

Whilst the Council would not object, in principle, to the construction of 31 dwellings on the site provided there is a suitable surface water strategy, it objects to the wording of the revised condition as suggested by the applicant, since:

1. It no longer requires submission of the drainage scheme to, and its approval by, the District Planning Authority prior to commencement of the development; and
2. It makes no reference to the words:
"No new dwelling shall be occupied until all of the approved off-site sewage improvement works have been completed"

These words occur in the current Condition 12 and are still relevant to the 32nd and subsequent dwellings under the proposed revision. Their omission greatly weakens the force of the condition.

Accordingly, the Council suggests the following alternative wording:

- 12.1 *Prior to the commencement of the first 31 dwellings of the development hereby permitted, a scheme for the drainage (surface water and sewage) covering that part of the development shall be submitted to, and approved in writing by, the District Planning Authority.*
- 12.2 *Prior to the commencement of the 32nd and subsequent dwellings on the development hereby permitted, a further scheme or schemes for the drainage (both surface water and sewage and including any necessary off-site sewage improvement works) for that part or those parts of the development shall be submitted to, and approved in writing by, the District Planning Authority.*
- 12.3 *The approved scheme or schemes referred to in 12.1 and 12.2 above shall be implemented prior to the occupation of any dwelling to which that part of the scheme or schemes relate*

The Council's aim in drafting this revised condition has been to follow the wording of the original, which was imposed by the Vale for very good reasons, as closely as possible whilst, at the same time, permitting the erection of the 31 houses to which Thames Water does not object.

In the Council's view, clauses 12.1 and 12.3 taken together allow the applicant to erect 31 dwellings subject to the approval by the Vale of his proposed surface drainage arrangements. The Council assumes that the approval of the applicant's proposal to connect these 31 houses to the main sewer will be a formality.

Clauses 12.2 and 12.3 maintain the current Grampian condition with respect to the erection of the remaining 161 dwellings. In particular, they maintain the requirement that Thames Water shall have improved its sewers before these houses are occupied.

Clause 2.14 of the Glanville report dated June 2008, states that "the Environment Agency has advised that Thames Water has a legal obligation to accept foul discharge from the entire development under provisions of the Water Industry Act, irrespective of any concerns regarding the capacity of their network. Thames Water has confirmed this to be the case". The Council does not accept that this is a correct interpretation of the actual position. The Council understands that whilst Thames Water must allow the connection of new dwellings to an available sewer, it may delay the connection until such time as the sewer is in a position to receive safely the proposed new effluent. Thus, any request from a developer to connect to an inadequate sewer places an obligation on Thames Water to upgrade the sewer. Any alternative interpretation leads to the conclusion that the Vale and Thames Water are approving an act that is certain to lead to the discharge of noxious material at unauthorised points. The Council understands that knowingly to permit or cause such a discharge would be unlawful.

Clearly the obligation requires Thames Water to remedy the deficiencies as quickly as possible. This is a view that the applicant could very reasonably take up with Thames Water: it is not however a planning matter.

Condition 10 was set when Timbmet Ltd made the outline planning application (CUM/80/26-X) and the development was proposed to be in two stages with one side being developed for residential use and the remainder continuing to be worked as a timber yard. The Council believes that the site should still be "developed comprehensively" in order to minimise the disruption to the local area over what could otherwise be a period of 6 years if the site were to be developed at a rate of 30 dwellings per year as has been suggested.

Signed by ...*J B Bock*.....

Dated 2 September 2008

Clerk to Cumnor Parish Council