

DC.283

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

**HELD AT THE GUILDHALL, ABINGDON
ON MONDAY, 12TH MAY, 2008 AT
6.30PM**

Open to the Public, including the Press

PRESENT:

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

NON MEMBERS: Councillors Paul Burton and Mary de Vere.

OFFICERS: Sarah Commins, Martin Deans, Rodger Hood, Carole Nicholl, Stuart Walker, Paul Yaxley and Claire Litchfield.

NUMBER OF MEMBERS OF THE PUBLIC: 39

DC.365 NOTIFICATION OF SUBSTITUTES AND APOLOGIES FOR ABSENCE

No apologies for absence were received.

It was noted that Councillors Paul Burton and Mary de Vere were in attendance as local Members.

DC.366 DECLARATIONS OF INTEREST

Councillors declared interests in report 194/07 – Planning Applications as follows: -

<u>Councillor</u>	<u>Type of Interest</u>	<u>Application</u>	<u>Reason</u>	<u>Minute Ref</u>
Angela Lawrence	Personal	ABG/20415	In so far as she was a Member of the Town Council which had considered the application, however she was not a member of the planning committee and had had no previous consideration of the application.	DC.377
Angela Lawrence	Personal	ABG/742/43-e	In so far as she was a Member of the Town Council, however was not a member of the planning committee and had had no	DC.379

			previous consideration of the application.	
Jerry Patterson	Personal	KEN/20447	In so far as he was a Member of the Parish Council which had objected to the application, however he had had no consideration of the application.	DC.378
Anthony Hayward	Personal and Prejudicial	GOO/17829/3	In that he was the applicant.	DC.374
All Members of the Development Control Committee	Personal	GOO/17829/3	In that they were acquainted with the Applicant, Councillor Anthony Hayward.	DC.374

DC.367 URGENT BUSINESS AND CHAIR'S ANNOUNCEMENTS

The Chair welcomed everyone to the meeting and referred members of the public to the leaflets that had been placed on the chairs which explained the procedure for the meeting. He reminded all those attending to switch off their mobile telephones.

DC.368 STATEMENTS AND PETITIONS FROM THE PUBLIC UNDER STANDING ORDER 32

It was noted that four members of the public had each given notice that they wished to speak regarding the Enforcement Programme Report.

(1) Mr Gary Bourton Smith

Mr Bourton Smith made a statement in his capacity as Marina Manager of Abingdon Marina. He made the following points with respect to the allegation that the Marina moorings were being used for permanent residential purposes. He advised that there was provision for one residential mooring, for security purposes. He explained that the current residential mooring was used by a boat named "The Green Man", and that the owners took the boat river cruising as often as they could. He advised that he was in possession of land based addresses for every other boat owner in the Marina.

He commented that it was his belief that one of the Directors of the Resident's Association had considered that boat owners were not permitted to stay overnight on their boats or for several days. He advised that this was not the case as long as it could be demonstrated that the boat owners had a permanent place of residence elsewhere. He commented that the occupiers of the boats were very quiet and were mindful of their neighbours. He stated that he had invited Mr Boston, the Chairman of AMRA Ltd. to telephone him should he be disturbed by noise from the Marina, however to date he had not received such a call.

He made the point that the Marina was not set up for residential moorings, there were no showers, no hairdryers, no laundry facilities and only two toilets and an elsan disposal point.

With respect to the storage of the small caravan and box trailer in the secure compound, Mr Bourton-Smith advised that the caravan had now been removed. He stated that he did not consider that the box trailer was in breach of any planning permission, given that it sat in the car park, which was designated for cars and trailers. Furthermore, he stated that the trailer was positioned so as to have minimum visual impact.

In respect of the alleged breach of condition regarding the repair and improvement of the access road, he advised that following a recent meeting between himself, planning and enforcement officers and a representative from the county highways authority it had been agreed that the road was now up to an acceptable standard.

With respect to the moored boat extending beyond the western limit of the marina application site, Mr Bourton-Smith agreed that no action should be taken.

The Chair thanked Mr Bourton Smith for his statement.

(2) Mrs Gail Viney

Mrs Viney spoke in her capacity as a resident of the Marina. She advised that she had lived at the Marina for almost 20 years. She stated that the final scheme which had been approved in 1998 permitted a maximum of 100 boats, equating with the 100 moorings specified in the S106 Agreement. She explained that the amendment of the first scheme also specified 100 boats, but with a smaller mooring area with the pontoons located 5m further south.

She advised that in the last 2 years the unauthorised expansion of the public moorings both in boat numbers and area had upset the balance and was causing harm to the amenities that the residents once enjoyed. She stated that the moorings now extended approximately 1000 square metres beyond the permitted mooring area, the expansion being due to the illegal installation of 8 mooring posts, which had enabled the mooring of much longer boats than intended.

She stated that it was her estimate that there were almost 50% more boats permanently moored than permitted, a significant number of which were in unauthorised residential use.

She expressed concerns over the resultant harm to homeowners, namely loss of amenity, loss of privacy, loss of water space, upset of balance between public and private areas of the Marina, loss of reed bed, decrease in wildlife, adverse effect on visual amenity, dirtier water, increased risk of serious navigation accident, noise and the increase in traffic causing nuisance.

She stated that she believed that several things needed to be done. Firstly the public moorings must be kept within the boundaries agreed in 1998-2000, the western limit

having been defined by the S106 Agreement. She advised that as the Enforcement Officer had found the pontoons to be 43.6 metres from South Quay, all boats which extended more than 40 cm west of the pontoons encroached beyond the western limit and therefore must be enforced against.

In addition she advised that the northern limit, as defined by the amended plan, the Royal Yachting Association standard should apply, meaning that no boat longer than 6.6 metres would be moored on the northern pontoons. She called for the immediate removal of the illegal mooring posts.

Furthermore she stated that the eastern limit ought to have been defined by the marker buoys 8m from the bank. She advised that last year an application had been approved for the provision of additional moorings, despite the plans having no proper scale and the Officers inaccurate advice that there was no upper limit to the number of boats.

She advised the Committee that boats should not encroach over the permitted western and northern limits, all stays should be for 24 hours at a time and that by ensuring that this was the case enforcement action would be simplified.

The Chair thanked the speaker for her statement.

(2) Mr Neil Boston

Mr Boston spoke as the Chairman of the Abingdon Marina Resident's Association objecting to the application.

He advised that the proposal to defer the decision as to whether or not to take action in respect of the number of boats at the marina should not be agreed, as it had been demonstrated that the number of boats exceeded the number permitted. He confirmed that the Planning Officers would refute this as it was their belief that the maximum number of boats was never specified, only the number of moorings. He advised that it was essential that the Committee understood that the planning permission upon which the development had been based on both boat numbers and mooring numbers as being 100. He advised that it had been demonstrated that this number had been exceeded.

In respect of recommendation (b) of the Enforcement Report, he advised that the Operator had failed to maintain the location of the 20 overnight stay boats, contravening plan AB4/3, having let them out on a long term basis. He advised that enforcement action should be taken immediately.

He stated that the eight mooring posts which were installed without permission had caused significant damage to the amenity of householders, in particular as the effective size of the occupied area of the marina had been extended about 12 metres further. He advised that many of the long boats moored there were in residential use and called for immediate enforcement action to be taken to remove the posts.

With respect to recommendation (d) he stated that the offending boat, Heron Island, extended beyond the permitted zone, by 0.5 – 1.5 metres on a beam width of 3.8

metres. He advised that this had meant that 3.2 metres of the boat lay beyond the permitted zone and enforcement action should be taken. Furthermore he commented that it could be demonstrated that all of the boats on the westernmost pontoons projected beyond the permitted zones and enforcement action should be taken.

He advised that on the matter of the access road, enforcement action should be taken to require the Operator to upgrade the road in line with the Environment Agency's request in order to protect the flood route from the marina basin.

(4) Mr Geoffrey Carr

Mr Geoffrey Carr had given notice of his intention to speak and had prepared a written statement, which was read to the Committee by the Democratic Services Officer in his absence.

Mr Carr advised that he had kept his boat at Abingdon Marina for just over two years and used it regularly. He commented that he had stayed overnight on board for one or two nights. He advised that he had kept his boats at other marinas in the south of England and was therefore familiar with a broad spectrum of facilities of this type and had experienced usage of Abingdon Marina at all times of the year. He commented that he did not know the management of the marina well, and knew nothing of the background of this matter other than what was contained within the papers before the Committee. He commented that he could not claim to be a disinterested observer; he had viewed the papers with an open mind and wished to make two points on the issue under consideration.

He advised that Abingdon Marina was extremely quiet, essentially rural and drew hardly any traffic – even at peak times. He commented that it was efficiently run and well maintained and regulated. He advised that it was common in other marinas for a small level of disturbance as a result of boat maintenance, engine running or even a noisy club house, however none of these disturbances were evident in Abingdon, hence he was surprised that there was disharmony between the owners of the houses beside the Marina and the Marina itself. He commented that the majority of the complaints received seemed petty and vindictive and he wondered whether there was a personal vendetta involved or a history of ill feeling that he was not privy to. He advised that he considered that some of the complaints were trivial in the extreme and constituted a waste of public time and money. He advised however that he did not have a problem with the District Council instigating proper enforcement action where necessary.

He raised a concern that his privacy had been invaded by residents of the houses logging his comings and goings as he went about his lawful business. He commented that this contravened Article 8 of the Human Rights Act 1998. He commented that everyone values their privacy and believed the Committee would wish to be mindful of this legislation when it considered the degree of action to be taken with respect to enforcement.

On the specific point of residential moorings he commented that the Authority must enforce the existing policies. He was aware of one resident in the Marina, which was acceptable according to the papers. He advised that a residential presence provided

added security for the Marina and also discouraged potentially anti social behaviour in the park to the east of the Marina. He commented that he had stayed in the Marina in his boat overnight and had been aware of other boat owners present. However he believed that they were of a transient nature, like him. He advised that he had never witnessed any noise, parties or comings and goings that would indicate a permanent community. He advised that he would be very concerned if the Council was to ban boat owners from staying overnight after a days work on their boats. He commented that people had to stay overnight often due to strong stream conditions preventing them from leaving the Marina. He stated that such a ban would be impractical to enforce.

He urged the Committee to adopt a sense of proportion and practicality on this item. He advised that the pragmatic proposals put forward by the Council's Enforcement Officer had much to commend them. In his experience, he advised that the house owners living adjacent to Abingdon Marina could have a considerably worse neighbour.

The Chair thanked the Democratic Services Officer for reading out the statement.

DC.369 QUESTIONS FROM THE PUBLIC UNDER STANDING ORDER 32

None.

DC.370 STATEMENTS AND PETITIONS FROM THE PUBLIC UNDER STANDING ORDER 33

Four members of the public had each given notice that they wished to speak at the meeting.

DC.371 MATERIALS

The Committee received and considered materials in respect of the following:-

CHI/20077/1 - Research Complex at Rutherford Appleton Laboratory, Chilton

RESOLVED

that the following materials be approved: -

<u>Material Code</u>	<u>Component description and material location as drawings (31)04 and (sk)119</u>	<u>Product</u>	<u>Colour Reference</u>
500	Rainscreen cladding Panel - Aluminium	Alucobond	500 – silver metallic, closest match to RAL 9006
504	Rainscreen cladding Panel, Aluminium	Alucobond	504 – Bronze metallic

9006	<i>All window frames, bracketry for brise soleil etc.</i>	<i>Various</i>	<i>RAL 9006</i>
<i>K</i>	<i>Standard seam roof - aluminium</i>	<i>Kalzip</i>	<i>Natural</i>
<i>R</i>	<i>Cast glass channels- to form wall panels</i>	<i>Reglit</i>	<i>Natural –wired</i>
<i>A</i>	<i>Double glazed opaque unit in curtain walling</i>	<i>Solaglas</i>	<i>Mid- Grey BA8141</i>
<i>A</i>	<i>Double glazed opaque unit in curtain walling</i>	<i>Solaglas</i>	<i>Neutral-grey BA8153</i>
<i>A</i>	<i>Double glazed opaque unit in curtain walling</i>	<i>Solaglas</i>	<i>Graphite-grey BA8122</i>
<i>C</i>	<i>Solar control glass double glazed unit</i>	<i>Solaglas</i>	<i>SKN-154</i>

DC.372 FORTHCOMING PUBLIC INQUIRIES AND HEARINGS

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

RESOLVED

that the report be received.

DC.373 LOCAL DEVELOPMENT FRAMEWORK: OPEN SPACE, SPORT AND RECREATION SUPPLEMENTARY PLANNING DOCUMENT, FUTURE PROVISION

The Committee received and considered report 195/07 of the Deputy Director (Planning and Community Strategy), Open Space, Sport and Recreation Supplementary Planning Document, Future Provision.

It was reported that at the meeting of the Strategic and Local Planning Advisory Group held on 22 October 2007 Members considered the Draft Open Space, Sport and Recreation Supplementary Planning Document (SPD) prior to its publication for consultation. At a subsequent meeting of the Strategic and Local Planning Advisory Group Members had considered the comments submitted during the consultation process and had agreed to amend the SPD as recommended in this report.

The Principal Planning Officer introduced the report to the Committee and commented that the main purpose of the Supplementary Planning Document was to enable the Council to secure funds from new developments to mitigate their impact on open space, sport and recreation. She advised that the document had been produced by Officers in conjunction with external consultants. She commented that a detailed audit of 700 sites had been carried out looking at quality, quantity and accessibility.

One Member highlighted that there were some words missing from page 15 of the document. It was also noted that the document would be going to Council on 16 July 2008, not on the 21 May 2008 as stated.

One Member welcomed the document, stating that in her experience obtaining funds from developers had proven difficult. She advised that in her opinion developers should have to provide the funds up front. Another Member commented that the Vale needed to be proactive and cited an example of where money had been received up front, yet it had taken four years to build a play area using the funds.

RESOLVED (nem com)

- (a) that the Executive be asked to recommend to the Council that it adopts the Open Space, Sport and Recreation, Future Provision Supplementary Planning Document subject to the changes set out in the appendix to report 195/07; and*
- (b) that the Executive be asked to recommend to the Council that it implements the requirements of the Supplementary Planning Document via the Development Control function on planning applications for one or more houses once a project officer is in place.*

PLANNING APPLICATIONS

The Committee received and considered report 194/07 of the Deputy Director (Planning and Community Strategy) detailing planning applications, the decisions for which are set out below.

Applications where members of the public had given notice that they wished to speak were considered first.

DC.374 GOO/17829/3 PROPOSED ERECTION OF A GARDEN SHED. THE PARSONAGE HOUSE, GOOSEY, FARINGDON OXON, SN7 8PA.

In accordance with Standing Order 33, having declared a personal and prejudicial interest in this item, Councillor Anthony Hayward left the room during its consideration.

In accordance with Standing Order 33, having declared a personal interest in this item, the other Members of the Committee remained in the meeting during its consideration.

The Officers confirmed that this application sought permission for the erection of a wooden shed to the rear of Parsonage House, within the conservation area of Goosey. The Committee was shown photographs of the proposed site and it was confirmed that the construction would not be visible from the roadside or nearby open spaces.

By 14 votes to nil, with 1 of the voting Members having left the room, it was

RESOLVED

that application GOO/17829/3 be approved, subject to the conditions set out in the report.

DC.375 HIN/19721/4 ERECTION OF A TERRACE OF 3 X 3 BEDROOM DWELLINGS,
LAND ADJOINING 1 HIGH STREET, HINTON WALDRIST, SN7 8RN

The Officers advised that 8 letters of objection had been received which had raised concerns in respect of parking, sewerage, surface water drainage and loss of privacy and light. It was noted that the Parish Council had also raised objections to the application, details of which could be found in the report.

Mr Sherring made a statement in objection to the proposal, as a resident of a neighbouring property. He raised concerns in respect of loss of privacy as the proposed windows in the attic rooms looked directly into the bedroom windows of neighbouring properties. He was concerned that there was no mention in the plans of the boiler flue or the high voltage cable which cut through the site. He advised that the current application would result in ceiling heights of only 1.8 m, which was low and stated that the site lacked adequate provision for parking.

One Member advised that this application contravened policy H13 as it was effectively three buildings on an infill site and the policy permitted only two. He was also concerned about the visual impact of the development and whether there was adequate parking provision.

The Officer commented that if two properties were built on an infill site, a third could be applied for at a future date which would be considered as one property, which would comply with the policy.

One Member commented that in the plans the rooflights did not appear to be level. The Officer stated that this was a draughtsman's error, and it was the intention to have them at the same height. The Member advised that for the sake of clarity it should be conditioned that the rooflights should be at the same height.

Councillor John Woodford proposed that a further condition be added to require the use of permeable surfaces to address the issue of surface water drainage.

By 14 votes to nil with 1 abstention it was

RESOLVED

that application HIN/19721(4) be approved subject to:

- (1) the conditions and informative set out in the report and*
- (2) further conditions to require the use of permeable surfaces, and ensure that the rooflights are inserted at the same level.*

DC.376 ASH/19908/3 ERECTION OF A SINGLE DWELLING, SINGLE GARAGE AND
RE-USE EXISTING ACCESS (RESUBMISSION), LAND ADJOINING TILLING,
BERRYCROFT, ASHBURY SN6 8LX

The Officers reminded the Committee that this application had been considered at its meeting of the 21 April 2008, when it had been resolved to refuse the application with reasons to be agreed at a future meeting.

By 12 votes to 3 it was

RESOLVED

that application ASH/19908/3 be refused for the reasons set out in the report.

DC.377 ABG/20415 ERECTION OF A FIRST FLOOR AND REAR EXTENSIONS TO AN EXISTING DETACHED BUNGALOW, 174 OXFORD ROAD, ABINGDON, OXFORDSHIRE, OX14 2AE

In accordance with Standing Order 33, Councillor Angela Lawrence had declared a personal interest in this item and remained in the meeting during its consideration.

Officers advised that the proposal was sympathetic to the street scene. It was confirmed that no objections had been received from the residents of neighbouring properties or the County Engineer and that it was the Officer's opinion that there would be no harmful impact on neighbouring properties in terms of overlooking and overshadowing. However, it was reported that the Town Council had raised concern that the proposal did not have regard to the Council's guidelines on extensions being subordinate to the existing house.

One Member stated that she was in agreement with the Officer's recommendations and considered the proposal acceptable.

By 15 votes to nil it was

RESOLVED

that application ABG/20415 be approved subject to:

- (1) the conditions set out in the report and*
- (2) a further condition to require submission of boundary treatment details.*

DC.378 KEN/204475 VARIATION OF CONDITION 3 OF PLANNING PERMISSION KEN/7664 TO EXCLUDE NUMBER 5 PERKINS FROM AGE RESTRICTION. PERKINS, UPPER ROAD, KENNINGTON, OX1 5LN

In accordance with Standing Order 33, Councillor Jerry Patterson, had declared a personal interest in this item and he remained in the room during its consideration.

The Officers reported the receipt of a letter from Councillor Gareth Jennings, who wished his comments to be addressed to the Committee in his absence.

Councillor Jennings had stated that he was concerned by the proposal as it could potentially cause problems for the current residents of the bungalows. He advised that these people had purchased their properties in the knowledge that this was a small close specifically for older people. He considered neighbourhood factions could result should the age restrictions be removed. He stated that it had been a planning condition to introduce the age restriction in the first instance and to remove it would make a mockery of the planning system.

Mr Peter Biggs spoke on behalf of Kennington Parish Council, objecting to the application. He referred the Committee to the letter which had been written by the Parish Clerk. He advised that allowing the age restrictions to be reduced would result in the current residents leaving their properties. He advised that it was unfair that a group of people were going to be affected because someone could not sell their property.

Mr Peedle spoke on behalf of the residents, objecting to the application. He advised that he objected to the proposed reduction of the age limit. He stated that this property could be sold within the confines of the age restriction if it were marketed properly. He raised concerns over whether there would be adequate parking at the site to encompass younger residents who were more likely to own a car. He commented that there were plenty of residential areas for young people and that this application had taken no account of the needs of the elderly.

Mr Eekelaar, the applicant, spoke in support of the application. He advised the Committee that he had had the property valued by a local firm of estate agents. He stated that since November 2006 he had received only one serious expression of interest and subsequently had been advised by the estate agents that but for the age restriction, the property would have easily sold. He reminded the Committee that this was not sheltered accommodation and that government policy would not allow such a condition to be imposed on an application today.

One of the local Members confirmed that this application had come to the Committee at his request. He advised that if the removal of the age restriction was permitted in this case, it would have to be permitted for all of the bungalows. He stated that in his opinion this property could sell within the confines of the age restriction if it were properly marketed. He advised that there had been no problem in selling the properties in the past; however there was evidence of current difficulty in the housing market. He commented that he would very much regret the loss of the provision of housing for the elderly and that he did not support the proposal.

One Member commented that these properties were meeting a social need in that they were small homes where a group of elderly people could live together. He considered that the current government policy was not acceptable. He stated that this was a vital and important issue with social consequences. He expressed his belief that the age limit should remain so as to protect this enclave of housing specifically for the elderly.

Another Member held the opposite view. He advised that there was no basis on which to refuse the application.

Officers confirmed that it would not be possible to require a restriction on age if this application were being presented today, given current government policy. However the Committee was advised that it might be possible to restrict occupancy to certain age groups if the property was not on the open market, e.g. that it was sheltered accommodation.

One Member commented that it did not necessarily follow that younger people would be bad neighbours. She stated that elderly people might rely on their younger neighbours for assistance.

It was proposed by the Chair that application KEN/20447 to vary condition 3 of planning permission KEN/7664 be approved and this was lost by 8 votes to 7.

It was proposed by Councillor Jerry Patterson, seconded by Councillor Terry Cox and by 8 votes to 7 it was

RESOLVED

that application KEN/20447 to vary the condition 3 of planning permission KEN/7664 be refused with reasons for refusal to be formally endorsed at a future meeting of the Committee, such reasons to be based on the reason for the imposition of the condition in the original application.

DC.379 ENFORCEMENT PROGRAMME

The Committee received and considered report 4/08 of the Deputy Director (Planning and Community Strategy), which drew attention to a number of enforcement issues at Abingdon Marina. In considering this item, the Committee took into account the statements made by members of the public earlier in the meeting.

The Enforcement Officer advised the Committee that six individual letters of concern had been received between the 9 and 30 April from residents of North Quay, West Quay and Fisherman's Wharf. He commented that the letters reiterated the concerns raised in the report.

The Officer advised that further to the report 32 letters and 2 emails of support for the Marina Operators had been received. He commented that the letters had mainly been from the owners of boats moored in the Marina, however 5 had been received from residents of the Marina houses. He commented that the boat owners had written from their home addresses which ranged from Abingdon to West Wales. He stated that the sentiment of the letters was that boat owners were satisfied with the operation of the Marina. He advised that the boat owners considered that they contributed to the local economy and were generally welcomed by the District Council. He stated that the letters had raised concerns over the nature of the residents monitoring the use of the Marina, accusing them of covert tactics which they considered to be a breach of their privacy. He advised that some of the letters commented that the writers had never witnessed problems with noise coming from boat owners on the Marina.

He stated that the letters which had been received in support of the operators from the residents had expressed the view that the operators were excellent; Abingdon Marina

was one of the best in the country for tidiness and that as members of the Abingdon Marina Residents Association they did not hold the same view as those speaking on their behalf at the meeting.

The Committee considered each matter separately as follows;

(1) Total number of boats moored in the Marina exceeding the agreed number.

One Member commented that it was a shame that a maximum number of boats had not been explicitly stated when the plans had been approved. She advised that the maximum number of moorings had been specified; however it was possible to attach more than one boat to a mooring. She advised that it would be useful to specify an absolute maximum.

Councillor Paul Burton stated that there was a significant amount of algae on the surface of the water in the Marina and was concerned that there was recently evidence of botulism in the water. He suggested that an environmental survey be carried out in respect of the Marina in order to establish what would be a sustainable level of usage and development.

Officers advised the Committee that an application had been made to vary the terms of the 1998 Section 106 Agreement, and the Committee would have the opportunity to debate the issue when the application came before them. It was being recommended that the decision to take enforcement action should be deferred until that time.

One Member commented that it was beyond the Council's resources to monitor boat numbers on a regular basis. He stated that the recommendation was reasonable. He reminded the Committee that the power to enforce was a right, not a duty and any action must be proportionate and reasonable.

It was proposed by Councillor Angela Lawrence and seconded by Councillor Tony de Vere and by 15 votes to nil it was

RESOLVED

(a) *that the decision on whether to take enforcement action in relation to the number of boats moored at the marina be deferred until the current application to vary the terms of the Section 106 Agreement dated 3 December 1998 has been determined.*

(2) Provision location and use of the 20 overnight moorings

The Enforcement Officer advised that it was anticipated that an application to vary the 1998 Section 106 Agreement in relation to the number and location of overnight moorings would be submitted shortly. It was suggested that the Committee should require the application to be submitted within six weeks of the date of this meeting, in order to ensure that the matter was being addressed.

By 15 votes to nil it was

RESOLVED

(b) *that the decision on whether to take any enforcement action against the lack of overnight moorings be deferred at this time and the owners of the marina be requested to submit a further application to vary the 1998 Section 106 Agreement to address this issue by no later than 6 weeks from the date of this meeting.*

(3) Eight new posts driven into the bed of the Marina

One Member commented that it was a pity that planning permission had not been sought for the posts. The Deputy Director (Planning and Community Strategy) advised that it would be difficult to take enforcement action in respect of the posts because long boats were perfectly able to moor without them, the posts simply made it easier for the boats to moor. In his view the posts were not visually harmful in their own right, nor did it appear that they harmed the operation of the marina.

By 15 votes to nil it was,

RESOLVED

(c) *that no further action be taken in relation to the eight new mooring posts which have been installed at the northern end of the Marina.*

(4) A moored boat extending beyond the western limit on the Marina application site.

The Enforcement Officer advised that the boat in question was approximately 2-2.3 metres beyond the "blue line" which denoted the western limit of the Marina.

One Member commented that if enforcement action was not taken in this case, it might be difficult to prevent other boats from extending even further over the limit. Officers stated that each case needed to be judged on its own merits. They advised that any appeal against a decision to enforce was likely to be successful, given the transient nature of boats.

One Member commented that given the wording of the Section 106 Agreement, it was irrelevant where the boat was as it referred only to the "mooring", which was well within the western limit.

By 15 votes to nil, it was

RESOLVED

(d) *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.*

(5) Breach of Condition regarding repair and improvement of the access road.

The Enforcement Officer showed the Committee photographs of the road and advised that a meeting had recently been held between himself, the Marina Operators, the Highway Authority representative and representatives from the Environment Agency. He stated that the Highway Authority had pointed out potholes in the access road which had now been satisfactorily filled. He advised that the standard required of this road was lower than on a public highway and that the Highway Authority were satisfied and would be writing to confirm that the road was up to standard shortly.

By 15 votes to nil, it was

RESOLVED

(e) *that no action be taken in respect of the repair and improvement of the access road, subject to confirmation from the Highway Authority.*

(6) Breach of the condition regarding the provision of reed bed protection buoys.

The Enforcement Officer showed the Committee photographs of the position of the reed protection buoys in question. He advised that an email had been received from the Environment Agency following its visit to the site. He reported that the Agency had confirmed that it was content with the position of the buoys, but that it would be even better if they could be sited further away from the bank.

By 15 Votes to nil it was,

RESOLVED

(f) *that no action be taken in respect of the reed protection buoys and that Officers be requested to contact the Marina operators to advise that whilst the Environment Agency is content, it would be even better if the buoys could be moved further away from the edge of the land.*

(7) Storage of small touring caravan and box trailer in the secure compound.

The Enforcement Officer advised that the small touring caravan had now been removed and therefore the Committee should only have regard to the box trailer. The Committee was shown photographs of the site and noted that the Operators used the trailer for storage. The Enforcement Officer reported that the Operator considered that it was parked within a trailer park, which did not specify boat trailers only, and therefore the box trailer was acceptable.

The Committee noted that the box trailer could be seen from the footpath. One Member questioned when planning permission was required for such storage facilities. The Officers explained that a permanent structure would require planning permission; however the trailer with wheels attached suggested that it was transportable and therefore no planning permission was required.

One Member commented that although the description of the parking area made reference to trailers, it was clear that this trailer was not a temporary feature. He considered that the Operators ought to design a more appropriate building for storage and apply for planning permission.

Another Member pointed paragraph 13 of the Section 106 Agreement, entitled "Car Park", which made provision for the parking of trailers at all times, which the Officers undertook to consider.

By 12 votes to 2 with 1 abstention, it was

RESOLVED

(g) that authority be delegated to the Deputy Director (Planning and Community Strategy) in consultation with the Chair and Vice Chair, to take enforcement action against Builders Ede Ltd. Abingdon Boat Marina, South Quay, Abingdon to remove the box trailer, if considered necessary, Officers having first investigated the terms of the Section 106 Agreement.

(8) Permanent Residential Moorings

The Enforcement Officer advised the Committee that some residents had raised concerns with respect to residential use of boats in the Marina. He explained that the definition of what constituted residential use was at odds with the residents view. He advised that he had monitored the Marina over a period of weeks and he had not witnessed anything which led him to believe that boats were being used for residential purposes.

One Member reminded the Committee that the Operator had claimed that he had land based addresses for all of the boat owners who were registered at the Marina which would suggest that the boat owners were not using their boats for residential purposes.

The Deputy Director (Planning and Community Strategy) advised that enforcement action should be taken where someone was using their boat as a primary place of residence, however in this case there was little evidence to suggest that any of the Marina users were doing so and further investigation would be required.

By 15 votes to nil it was

RESOLVED

- (h) *that authority be delegated to the Deputy Director (Planning and Community Strategy) in consultation with the Chair and/or Vice Chair of the Committee to take 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 9.50pm