

PLANNING & REGULATION COMMITTEE

MINUTES of the meeting held on Monday, 23 May 2011 commencing at 2.00 pm and finishing at 3.30 pm

Present:

Voting Members: Councillor Steve Hayward – in the Chair

Councillor Alan Armitage
Councillor Tony Crabbe
Councillor Mrs Anda Fitzgerald-O'Connor
Councillor Jenny Hannaby
Councillor Ian Hudspeth (In place of Councillor Mrs Catherine Fulljames)
Councillor Ray Jelf
Councillor Peter Jones
Councillor David Nimmo-Smith
Councillor Neil Owen
Councillor G.A. Reynolds
Councillor John Sanders
Councillor Don Seale
Councillor Bill Service (In place of Councillor Roger Belson)
Councillor John Tanner

Officers:

Whole of meeting G. Warrington and J. Crouch (Law & Governance); R. Dance, J. Hamilton and D. Groves (Environment & Economy)

Part of meeting

Agenda Item

7.

9.

Officer Attending

N. Day (Environment & Economy)

C. Hogkinson (Environment & Economy)

The Committee considered the matters, reports and recommendations contained or referred to in the agenda for the meeting, and decided as set out below. Except as insofar as otherwise specified, the reasons for the decisions are contained in the agenda and reports, copies of which are attached to the signed Minutes.

13/11 ELECTION OF CHAIRMAN FOR THE COUNCIL YEAR

(Agenda No. 1)

Nominations for election of Chairman were as follows:

Councillor Armitage (nominated by Councillor Tanner and seconded by Councillor Sanders)

Councillor Hayward (nominated by Councillor Jones and seconded by Councillor Jelf)

By 10 votes to 4 Councillor Hayward was elected Chairman for the Council year.

14/11 ELECTION OF DEPUTY CHAIRMAN FOR THE COUNCIL YEAR

(Agenda No. 2)

Nominations for election of Deputy Chairman were as follows:

Councillor Sanders (nominated by Councillor Armitage and seconded by Councillor Tanner)

Councillor Mrs Fulljames (nominated by Councillor Fitzgerald-O'Connor and seconded by Councillor Nimmo-Smith)

By 10 votes to 4 Councillor Mrs Fulljames was elected Deputy Chairman for the Council year.

15/11 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

(Agenda No. 3)

Apology from

Temporary Appointment

Councillor Mrs Fulljames
Councillor Belson

Councillor Hudspeth
Councillor Service

16/11 DECLARATIONS OF INTEREST - SEE GUIDANCE NOTE OPPOSITE

(Agenda No. 4)

Councillor Hudspeth advised that he would leave the meeting for the duration of Item 7 on the grounds that he might have predetermined the application as part of his responsibilities as the former Cabinet Member for Growth & Infrastructure.

17/11 MINUTES

(Agenda No. 5)

The minutes of the meeting held on 11 April 2011 were approved and signed subject to amending "limits" to read "levels" in paragraph (b) of the resolution to Minute 12/11.

Updates

Mr Dance advised that the Monitoring Officer had completed his investigations into the process leading up to approval by the Committee of applications at Cassington Quarry and the slurry lagoon at Worton Farm. He had concluded that in both cases the County Council had complied with due process and that both decisions had

therefore been soundly made. However, he had suggested that with regard to the Cassington Quarry application it would have been good practice to have consulted Eynsham Parish Council. The Monitoring Officer had written to planning officers to encourage, where appropriate, wider parish consultation.

18/11 PETITIONS AND PUBLIC ADDRESS

(Agenda No. 6)

<i>Speaker</i>	<i>Item</i>
David Condon Nick Wilcock) 7. Roundabout B4022 Cogges Hill)Road
Ron Wyatt	9. Minerals and Waste Monitoring and Enforcement

19/11 CONSTRUCTION OF A NEW ROUNDABOUT JUNCTION ON THE B4022 OXFORD HILL AT ITS JUNCTION WITH JUBILEE WAY, COGGES HILL ROAD AND THE PROPOSED A4095 COGGES LINK ROAD; TO INCLUDE PROVISION FOR PEDESTRIAN AND CYCLE CROSSINGS TO LINK PROPOSED OR EXISTING PEDESTRIAN AND CYCLE ROUTES; AT EXISTING TRAFFIC LIGHT CONTROLLED JUNCTION BETWEEN OXFORD HILL, JUBILEE WAY AND COGGES HILL ROAD, WITNEY - APPLICATION NO R3.0039/11

(Agenda No. 7)

Planning permission had been granted for the Cogges Link Road at Witney in April 2009. In the meantime further work had been undertaken to assess the potential for improvements as a result of which the Committee were now asked to consider an application for the provision of a roundabout to replace the current signal controlled junction at Oxford Hill/Jubilee Way.

Through his public address Mr Condon advised that the revised proposal did not meet safety requirements as laid down in the Highway Agency's 2007 Design Manual for Roads and Bridges. TD/50 of the manual did not give guidance on signal controlled junctions on gradients and TD16/07 advised that steep gradients should be avoided at roundabout approaches or flattened to a maximum 2% before entry. The minimum achieved by this arrangement was 4.2% which meant there were potentially serious issues of large vehicles overturning. The design manual further advised that roundabouts should preferably be sited on level ground and not sited at the bottom of or on long descents. According to County Council figures the gradient here ranged from 4% to 6.5% over a distance of 200 metres with a downward incline starting at 350 metres before the roundabout. He drew particular attention to the dangers of large vehicles entering the roundabout from the south and exiting east onto Jubilee Way. There were further issues of safety for cyclists and motorcyclists arising from the rate of change in camber, which could result in a loss of grip. He urged the

Committee to defer the application to allow these and other issues connected with this scheme to be addressed.

Through his public address Mr Wilcock advised that 18 years ago he had opposed the proposed routeing of the Cogges Link through the Cogges estate. The revised scheme had avoided the estate but had retained northern and southern accesses, which were later dropped, meaning all traffic entering or leaving the Cogges estate would be obliged to use the northern access. In 2008 concern had been expressed that this single junction would be able to cope but assurances had been given that a controlled T-junction between Cogges Hill Road and the Cogges Link Road and a 4 way light controlled junction on Oxford Hill would provide safe access. However, those proposals were now to be amended by replacing the former with an uncontrolled junction and a roundabout at the latter. These proposals contravened Local Plan Policy T6 insofar as they would increase the potential for traffic conflict and did not provide adequate safety for pedestrians (including schoolchildren) and cyclists. Pedestrian refuges were inadequate and traffic conflict would increase with heightened accident potential for right turning traffic. He did not consider that these issues had been given enough weight in Jacobs' report which also inferred that additional land would be required. He had had no response to his suggestion for provision of a 5 limb roundabout. The marginal flow improvements for traffic did not justify the hazards this application would generate in contrast to the proposals presented in October 2008, which complied with Local Plan Policy. Safety was far more important than traffic flow and he asked the Committee to reject the application.

On behalf of the developer Mr Day confirmed that the Highway Agency Design Manual contained mandatory elements in the manual but that the points raised by Mr Condon did not cover those elements. Neither was the B4022 a trunk road which meant therefore that the manual could be used for guidance purposes only. The County Council were complying fully with design guidance. There was no history of overturning vehicles and the modelling undertaken showed that any risks could be suitably mitigated by appropriate camber adjustment.

Responding to questions from:

Councillor Hannaby – modelling had shown that the roundabout would be able to accommodate levels of traffic whilst maintaining safety levels. A better balance of traffic and retention of current crossing positions would offer ample opportunity for all users to cross safely.

Councillor Tanner – he confirmed that the current crossing facilities would be retained with splitter islands. Existing cycle facilities would also be retained but there were no plans to integrate bus priority measures.

Councillor Armitage – the proposed roundabout was within the 30 mph zone and both cyclists and pedestrians would be able to see over the top of the roundabout.

Councillor Seale – it was intended to retain the existing speed camera on Oxford Hill and the potential remained to signalise the junction in the future if needed.

Councillor Fitzgerald-C' Connor – there would be adequate lighting for pedestrians.

Councillor Sanders – he confirmed that further modelling undertaken some 12-18 months ago had confirmed the need for a preferred roundabout scheme.

The Committee noted two amendments to the report namely in paragraph 22 “overturning” to read “overtaking” and in paragraph 38, Condition 17 “pond” to read “road”.

Councillor Service moved and Councillor Reynolds seconded that the recommendation as set out in the officer report be approved.

Councillor Tanner voiced concerns about the viability of the scheme arising from safety concerns for cyclists and lack of bus priority.

The motion was put to the Committee and –

RESOLVED (by 12 votes to 2): that planning permission be granted for the development proposed in Application No. R3.0039/11 subject to conditions to be determined by the Deputy Director (Growth & Infrastructure) to include the following matters:

1. Detailed compliance – development to be carried out strictly in accordance with the particulars contained in the application and plans.
2. Detailed duration – development to commence within 3 years.
3. Landscaping scheme to be submitted and agreed.
4. Landscaping scheme to be implemented.
5. Retained trees/hedges to be protected during construction.
6. Agreement and implementation of an archaeological mitigation strategy.
7. Details of lighting to be submitted and agreed.
8. Surface water drainage scheme to be approved.
9. Details of ecological mitigation measures (including measures already agreed as part of the CLR approval) to be submitted and agreed.
10. Final details of cycleway provision to be agreed.
11. Existing footpaths and cycleways to be made good following completion of works.
12. Details of proposed working hours during construction to be agreed.
13. All plant and equipment to be used in road construction to be designed and maintained to reduce noise levels to a minimum.
14. Road to be constructed using a low road noise surface material.
15. A scheme for routeing and control of construction traffic to be approved.
16. No vehicles used in construction works shall enter the public highway unless its wheels and chassis are cleaned.
17. Measures to be adopted to prevent dust nuisance.

Informatives

1. Requirement for a Site Waste Management Plan.
2. Diversion required for any Thames Water Main that crosses the site.

20/11 CONVERSION OF EXISTING FOOTPATH TO A NEW PEDESTRIAN/CYCLE ROUTE AND ASSOCIATED WORKS TO INCLUDE THE CREATION OF NEW STEPS, CYCLE RAMPS AND 7 NEW LIGHTING COLUMNS AT FORMER MINERAL RAILWAY, HANWELL FIELDS, BANBURY - APPLICATION NO R3.0043/11

(Agenda No. 8)

The Committee considered an application to convert an existing footpath into a combined pedestrian/cycle track.

RESOLVED (on a motion by Councillor Reynolds, seconded by Councillor Jelf and carried unanimously): that planning permission be granted for the development in Application No. R3.0043/11 subject to conditions to be determined by the Head of Sustainable Development to include the following matters:

1. The development must be carried out strictly in accordance with the particulars contained in the application and the plans.
2. Commencement of the development within 3 years.
3. Submission and agreement of the external material proposed for the retaining walls.
4. Retained trees to be protected during construction works.
5. Submission and agreement of a landscaping scheme - to include replacement planting.
6. Landscaping scheme to be implemented within first planting season following the completion of the development.
7. Tree removal to be carried out outside of the bird breeding season.
8. Site assessment of lighting levels from the new lights and implementation of any remedial action that may be required.
9. Submission and agreement of a construction traffic management plan (to include contractors working hours, delivery times of materials and site compound).

21/11 PROGRESS REPORT ON MINERALS AND WASTE SITE MONITORING AND ENFORCEMENT

(Agenda No. 9)

The Committee considered a report which gave an update on regular monitoring of minerals and waste planning permissions and progress on enforcement cases.

The Chairman advised that the purpose of the report was to update Committee members on monitoring of waste and mineral sites and progress of enforcement by

the Council. The report was for information only and there were no decisions requested of the Committee in relation to the report or in relation to any of the sites reported in it. An application had been made by Mr Ron Wyatt to address the Committee in respect of one of the enforcement sites included within the report. Whilst Mr Wyatt could address the Committee, it was important that all parties appreciated that this matter was presently with the County Council's solicitor and the courts, and the position as set out in the report, was one which the Committee were being asked to note. There was no substantive decision to be made.

Mr Wyatt stated that he and his brother disputed the claim that no realistic efforts had been made to comply with the Court order and outlined what had been done including commissioning the services of a reputable landscape company to carry out the works required whilst establishing an accurate record of existing and pre-existing levels, which had been reported to the Council's monitoring officers. He maintained that County officers had concurred with the results of the survey. On the instruction of County officers further excavations had been carried out over an area of 4/5 acres which were recorded and no identifiable waste had been found. No further instructions had been given to excavate other than in an area under the control of the Environment Agency who had confirmed the view that levels in that area had not changed. He expressed disappointment that members of the Committee had not had the opportunity to see for themselves the realistic efforts which had been made and what had been achieved. He felt that the true facts had not always been reported and regretted the £2m costs which had been incurred as result of the dispute. He felt his company had worked hard with officers to resolve this issue and his view now, and he believed that County officers held a similar view, was that the enforcement plan was now no longer suitable for measuring compliance and to take any more material off site would then necessitate importation of material back into the site to maintain existing levels. He believed they had acted reasonably and realistically in returning the land to as close as possible to its original form and he hoped officers would confirm that. He showed 2 photographs comparing the same bridleway some 20 years apart which he felt illustrated that levels had remained roughly the same. However, the enforcement plan had required land adjacent to the bridleway to be lowered by an average of 2 metres, a discrepancy replicated across the site. The photographed bridleway also happened to be the access to The Mill whose owner had threatened to sue should that access be put at risk.

Mr Dance explained variances in the annex to the report where the number of visits carried out differed from the target number set. Sites were reviewed throughout the year which on occasions often led to changes in the number of visits to reflect changing circumstances at particular sites.

Responding to specific questions Mr Hodgkinson confirmed:

- that the in-vessel composting consent at Ardley had now been implemented;
- the number of visits at Childrey Quarry had exceeded target visits because the site had been due to close but a shortage of inert material had meant that an extension to the site might be required. Officers would continue to monitor closely the position at the site;
- planning permission had been granted recently for a new building at Enstone WTS subject to a routeing agreement to avoid the Bartons;

PN3

- that officers would pursue the possibility of providing right turn signage for vehicles exiting the Enstone site and report back after the closure of Dean Pit.

RESOLVED: that the schedule of compliance monitoring visits in Annex 1 and the schedule of enforcement cases in Annex 2 to the report PN9 be noted.

..... in the Chair

Date of signing