

PLANNING & REGULATION COMMITTEE

MINUTES of the meeting held on Monday, 13 January 2014 commencing at 2.00 pm and finishing at 4.20 pm

Present:

Voting Members: Councillor Mrs Catherine Fulljames – in the Chair
Councillor Neil Owen (Deputy Chairman)
Councillor David Bartholomew
Councillor Mark Cherry
Councillor Patrick Greene
Councillor Pete Handley
Councillor Bob Johnston
Councillor Glynis Phillips
Councillor Anne Purse
Councillor G.A. Reynolds
Councillor Lawrie Stratford (In place of Councillor Stewart Lilly)
Councillor John Tanner

Other Members in Attendance: Councillor Charles Mathew (for Agenda Item 6)
Councillor Les Sibley (for Agenda Item 9)

Officers:

Whole of meeting G. Warrington and D. Mytton (Law & Culture); C. Kenneford, D. Periam and G. Arnold (Environment & Economy)

Part of meeting

Agenda Item **Officer Attending**
6, 8 & 9 M. Thompson (Environment & Economy)

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

1/14 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

(Agenda No. 1)

<i>Apology</i>	<i>Temporary Appointment</i>
Councillor Stewart Lilly	Councillor Lawrie Stratford

2/14 DECLARATIONS OF INTEREST

(Agenda No.)

The Chairman informed the Committee that the Councillor Owen the deputy chairman would take the Chair for the duration of Item 8.

3/14 MINUTES

(Agenda No. 3)

The minutes of the meeting held on 2 December 2013 were approved and signed subject to amending Minute 55/13 paragraph 28 as follows:

“Councillor Bartholomew referred to the impact from transport and vehicle movements not only from the extraction process but also from importation of backfill material and asked officers if they agreed that a very low level of confidence should be given to the figures set out in the transport assessment both in terms of a south/north split and the number of vehicle movements as they had been based on a number of assumptions as to where the inert waste would come from as no specific sites had been identified. He reiterated that local people would prefer water based restoration he was perplexed why an application hadn’t been submitted with that in mind as the backfill element seemed to be at the core of the concerns expressed by objectors.

Ms Nixon agreed that the transport assessment had indeed been based on assumptions which indicated expected transport levels from the south at 75% and 25% from the north. The expected impact on Henley equated to 1.3 movements per hour and from the south to an additional 38 movements equating to 1 every 15 minutes. That had not been considered significant.”

Minute 55/13 – Extension to Caversham sand and gravel quarry

Officers confirmed that no response had yet been received from the Secretary of State with regard to the application approved at the December meeting.

Minute 56/13 – Sutton Courtenay Waste Management Centre

Officers confirmed that appeals had been lodged against the two applications for this site which had been refused in September 2013. The appeals would be considered at a formal hearing.

4/14 PETITIONS AND PUBLIC ADDRESS

(Agenda No. 4)

<i>Speaker</i>	<i>Item</i>
Martin Layer (Applicants) Councillor Charles Mathew (Local Member)) 6. Gill Mill Quarry, Ducklington))
Suzi Coyne (agent for Applicant)	7. Sheehan Plant Hire & Haulage, Woodstock Road, Yarnton
Mark Ellis (Local Resident) Grant Scott (Viridor)) 8. Energy from Waste Facility,)Ardley
County Councillor Les Sibley (Local Member)	9. Proposed park & ride, Bicester

5/14 GILL MILL QUARRY, DUCKLINGTON

(Agenda No. 6)

The Committee considered (PN6) an application for the extraction of approximately 7.8 million tonnes of sand and gravel from an area adjacent to and incorporating an existing part of Gill Mill Quarry, near Ducklington in West Oxfordshire.

Martin Layer referred to the long history involved in bringing this project to this stage. The Company through experts had undertaken exhaustive monitoring and modelling and addressed every potential environmental impact with the promise of intense detailed scrutiny. There had been full dialogue at all levels in line with the Company's statement of community engagement which has included county, district and parish councils, statutory consultees, conservation groups the wider local community and individuals. The environmental impact assessment has been used to inform the development and has been open to scrutiny bearing in mind that gravel can only be dug where it occurs. The assessment has amended the original application from 9 to 5 million tonnes. Relationships with Parish Councils had been positive throughout the process with issues worked through such as providing improved public access and the development will eventually deliver 11km of new paths where previously none existed including from the outset of the development a new 3.4 Km bridleway running across the valley which has required buying additional land and an exiting bridge over the Windrush. To meet concerns regarding increases in visitors from outside the area the Company are to fund construction of new parking places on land provided by Ducklington parish council, which is further evidence of positive joint

working. The Company have worked hard to present a thorough and comprehensive proposal for a major minerals application, which has not apart from the District Council received any objections from any statutory consultee, community group or individual and which has been welcomed by those representing nature conservation interests. Approval will:

- Provide long term security for 40 direct jobs
- A long term framework for future investment decisions
- Provide a secure and steady supply of material to local markets and the wider Oxfordshire area maintaining existing infrastructure and supporting growth of the local economy
- The state of the art recycled aggregates washing plant will provide long term support for the supply of recycled construction materials
- Provide significant areas of priority habitat and major biodiversity gains building on the on the success already achieved at Gill Mill and helping to meet the ambitions of the government's biodiversity strategy.

Gill Mill has supplied material since 1989 largely without problem or complaint and approval of this application will help maintain that supply of primary and recycled materials. The company will continue to respect its agreement and create high quality restoration and support local liaison and he urged the Committee to support its officer recommendation to approve.

Mr Layer then responded to questions from:

Councillor Tanner – 22 hectares would be reinstated to agricultural land and the general view was that the gain through the provision of reed beds would outweigh the loss of 11 hectares.

Councillor Handley – there had been extensive discussions with the MoD regarding proposals for bird management. That formed part of the S106 agreement and would remain in place as long as RAF Brize Norton was an operational station. He confirmed that the 31/2 Km cross valley route would be fenced and safety was key to the Company while operating.

Councillor Bartholomew – the Company had had extensive discussions with Councillor Charles Mathew with regard to this application over the years.

Councillor Cherry – it was unlikely that the development would allow further employment opportunities but it would secure current jobs and indirectly support the local economy.

Councillor Purse – he confirmed that cuttings from Ducklington Mead were being spread elsewhere in an effort to encourage the spread of fritillaries. However, if those efforts were to prove successful it would take some time for them to establish.

Councillor Mathew complimented Smiths on their local arrangements and management of the site and expressed support for their operation. However he had 2 main concerns and 1 minor. Firstly the survival of the fritillary in this area was very important. First recorded in the 16th century they were once very abundant but were

now confined to specific areas. His concern was that the view had been taken that the application would not adversely affect the current situation and whilst that might be the case by the time we knew that it might be too late. Although no digging was taking place in this particular area he did not believe that it would not have an effect. Secondly there was the imbalance of production of sand and gravel in Oxfordshire. Currently West Oxfordshire produced 80% - 90% of material in the County and this development would continue that trend. He suggested permission for 6 – 7 years and then for a further application to be submitted when the position that existed then could be gauged. Thirdly there was the question of flooding at Gill Mill and the retention of flood water at the confluence of the Thames and Windrush and he suggested one reason for that could be the pumping of flood water from the Gill Mill site into the river and he suggested the Committee consider an additional condition that water pumping at times of flood be reviewed.

He then responded to questions from:

Councillor Bartholomew – officers had stated that the fritillary population would not be damaged. There was no proof that that would happen but he questioned whether such a risk was justified.

Councillor Handley – grazing was strictly controlled on the meadow to protect them.
Councillor Cherry – flooding had occurred each year for the last 5 years and confirmed he was not anti-business.

Councillor Johnston – he had not professed to hold hydrological qualifications.

Councillor Cherry moved that the officer recommendation as set out in the report be approved. Councillor Greene seconded.

Tamsin Atley confirmed that no objections had been received with regard to the SSSI and she was content there would be no adverse impact. Monitoring would take place and if any change was picked up then mitigating action would be taken.

Mr Periam confirmed that it would not be possible to condition to review future tonnage if need for material reduced.

Councillor Cherry with the agreement of his seconder accepted an amendment by the Chairman to control water pumping off the site at times of flood.

The amended motion was then put to the Committee and –

RESOLVED: (by 11 votes to 0, Councillor Purse recorded as having abstained): that

- (a) subject to:
 - (i) a Section 106 legal agreement to cover the matters outlined in annex 1;
 - (ii) a routeing agreement to ensure that vehicle movements from the new development were covered by the existing routeing arrangements i.e.

use only the A415 access and use the route north on the A415 from the site.

that planning permission for application no. MW.0050/13 be granted subject to conditions to be determined by the Deputy Director for Environment and Economy (Strategy and Infrastructure Planning) to include the matters set out in Annex 2 to the report PN6 and to include measures to control water pumping off the site at times of flood ; and

- (b) the Deputy Director for Environment and Economy (Strategy and Infrastructure Planning) being authorised to refuse the application if the legal agreement referred to in (i) above was not completed within 10 weeks of the date of this meeting on the grounds that it would not comply with OMWLP policy PE13 and the guidance set out in paragraph 118 of the NPPF (in that there would not be satisfactory provisions for the long term management of the restored site)

6/14 ERECTION OF WASTE RECYCLING AND TRANSFER FACILITY AND ACCESS IMPROVEMENTS AT THE MARSHES, SHEEHAN PLANT HIRE & HAULAGE, WOODSTOCK ROAD, YARNTON - APPLICATION MW.0103/13

(Agenda No. 7)

The Committee considered (PN7) an application to erect a waste recycling shed adjacent to an existing landfill site.

Mr Periam referred to an email from the applicant to all members of the Committee which had detailed a number of similar sites which had been permitted in the green belt. He explained the different elements in respect of those sites and the need to display very special circumstances to allow development in the green belt. It remained the officer view that this application did not do that and the sites listed did not set a precedent to allow this development. He then presented the report referring to additional information set out in the addenda.

Suzi Coyne spoke on behalf of the applicant. She pointed out that the development was next to an existing landfill site and that a search of over 60 alternative sites had not identified a more suitable site. If there had been it would have been pursued. There was no commercial recycling facility in Oxford or the surrounding urban areas and glass for example had to be transported long distances and it was imperative that a replacement site for Slape Hill was found as soon as possible. It would be difficult to find any site other than a green field one and whilst this site was in the green belt its impact would be lessened because of its situation. There were no highway concerns, it was away from residential areas, well screened and served local markets. A site here would save the transport of material along the A34 which currently went to Slape Hill. This was an opportunity to find a suitable replacement facility with waste expertise and one which safeguarded employment. She urged the Committee to give fair consideration to the application and in the same way which had allowed the development in the green belt and confirmed the applicants were willing to accept a 10 year permission.

Responding to a question from Councillor Cherry she confirmed that the two accidents referred to in the report could not be attributed to this site.

Councillor Tanner understood the reason for the officer recommendation to refuse but did not consider it to be the right one. The site was well screened and the benefits of a site here would be significant. He accepted it was in the green belt but he considered there were good reasons to allow the development and he moved the application be approved on the grounds of overriding need. Councillor Cherry seconded.

Councillor Bartholomew disagreed and felt that if this were allowed there would undoubtedly be a further application to extend and enlarge the site. The County Council had a duty to protect the green belt.

Councillor Owen considered the green belt was not altogether sacrosanct and whilst Councillor Tanner had a point he felt that plans and policies could not just be ignored without good and substantial reasons.

Councillor Purse agreed that vigilance was needed to protect the green belt which was about openness and nothing on it.

Councillor Johnston referred to the need to protect the integrity of the green belt but that if the application were approved then a 10 year limit should be imposed. Councillor Tanner and Councillor agreed.

Responding to Councillor Phillips who was not convinced by the argument that this was the only site available Mr Periam reiterated that although the applicants had carried out a detailed search it remained for them to prove that very special circumstances existed which warranted development.

Councillor Greene felt that there was precedent elsewhere in the green belt which justified this development and considered that as the site was well screened and would save many haulage miles the case had been well put.

Councillor Handley pointed out that there was a dearth of sites in Oxfordshire and as a growth area these sites were needed. If this application had been for a new site then he would accept the reason for refusal but it was to extend an existing commercial site.

Mr Kenneford pointed out that existing policy sought to protect the openness of the green belt and prevent coalescence of settlements. The green belt at this point was relatively thin.

Councillor Tanner's motion to approve the application but for a period of 10 years as suggested by Councillor Johnston was put to the Committee and refused by 7 votes to 5.

RESOLVED: (on a motion by Councillor Stratford, seconded by Councillor Johnston and carried by 7 votes to 4) that Application MW.0103/13 (13/01217/CM) be refused planning permission for the following reasons:

- i) The development would be inappropriate in and would affect the openness of the Oxford Green Belt contrary to the provisions of policy GB1 of the Cherwell Local Plan 1996, paragraphs 87 & 88 of the National Planning Policy Framework, policy GB1 of the Cherwell Non-Statutory Local Plan and policy ESD14 of the Emerging Cherwell Local Plan (ECLP) 2006-2031 (Proposed Submission Draft). The applicant had not demonstrated that the potential harm to the Green Belt by reason of inappropriateness was clearly outweighed by other considerations. Very special circumstances did not therefore exist to justify making an exception to these policies;
- ii) The development would be on a green field site in the open countryside contrary to the provisions of policy W4 of the Oxfordshire Minerals and Waste Local Plan 1996.
- iii) The development would be sporadic development in the open countryside contrary to the provisions of policy C8 of the Cherwell Local Plan 1996 and policy EN30 of the Cherwell Non-Statutory Local Plan.
- iv) The application site lay within a relatively narrow ribbon of open countryside between Oxford and Kidlington and could contribute towards coalescence and so would be contrary to the provisions of policy C15 of the Cherwell Local Plan 1996 and policy EN30 of the Cherwell Non-Statutory Local Plan.
- v) The development would be substantial and urban in appearance and so unsympathetic to the rural context of the site and visually intrusive in the local landscape contrary to the provisions of policy W3 of the Oxfordshire Minerals and Waste Local Plan 1996, policies C7 and C28 of the Cherwell Local Plan 1996, paragraph 35 of Planning Policy Statement 10, policies EN34 & D1 of the Cherwell Non-Statutory Local Plan and policies ESD13 & ESD16 of the Emerging Cherwell Local Plan (ECLP) 2006-2031 (Proposed Submission Draft) .

7/14 DETAILS PURSUANT TO CONDITION 31 (EXTERNAL LIGHTING SCHEME) OF PLANNING PERMISSION 08/02472/CM (MW.0044/08) FOR ARDLEY ENERGY FROM WASTE FACILITY, ARDLEY, ARDLEY ENERGY FROM WASTE SITE - APPLICATION NO MW.0067/13

(Agenda No. 8)

The Committee considered (PN8) a details pursuant application providing details required by a condition on an existing planning consent for the applicant to provide details of external lighting for the energy from waste plant for approval by the waste planning authority.

Councillor Owen took the Chair for the duration of this item.

Mary Thompson presented the report and advised that Anthony Potts from Atkins was available to answer questions.

Mark Ellis a local resident tabled a set of photographs which he considered represented more clearly the exact situation with regard to lighting at the site. There had been no sky glow illustrated on the photographs with the Atkins consultation plan. The present intrusion from the construction phase obscured at least 20% of the previously visible star field - and the proposed lighting plan had even greater numbers of lights. The direct lighting either through or reflecting from the front panels was highly intrusive to his property, and dominated their view of the horizon. There seemed to be no purpose to these lights other than decorative, unless people were going to be working on that vertical wall and he asked that they be removed from the plan. The chimney was lit from the bottom which made it appear as though a space rocket was about to lift off, and expanded the intrusion of the EfW site considerably. If that was unlit, then only the building and the red light at the chimney tip would appear. The visible night time footprint would therefore be less than half of what it was presently. There were a cluster of bright warning lights on top of the narrow chimney. Having looked around the country it appeared that all other antennae and chimneys had just one, and he asked if those could be replaced with similar.

The lighting risk assessment document had the following statement which referred to lighting between 20:30 and 23:00, for 5-10 staff. At this point 2/3 of the lights would still be on. There would be no waste or consumable delivery vehicles or members of the public on site during those times. There would also be no movements of plant vehicles, fork lift etc during that time period. The lighting on the site roadways would be significantly higher than on the B430 immediately after leaving the site.

He asked that lighting move to 1/3 from 20:30 for the following reason. With 1/3 lighting the document states "The lighting on the site roadways will be higher than on the B430 immediately after leaving the site. Lights can be switched on manually if required – for example emergency services."

Reducing the lighting at these times would significantly address the intrusion of the site on his property and allow his children to see significantly more of the star field before bed time.

Finally he pointed out that Cherwell Valley Services was less than 1/3 of the distance from his property than the EfW plant and the light pollution was virtually insignificant. He failed to see why the same level of care, diligence and consideration could not be extended to the EfW site.

Mary Thompson took the opportunity to clarify the role of Atkins in this process and that the photomontages used had been submitted by the applicants.

Grant Scott pointed out that the construction lighting was not part of the proposal in front of the Committee. The cluster of 4 lights at the top of the chimney were required in order to conform to strict guidelines regarding provision of aviation lights and cover aircraft from each direction. The principle of development had long been established and the scheme was close to its final stages. The County Council had used Atkins to look at the lighting scheme and they had felt more was needed than the Company were providing. There were proposals to reduce lighting by 1/3 when not required and by 1/3 after dark which should minimise considerably the impact. There were proposals to review lighting in November 2014 once the facility had been established.

He responded to questions from:

Councillor Tanner – the company had met with the three affected parish councils to address their concerns. There would be more direct lighting and planned landscaping as part of the whole development would help soften the effect.

Councillor Cherry – lighting consultants had been employed.

Councillor Handley and Councillor Bartholomew – confirmed that lighting on the column formed part of the construction process and was not permanent.

Councillor Phillips – the specification for the light scheme was as set out in paragraph 9 of the officer report (PN8) and there was a strict methodology for production of photomontages.

Councillor Mrs Fulljames questioned the accuracy of the photomontages.

Councillor Handley felt more clarity was needed and therefore the matter should be deferred to enable the provision of better technical information. The motion was seconded by Councillor Johnston.

Councillor Mrs Fulljames referred back to the construction of the motorway services area in 1990 when a lot of light spillage upwards had been a major concern. That had been addressed with great improvements made and she hoped that could be achieved here. She had heard the applicant's suggestion for a review in November but felt that should be a condition attached to any permission given.

RESOLVED: (on a motion by Councillor Handley, seconded by Councillor Johnston and carried by 11 votes to 1, Councillor Tanner recorded as having abstained) to defer consideration of Application No MW.0067/13 to the 3 March 2014 meeting.

8/14 CONSTRUCTION OF A REMOTE PARK AND RIDE FACILITY INCLUDING UP TO 580 CAR PARKING SPACES, 60 CYCLE PARKING SPACES, CYCLE SHELTER, BUS LAYBYS AND SHELTER, FENCING, LANDSCAPING, ATTENUATION POND AND DRAINAGE DITCH, PEDESTRIAN WALKWAYS, HEIGHT RESTRICTION BARRIERS AND SECURITY LIGHTING AND CAMERAS ON LAND TO THE NORTH WEST OF THE A41, JUNCTION OF A41/VENDEE DRIVE, BICESTER - APPLICATION NO R3.0128/13

(Agenda No. 9)

The Committee considered (PN9) an application for a remote park and ride site located to the south west of Bicester adjacent to the A41.

Mary Thompson presented the report and referred to a late representation from WSP which had been tabled in the addenda sheet.

County Councillor Sibley (Bicester West) supported the application in principle but expressed a number of concerns. Regarding access to the site, which would be very close to Vendee Drive, he would welcome a separate pedestrian and cycle access and drop off area as it was a long way out of the town. It would be essential to provide a long run in to the site as this was a very busy area and congestion on the roundabout needed to be avoided. Traffic into the site needed to flow freely with a possible ghost lane as provided on the Botley Road site. He wished to see a reduction in speed of traffic approaching the roundabout. Some consideration should be given to providing street lighting and cat eye provision on Vendee Drive as this was a difficult road to negotiate at night and in foggy conditions. Also some consideration perhaps to improved bus services and he mentioned specifically diverting one of the London airport services and direct links to hospitals in Oxford and Banbury. There were also some flooding issues.

Responding to Councillor Bartholomew Councillor Sibley confirmed that officers were aware of lots of these issues but he wanted to highlight some specific issues and opportunities.

Aaron Wisdom stated that the site access was close to Vendee drive but nothing had been picked up on the road safety audit. A further road safety audit would be carried out on completion of the facility which could highlight further issues.

The County Council could investigate the provision of a drop-off area but this could also be achieved within the proposed layout as it was the intention to provide free parking therefore there would not be a restriction on vehicles entering or leaving the site to drop-off or pick-up.

Speed limits were not part of this application. The limit had been reduced to 40 mph and accidents had also reduced.

A dedicated ghost lane had not been considered as part of this application but could be considered later although that could affect congestion levels by taking away one lane.

Not connected to this application but Vendee Drive had not been adopted so lighting etc could not be considered at this stage.

As commercial services the County Council had very little influence so any changes to bus services would need to be subject to negotiation with operators.

Mr Wisdom then responded to questions from:

Councillor Purse – in response to Cherwell District Council's request for more cycle spaces there would be more than 10% of cycle parking spaces as a proportion of car parking spaces. This was a higher proportion than at Thornhill where current cycle parking spaces were underused. The situation would however be monitored and additional space allocated if demand outstripped supply.

Councillor Cherry – ducting for electric charging points had been included as a condition on any permission.

Councillor Phillips enquired if there was scope to improve rest room and waiting facilities at the site.

Councillor Stratford acknowledged the reduced speed limit but there were still a few accidents and further efforts should be made to highlight this very hazardous area. Recognising access would be a concern with queuing traffic likely because of the speed of traffic he supported the scheme but felt further work would be required on access and signing. He moved the officer recommendation as printed subject to an additional condition to achieve further speed reduction at the roundabout. The motion was seconded by Councillor Mrs Fulljames who also referred to the problems of speeding traffic at the roundabout.

Geoff Arnold accepted speed was an issue but the roundabout met relevant standards. Additional development would mean a more balanced traffic flow which would improve the situation. Further signing could however be provided.

The motion was put to the Committee and **RESOLVED:** (unanimously) that Application R3.0146/13 be approved subject to conditions to be determined by the Deputy Director for Environment & Economy (Strategy and Infrastructure Planning) but in accordance with those set out below:

Heads of Conditions

1. Complete accordance with plans
2. Commencement within 3 years
3. No use of the site until the parking, access and manoeuvring areas are laid out as per approved plans
4. Archaeological Written Scheme of Investigation to be submitted prior to commencement
5. Implementation of Written Scheme of Investigation
6. Ecological mitigation measures as proposed to be implemented
7. Submission of a detailed landscaping plan
8. Protection of trees and hedges to be retained
9. Submission, approval and implementation of a Construction Travel and Management Plan
10. Development to be carried out in accordance with approved Flood Risk Assessment
11. Implementation of surface water management scheme
12. Submission of full details of lighting programme
13. Ducting for electric charging points
14. Submission of management plan to cover day to day running for the site
15. Submission of final details of bus stands
16. Additional signage on the approach to the roundabout

9/14 REPLACEMENT LOCAL INFORMATION REQUIREMENTS FOR APPLICATION VALIDATION - CONSULTATION RESPONSES & REVISIONS FOR APPROVAL AND ADOPTION.

(Agenda No. 10)

The Committee considered (PN10) a revised local list of information requirements for approval and adoption to replace the list agreed 5 years previously. The revised list had taken into account significant changes which had occurred during that time, particularly publication of the national planning policy framework and its accompanying technical guidance and consequent deletion of much of the previous central government planning policy statements and guidance.

Mr Periam confirmed that any dinosaur footprints discovered would be protected (reference page 241) and with regard to pre-application discussions (reference page 126) the OCC response should read "... will provide parish councils with copies of any pre-application advice for sites in their respective parish."

RESOLVED: (on a motion by Councillor Tanner, seconded by Councillor Cherry and carried nem con) to approve and adopt for publication the Local List of Information Requirements for validation of planning and related applications set out in Annex 2 to the report PN10.

..... in the Chair

Date of signing