

PLANNING & REGULATION COMMITTEE

MINUTES of the meeting held on Monday, 19 October 2015 commencing at 2.00 pm and finishing at 2.46 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 Bob Johnston
Councillor Stewart Lilly
Councillor James F. Mills
Councillor Glynis Phillips
Councillor G.A. Reynolds
Councillor John Tanner
Councillor Richard Webber

Officers:

Whole of meeting G. Warrington and J. Crouch (Law & Governance); C. Kenneford and D. Periam (Environment & Economy)

Part of meeting

Agenda Item

Officer Attending

6. K. Broughton and C. Rossington (Environment & Economy)
7. M. Thompson (Environment & Economy)
8. R. Goodlad (Law & Governance)

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.

54/15 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

(Agenda No. 1)

<i>Apology</i>	<i>Temporary Appointment</i>
Councillor Anne Purse	Councillor Richard Webber

55/15 MINUTES

(Agenda No. 3)

The minutes of the meeting held on 14 September 2015 were approved and signed.

Minute 51/15 – Erection of a mobile concrete batching plant – Linch Hill, Stanton Harcourt

Responding to Councillor Phillips officers confirmed that as yet no contribution had been received from Hansons with regard to funding improvements for Moreton Lane, Northmoor.

56/15 PETITIONS AND PUBLIC ADDRESS

(Agenda No. 4)

<i>Speakers</i>	<i>Item</i>
Stephen Anderson Myra Peters & Mark Yates	6 – Barford Road Farmhouse, South Newington

57/15 CHAIRMAN'S UPDATES

(Agenda No. 5)

Serving of the review on mineral permissions (ROMP) at Thrupp Lane and Thrupp Farm, Radley

A review letter had been re-issued.

Radley ROMP Prohibition Appeal

Following the appeal against the Radley ROMP Prohibition Order fees of £47,218 awarded against the County Council had now been paid.

58/15 CHANGE OF USE OF AGRICULTURAL BARN TO TOPSOIL STORAGE AND SCREENING FOR TOPSOIL BUSINESS, A NEW LEAN-TO 10 X 30M BARN AND NEW FARM ACCESS FOR BARFORD ROAD FARMHOUSE, BARFORD ROAD, SOUTH NEWINGTON - APPLICATION NO.MW.0080/15

(Agenda No. 6)

The Committee considered (PN6) a planning application to regularise a long term topsoil recycling operation in an existing barn. Apart from the retrospective element there was also a proposed extension to the barn and proposed access to the adjoining residential property.

The Committee also noted:

- Two corrections to the report:
 - paragraph 25, line 1 delete “at current level but would have concerns if the development intensified”;
 - paragraph 61, line 3 – “18” to read “18,000”;
- 2 additional conditions as set out in the addenda sheet.

Mr Anderson considered that technical data with regard to tonnage output and vehicle size and numbers and referred to in the report was flawed insofar that the size of vehicles proposed would require at least 20 – 24 movements per day in order to achieve the output proposed. The recommended 12 movements per day would therefore mean that in trying to meet the proposed output the operation would soon be in breach of any permission granted in the terms proposed today. The design of the bund was misleading along and the site currently operated outside the hours of operation now proposed. Barford Road was not suitable for large vehicles with a potential for conflict with other large vehicles including school buses and he failed to see what had changed since the first application for a certificate of lawful use had been refused. He concluded that if permission was granted then conditions should be strictly applied to control the maximum number of HGVs and agricultural tractors; storage of material west of the bund and a requirement for vehicles to access the site via Iron Hill and not through the village.

He then responded to questions from:

Councillor Mills – school buses normally picked up at 8.30 am.

Councillor Cherry – there had been some small amounts of road patching carried out but large areas where the road surface was breaking up were below standard with further repairs required to serious potholes.

Myra Peters accepted that there had been problems with mud on the road but she pointed out that the road was not solely used by vehicles from the Barford Road operation. Other traffic included a local contracting business less than half a mile away, agricultural traffic, school buses, local shop deliveries to Deddington and local traffic. The lay-by opposite was currently used to access a small pig rearing operation but was also used by parked vehicles including lorries and local drivers. She accepted work was needed to make the operation more acceptable and that included a bund to mitigate against noise and proposals to hard surface the site to reduce mud. However, she emphasised the urgent need to expand the barn, which was currently fully utilised, to keep material dry and increase the efficiency of the site which would help offset concerns expressed regarding working outside the proposed weekend provision.

Mr Yates accepted that vehicle size would mean that annual throughput might not be achieved but the 20,000 tonnes pa represented very much a top limit figure. He confirmed that every effort would be made to make traffic turn left out of the site.

Ms Peters and Mr Yates then responded to questions from:

Councillor Fulljames – prior to diversifying the farm had been a fully operational working farm but now had a limited farming operation which included some sheep and hay crops.

Councillor Johnston – lorries accessing the site would be rigid and not articulated.

Councillor Phillips – the proposal was aimed at increasing storage and not output.

Councillor Reynolds – there was no weighbridge on the site but they confirmed they had access to alternative facilities. There would also be weigh tickets and receipts for material going out, which would be available for inspection. Vehicles would also be encouraged to use the correct route via Iron Down Hill.

Councillor Cherry – wheelwash facilities had been considered along with plans to hard surface the site to help minimise mud.

Councillor Johnston – stones recovered from the screening process were used for road repairs.

Councillor Reynolds referred specifically to a number of issues of concern with the site not least of all its proximity to such a narrow access road but felt, subject to controlling a number of specific issues namely the need to control mud on the road, which appeared to come mainly from this site, and noise the recommendation was the correct one. The site was untidy but with the required controls in place and strict enforcement of conditions could be more acceptable. Therefore subject to the 2 additional conditions as set out in the addenda sheet together with an additional condition that no unsheeted vehicles should leave the site he moved the officer recommendation. Councillor Johnston seconded the motion and it was:

RESOLVED: (unanimously) that subject to a 278 Agreement for the improvements to the road verge opposite the existing site entrance being entered into within three months of the grant of planning permission and the works being carried out within six months of the grant of planning permission that planning permission for application no. MW.0080/15 be approved subject to conditions to be determined by the Deputy Director for Environment & Economy (Strategy & Infrastructure Planning) but to include the following:

- i) Development to be carried out in accordance with the application;
- ii) No more than 12 HGV movements per day;
- iii) The business to operate between the hours of 07:30 to 17:30 Monday to Friday and 08:00 to 13:00 on Saturday. No operating to take place on Sundays or Bank Holidays;
- iv) Noise condition;
- v) Bund to be constructed prior to the permitted operational development taking place;
- vi) Development to be carried out in accordance with paragraph 5.7 of Phase 1 Habitat Survey;

- vii) No operational works to take place until a planting scheme had been submitted and approved;
- viii) Planting to be carried out in the next planting season;
- ix) The new residential access should not be constructed until a S.278 agreement for the construction of the access had been completed;
- x) The new residential access should be used only for the purpose of access to the adjoining house.
- xi) Details of wheel cleaning measures to be submitted and approved.
- xii) Details of dust suppression measures to be submitted and approved.
- xiii) Throughput of the site must not exceed 20,000 tonnes per annum.
- xiv) The bund should be constructed using only subsoil from the site and processed material from the topsoil screening operation.
- xv) Within three months of the date of the permission details of the planting and ongoing maintenance of the bund should be submitted and approved.
- xvi) No unsheeted vehicles to leave the site.

59/15 UPDATE TO LOCAL LIST OF INFORMATION REQUIREMENTS FOR VALIDATION OF PLANNING AND RELATED APPLICATIONS.

(Agenda No. 7)

A Local List of Information Requirements for the Validation of Planning and Related Applications (the Local List) was required by statute to be updated at least every two years. The current Local List adopted by the Planning & Regulation Committee on 13 January 2014 had been published on the website on 27 January 2014 and was therefore due for updating by January 2016. The list had been reviewed with no significant changes to the drivers for individual items on the list other than minor changes and updates to the supporting text..

RESOLVED: (on a motion by Councillor Phillips, seconded by Councillor Johnston and carried unanimously) that:

- (a) the draft revised Local List of Information Requirements as set out at Annex 1 to the report (PN7) be subject to a five week period of public consultation;
- (b) if after that period and following further consultation with the Chairman and Deputy Chairman of the Planning & Regulation Committee, it was considered that no significant changes were required to the draft revised Local List of Information Requirements then the Deputy Director for Environment & Economy (Strategy and Infrastructure Planning) be authorised to adopt and publish that list;
- (c) if, however, after that period and following further consultation with the Chairman and Deputy Chairman of the Planning & Regulation Committee, it was considered that significant changes were required to the draft revised Local List of Information Requirements, the matter be reported back to the Planning & Regulation Committee for further consideration.

**60/15 COMMONS ACT 2006: IN THE MATTER OF AN APPLICATION TO
..... REGISTER HUMPTY HILL, HIGHWORTH ROAD, FARINGDON AS A TOWN
OR VILLAGE GREEN**

(Agenda No. 8)

The Committee had before it a report (PN8) setting out an application made by Mr Robert Stewart for registration of land at Humpty Hill, Highworth Road, Faringdon in Oxfordshire as a new town or village green under the Commons Act 2006. The Committee had been due to consider the application in the light of a report by an independent Inspector who had considered the matter at a public inquiry following an objection by the landowner.

The County Council was the Commons Registration Authority and the Planning & Regulation Committee had delegated authority to determine such applications.

However, a late submission received from the objectors had raised further legal issues which, on the advice of the Chief Legal Officer and Head of Law & Governance, needed in turn to be referred to the independent Inspector in order to give him an opportunity to respond.

Therefore in the light of that advice the Committee **RESOLVED** (unanimously) to defer consideration of the application to enable the Inspector to consider further points of law raised by the landowner.

..... in the Chair

Date of signing