

## **PLANNING & REGULATION COMMITTEE**

**MINUTES** of the meeting held on Monday, 21 January 2019 commencing at 2.00 pm and finishing at 3.36 pm

**Present:**

**Voting Members:** Councillor Les Sibley – in the Chair  
Councillor Mrs Anda Fitzgerald-O'Connor  
Councillor Mike Fox-Davies  
Councillor Stefan Gawrysiak  
Councillor Bob Johnston  
Councillor Charles Mathew (In place of Councillor Jeannette Matelot)  
Councillor Glynis Phillips  
Councillor G.A. Reynolds  
Councillor Judy Roberts  
Councillor John Sanders  
Councillor Alan Thompson  
Councillor Liam Walker (In place of Councillor Dan Sames)  
Councillor Richard Webber

**Other Members in Attendance:** Councillor Mark Gray (for Agenda Item 6)

**Officers:**

Whole of meeting G. Warrington and D. Myton (Law & Governance); D. Periam (Planning & Place)

Part of meeting

<b>Agenda Item</b>	<b>Officer Attending</b>
6.	M. Hudson (Planning & Place) & K. Griffin (School Organisation)
7	K. Broughton
8	M. Walker (Countryside Records)

*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.*

**1/19 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS**  
 (Agenda No. 1)

<i>Apology for absence</i>	<i>Temporary Appointment</i>
Councillor Jeannette Matelot Councillor Dan Sames	Councillor Charles Mathew Councillor Liam Walker

**2/19 MINUTES**  
 (Agenda No. 3)

The minutes of the meeting held on 10 December 2018 were approved and signed.

**3/19 PETITIONS AND PUBLIC ADDRESS**  
 (Agenda No. 4)

Speaker	Item
David Cooper (Resident) Bill Pattison (Chair, Benson PC) County Councillor Mark Gray (Local Member) Chris Hambleton (Architect, Frank Shaw Associates) Helen Crolla (Headteacher, Benson CE School) Jo Chapman (Chair of Governors, Benson CE School)	) ) ) ) ) ) ) ) )
Gemma Crossley (Agent for the Applicant)	<i>Item 7 – Shipton on Cherwell – Application MW.00017/17</i>

**4/19 CHAIRMAN'S UPDATES**

(Agenda No. 5)

*Dix Pit – Sheehan Haulage & Plant Hire Limited*

- Application MW0073/17 (Section 73) - An appeal lodged by the applicant against a decision by the Committee on 8 January 2018 to refuse Application MW0073/17 had been allowed but that an application by the applicant for costs had been refused.
- The Chairman read out the following note of correction on behalf of Councillor Charles Mathew which acknowledged that comments he had made at the meeting on 8 January regarding violations of the routeing agreement that Sheehan Haulage and Plant Hire Limited was subject to had been incorrect.

"During the course of the Planning & Regulation Committee Meeting on 8 January 2018 Councillor Mathew stated that on his way to Oxford that morning some 5 lorries had passed him going to the Dix Pit site belonging to Sheehan Haulage & Plant Hire Limited (SHPHL) in breach of the routeing agreement that SHPHL is subject to. The routeing agreement states that no heavy goods vehicles (HGVs) belonging to SHPHL should use the restricted route on the B4449 passing through Sutton between 07.30 — 09.00 am and 04.30 — 06.00 pm Monday — Friday, SHPHL is also required to use its best endeavours to ensure that no HGVs belonging to third parties use the route between the restricted hours either.

Having since been provided with evidence by SHPHL regarding the location of the vehicles attending its Dix Pit site on the morning in question, Councillor Mathew now acknowledges that he was mistaken in his belief that the 5 lorries which passed him on the morning of 8 January 2018 were in breach of the routeing agreement."

**5/19 NEW SINGLE STOREY THREE CLASSROOM TEACHING BLOCK, INCLUDING WITHDRAWAL ROOM, TOILETS, STORES, ANCILLARY ROOMS TOGETHER WITH MINOR MODIFICATIONS TO HARD AND SOFT LANDSCAPING AND MODIFIED PARKING ARRANGEMENTS.**

(Agenda No. 6)

The Committee considered PN6) an update report following the submission of further information from the applicant in response to queries raised by the Planning & Regulation Committee when deferring this application on 10 December 2018.

The application proposed a new single storey three classroom teaching block, including withdrawal room, toilets, stores, ancillary rooms together with minor modifications to hard and soft landscaping and modified parking arrangements. The site lay in a conservation area and there would be a loss of school playing field. Various objections had been received including on those issues but also including the impact on the local highway network of additional associated vehicle movements. The application was being considered against development plan policies and other material considerations and recommended for the grant of conditional

planning permission subject to the completion first of a unilateral undertaking to secure the payment of a School Travel Plan monitoring fee.

Having presented the report and in response to Councillor Mathew Mrs Hudson confirmed that the new playing area was situated north of London Road and sufficiently large to meet expected requirements.

The Chairman acknowledged receipt of an email from John Phillingham which had been sent to all members of the Committee.

David Cooper a local resident stated he was a great supporter of Benson CoE school and his children had been pupils there but feared that this would merely be a sticking plaster solution to a much bigger accommodation problem which the village was likely to face in the future in view of the proposed housing development. The school had grown over the years with each phase encroaching onto the playing field area. In 1945 that had been 10,650 sq metres but would now be reduced under these plans to 4,600 so any further loss would be disastrous. The new building would jar with houses opposite, the new car park would be too prominent and visually intrusive.

He then responded to Councillor Gawrysiak to confirm that the proposed building would, in his opinion, jar with the houses to the north as shown on the top of the report plan.

Bill Pattison Chair of Benson Parish Council also alluded to the view that in preparing this scheme no consideration seemed to have been given to factor in what could happen with regard to demand in the future as a result of proposed development in the village. There was a great deal of local concern over these proposals and he agreed that this was very much a short-term fix bearing in mind plans for 760 houses in the Benson Neighbourhood Plan. That growth would inevitably create even more demand and needed to be factored in to any proposals for the provision of education facilities such as a new school rather than this piecemeal approach. The land was contaminated and if this proposal went ahead would mean further erosion of available playing space. The County Council needed to take into account the level of objection which included the South Oxfordshire District Council.

He then responded to questions from;

Councillor Fox-Davies – he couldn't provide an alternative solution to what he saw as a short-term fix but was convinced that the correct solution lay with linking future provision with proposals for development.

Councillor Johnston – the land had been a second world war airfield runway which had been broken up so contained concrete and contaminants that you'd expect to find from an old airfield.

Chris Hambleton supported by Kevin Griffin invited questions from members regarding current issues of concern as well as those raised at the last meeting. Concerning the point raised regarding contaminated land he confirmed surveys had been done and any issues raised would be addressed. Car parking was to be provided away from the existing location and although there would be a loss of informal playing space on the current site that would be replaced.

He responded to questions from:

Councillor Phillips – the option to place the car park on the new playing field had not been considered.

Councillor Gawrysiak – the proposed field for sport activity would be accessed from the top corner of the school site and was relatively close.

Kevin Griffin added that the additional land had been secured from the developer for a playing field area for team games and would not be secured for car parking. It was accepted that the site would be constrained but it would be sufficient for the proposed 1.5 form entry

and any effects would be mitigated by the alternative secured space. He then responded to questions from:

Councillor Roberts – there would be sufficient playing space for the school to expand to 2 form entry level if required with options available to take provision to 18,010 square metres well above the minimum Department for Education criteria of 15,350. The design would allow for the building and hard play area to fit and the design itself allowed for further expansion if necessary.

Councillor Thompson – the developers would be responsible for archaeological matters on the secured field under the S106 agreement.

Councillor Mathew – he was aware of proposals for development in Benson and while accepting that pupil forecasting was not an exact science the current forecast was for a 1.5 form entry.

Helen Croke headteacher at Benson school since 2013 confirmed that numbers had grown steadily over the years to a current 193 although there had been a dip in 2015. There was an expectation that the school would be oversubscribed for September 2019 intake reflecting the school's popularity and highlighting the need for this expansion. A new nursery school had been opened in 2016 and the school was constrained at KS1 stage. At KS2 stage the school could go over 30 but room size currently prevented that and the older rooms in the school were difficult to maintain. The school had worked closely with OCC and would manage the available play space accordingly. With regard to the car park she felt that need to be sited as proposed to benefit for staff who often worked late and needed to carry bulky items.

Jo Chapman the Chair of school governors endorsed the effort made to find a solution in order for the school to meet its current needs. She agreed that a new school would be wonderful but there was an immediate need which needed to be met. There would be a less than 25% encroachment and the sports field was an added benefit.

They then responded to questions from:

Councillor Johnston – the other school in Benson served the RAF community on a domestic site. When children from RAF families had attended the nursery school they had been unable to offer places. There had been no discussion held regarding the expansion of the RAF Benson school.

Councillor Fox-Davies – the formal school expansion would be in September 2020 but the school would be able to accept above numbers in reception in September 2019 in readiness for 2020.

Councillor Reynolds – if permission was not given and the school was oversubscribed than children would have to travel. There were other schools locally that were oversubscribed.

Kevin Griffin confirmed that the County Council would be required to transport children to another school.

County Councillor Mark Gray stated that he and others were not specifically asking for a new school but merely that other factors in the village should be taken into account to secure the future for the next 20 years or more before settling for what many saw was a sticking plaster approach. The loss of 25% space would seriously affect the running of the school and while he understood and appreciated that the school had immediate issues there was still time to get a solution which addressed the many local concerns. He asked whether this scheme reflected the best use of the land available and referred to an assortment of buildings at the back of the school and wondered if those buildings could be consolidated in order to allow the extension to be built along the northern side of the site. He felt a more imaginative solution could be found which would last for many years rather than the scheme now proposed which he saw as a short-term fix. Consideration needed to be given to long term future provision.

Mr Periam confirmed that the Committee needed to determine the application before it and could not change the detail.

Responding to members' comments Mr Griffin confirmed that work on site would be disruptive with a 9 month build but the current design allowed for future expansion and site strategy. Building elsewhere would increase disruption, create problems such as lighting into the building and lead to further constraints from tree preservation orders. He was satisfied that following discussions with the architects and the school this represented the best solution.

Councillor Phillips having been to the site prior to deferral at the December meeting considered this to be the least worse option for a land locked site and having listened to the views expressed by the head teacher and chair of governors had been convinced that this scheme was needed to meet current needs. She moved the officer recommendation as printed in the report. Councillor Fox-Davies seconded.

The motion was put to the Committee and carried by 10 votes to 3.

**RESOLVED:** that Subject to the applicant first providing a Unilateral Undertaking for the payment of the School Travel Plan monitoring fee of £1240 it is RECOMMENDED that planning permission for R3.0114/18 be approved subject to conditions to be determined by the Director of Planning and Place, to include the following:

- i. Detailed compliance;
- ii. Permission to be implemented within three years;
- iii. Provision of a School Travel Plan prior to the first occupation of the development;
- iv. Provision of additional scooter and cycle parking;
- v. Submission, approval and implementation of a Construction Management Plan;
- vi. Provision of external lighting scheme;
- vii. Provision of bird boxes.

**6/19 ERECTION OF A NOISE ATTENUATION BUND AT SHIPTON ON CHERWELL - APPLICATION NO. MW.00017/17**  
 (Agenda No. 7)

The Committee considered (PN&) a planning application to regularise an existing noise attenuation bund at the existing quarry site.

Mr Broughton presented the report and addenda and responded to questions from:

Councillor Phillips - the revised date in Condition iii was to ensure the life of the bund was tied in with the end date for the recycling area.

Councillor Johnston – it was proposed to use a tussock grass mix.

Councillor Webber – there was no right of appeal for third party objectors other than judicial review on process and he confirmed that all correct procedures had been followed.

Gemma Crossley attended for the applicant and responding to a question from Councillor Walker confirmed that planting would be carried out in the next available season. That hadn't been done during the last planting season as it had been abnormally dry.

**RESOLVED:** (on a motion by Councillor Reynolds, seconded by Councillor Johnston and carried unanimously) that planning permission for application no. MW.0001/18 be approved subject to conditions to be determined by the Director of Planning and Place to include the following conditions:

- i. The development shall be carried out strictly in accordance with the particulars of the development, plans and specifications contained in the application except as modified by conditions of this permission. The approved plans and particulars comprise:
  - Application form dated 6/12/2016
  - Planning Statement dated December 2016
  - Drawing no SHIPTSV1608 1 D – Site Location Plan
  - Drawing no SHIPEXT1610 2 A – Screening Bund
  - Drawing no SHIPTSV1608 3 C – Bund update survey 06.06.2016
  - Drawing no SHIPTSV1608 4 D – Noise Bund - cross sections
  - Technical Note dated 5 October 2016
- ii. The scheme shall be implemented during the next planting season.
- iii. The bund shall be removed by 31 December 2025.

## **7/19 PUBLIC PATH ORDERS - CHANGE IN PRACTICE WHERE ORDERS ARE SUBJECT TO OBJECTION**

(Agenda No. 8)

The County Council had powers to make Public Path Orders to divert and extinguish public footpaths, bridleways and restricted byways under the provisions of the Highways Act 1980 and the Town and Country Planning Act 1990. Such applications might be made to the Council by landowners, developers, etc with a charge made to cover the costs of processing them up to the Order-Making stage. Presently, any decision as to whether an Order should be made, or an application rejected, was delegated to the Strategic Director for Communities. If an Order was made and no objections were received, the Order was confirmed and brought into effect. However, where an Order received an objection the individual case was referred for consideration by the Planning & Regulation Committee to determine whether to either abandon the Order or authorise its referral to The Planning Inspectorate to determine. The Committee now considered a report (PN8) outlining a proposed change to that part of the procedure so that such cases were not routinely referred to Committee, thereby shortening the decision-making process.

Having presented the report Mr Walker confirmed that there would be no cost to the County Council from this change and that most of the applications received did go through unopposed. Local members would continue to be consulted,

**RESOLVED:** (on a motion by Councillor Johnston, seconded by Councillor Webber and carried by 12 votes to 0, with one abstention) to note that decisions to refer Public Path Orders to The Planning Inspectorate where objections had been made would be referred to the Committee only in those cases where: -

- (a) the Strategic Director for Communities considered a case to be significantly contentious or of sufficient importance to warrant consideration by members; and/or
- (b) concerns had been raised by the local County Councillor.

..... in the Chair

Date of signing .....