

PLANNING & REGULATION COMMITTEE

MINUTES of the meeting held on Monday, 9 September 2019 commencing at 2.00 pm and finishing at 4.10 pm

Present:

Voting Members: Councillor Jeannette Matelot – in the Chair

Councillor Mrs Anda Fitzgerald-O'Connor
Councillor Mike Fox-Davies
Councillor Bob Johnston
Councillor G.A. Reynolds
Councillor Judy Roberts
Councillor Dan Sames
Councillor John Sanders
Councillor Alan Thompson
Councillor Richard Webber

Other Members in Attendance: Councillor Lynda Atkins (for Agenda Item 7)
Councillor Judith Heathcoat (for Agenda Item 8)
Councillor Charles Mathew (for Agenda Item 9)

Officers:

Whole of meeting G. Warrington & D. Mytton (Law & Governance); D. Periam and Mrs M Hudson (Planning & Place)

Part of meeting

Agenda Item **Officer Attending**
7. K. Griffin (

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.

34/19 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

(Agenda No. 1)

<i>Apology for Absence</i>	<i>Temporary Appointment</i>
Councillor Stefan Gawrysiak Councillor Peter Handley Councillor Damian Haywood	(no temporary appointment) (no temporary appointment) (no temporary appointment)

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35/19 DECLARATIONS OF INTEREST - SEE GUIDANCE NOTE OPPOSITE

(Agenda No. 2)

No declarations made.

36/19 MINUTES

(Agenda No. 3)

The minutes of the meeting held on 15 July 2019 were approved and signed.

Minute 31/19 - Extraction Of Sand, Gravel And Clay Including The Creation Of New Access, Processing Plant, Offices With Welfare Accommodation, Weighbridge And Silt Water Lagoon System With Site Restoration To Agriculture And Nature Conversation Including Lakes With Recreational Afteruses And The Permanent Diversion Of Footpath 171/15 And Creation Of New Footpaths At Land At Fullamoor Plantation, Clifton Hampden, Abingdon, OX14 3DD - Application MW.0074/18

Mr Periam advised that as no further material comments had been received a refusal notice for Application MW.0074/18 had therefore been issued.

37/19 PETITIONS AND PUBLIC ADDRESS

(Agenda No. 4)

<i>Speakers</i>	<i>Item</i>
Roger Thomas (Friends of Radley Lakes) Richard Dudding (Radley Parish Council) Douglas Symes (Agent)))) 6. Radley ROMP))
Kevin Griffin – OCC Matthew Richards (Ridge & partners) Lynne Harrison (Wallingford School) County Councillor Lynda Atkins))) 7. Wallingford School – Application) R3.0143/18)
Glen Yarwood (Little Coxwell Parish) 8. Faringdon Quarry – Application

Council) County Councillor Judith Heathcoat)MW.0068/19)
Suzi Coyne (Agent) County Councillor Charles Mathew) 9 – Dix Pit – Application)R3.0059/19

38/19 CHAIRMAN'S UPDATES

(Agenda No. 5)

There were no updates.

39/19 SERVING OF THE PROHIBITION ORDER FOR THE REVIEW OF THE MINERAL PLANNING PERMISSION (ROMP) AT THRUPP FARM AND THRUPP FARM, RADLEY

(Agenda No. 6)

The Committee considered (PN6) a report setting out the issue of whether minerals development at Thrupp Farm and Thrupp Farm, Radley had permanently ceased and whether or not a Prohibition Order for the Review of the Mineral Planning Permission (ROMP) should be served.

Roger Thomas spoke on behalf of the Friends of Radley Lakes community organisation who supported the making of the Prohibition Order. They had no objection in principle to further gravel extraction here, but the prolonged inactivity had created uncertainty and impeded planning for the wider area. Posing the question whether or not it appeared on the evidence available, that mineral working was likely to resume at this site he felt that on the basis of evidence over the past half-century that would not seem to be the case. The main unextracted area was Area 5 permission for which had been granted in 1971. There had been no extraction in this area since then. The general consensus locally as to why extraction of this area had not even begun, nearly 50 years on was that as Area 5 lay in the floodplain extraction would quite simply be uneconomic. In summary, all the evidence suggested that a resumption of mineral working here was unlikely and would appear to have permanently ceased at this site.

Richard Dudding spoke on behalf of Radley Parish Council who supported the proposed prohibition order. Permissions to extract minerals there dated back to 1954 with most of the former workings restored and no extraction having taken place since about 1995. As minerals workings ceased the area had wonderful potential for nature conservation and quiet recreation. Minerals, however, remain in the ground in a field called Nyatt [Area 5] with the operator maintaining they would eventually be extracted. However, to judge the credibility of that claim it would be necessary to look also at another site nearby in Area 1 consisting of a yard that had previously serviced minerals operations. Since 1982, if not before, the operator let that yard for industrial and commercial activities unrelated to minerals while arguing that it would eventually be needed to service the Nyatt operations and, therefore, should not be restored to greenfield. This had enabled them to obtain temporary planning permissions for uses which would otherwise have had no chance of being allowed – given the green belt

location and the unsatisfactory road access. In 1992 following a public inquiry an Inspector agreed to allow the uses for a further period, but this was based on his firm belief that the Nyatt minerals would be fully extracted by 2008 at very latest and possibly sooner. However, 27 years after that decision there was no sign of extraction even starting. In 2012 Tuckwells obtained planning permission for the Nyatt minerals to be conveyed to their yard for treatment but that permission lapsed in 2017. In our view statements by the operators did not reflect their actual intent but were a device to justify prolonging their unrelated commercial activity at their yard blighting the future of the Lakes area and in the Parish council's view the County Council would be fully justified in serving a prohibition order.

Responding to Councillor Johnston Mr Dudding confirmed that uncertainty had affected the development of Radley Lakes and also the neighbourhood plan.

Douglas Symes then spoke on behalf of the two owners and operators of Thrupp Farm and Sutton Wick Quarry making it clear that the intention had always been to resume working at Radley when permitted reserves had run out at Sutton Wick. There was evidence to support that and county council officers were aware of that as stated in paragraph 14 of the report before the Committee. It was also the intention that an application for a review of conditions would be made when the Sutton Wick site was due to finish and closer to the time that working at Thrupp Farm would be resumed. Surveys had been carried out to support that but to have two coterminous sites working was unsustainable and would create greater disruption to local amenity. A planning application to use the Thrupp Lane plant site to process material from Thrupp Farm prepared over the last 8 months was almost ready to be submitted and so to interpret the absence of any application so far as evidence that it is not intended to resume working was contrary to what had been said in writing to the county council and other interested parties. That would be presented in support of any appeal against any prohibition notice. He argued that the long history of evidence on this site made it clear that working would resume while explaining the need to manage effectively finite resources. Challenging the conclusion reached by county officers he concluded that any decision to serve a prohibition notice would be strongly challenged on the basis of sound evidence.

He then responded to questions from:

Councillor Johnston – working had ceased to allow Sutton Wick to work first and although the 2 sites had different accesses it had been considered unsustainable to work both sites at the same time. He did not accept the point made by Councillor Johnston that an EIA put forward some years ago had been deficient. That was incorrect.

Councillor Fox-Davies – the Thrupp Farm and Sutton Wick applications were separate. Thrupp Farm had a completion date of 2042 and with reserves of 1 million tonnes that did not imply the site was worked out.

Councillor Fitzgerald-O'Connor – Sutton Wick was expected to be worked out by 2027.

Mr Periam confirmed that there was information to support the figure of a million tonnes in reserve but that was not included within the landbank figure. The site was not within areas of search in the emerging Minerals and Waste Plan and the EIA referred to earlier by Councillor Johnston had not constituted a good assessment adding that that had in fact been immaterial in the end.

Councillor Roberts expressed some concern that an expiry date of 2042 for the Thrupp Farm permission could affect the Council's position if challenged.

Mr Periam felt sure the landowners would challenge any decision to serve a prohibition notice but he considered that the County Council were not acting unreasonably in reaching such a conclusion.

RESOLVED: (on a motion by Councillor Johnston, seconded by Councillor Reynolds and carried by 9 votes to 1) that it be determined that mineral working on the site had permanently ceased and that accordingly there was a duty on the Mineral Planning Authority to serve a Prohibition Order of the mineral permissions covering areas DD1 (Plan 1) and DD2 (Plan 2).

40/19 PROVISION OF A NEW 64 SPACE CARPARK, COMPRISED OF A 43 SPACE FORMALLY LAID OUT PAVED PARKING AREA WITH AN OVERFLOW GRASS-PROTECTED AREA PROVIDING THE ADDITIONAL 21 SPACES. WORKS INCLUDE THE ADAPTION OF THE EXISTING SITE OPENING AND INSTALLATION OF AN ACCESS BARRIER AT FIELD AREA DIRECTLY TO THE WEST OF ST GEORGES ROAD AND NORTH OF MILLINGTON ROAD, WALLINGFORD, OXON, OX10 8HL - APPLICATION R3.0143/18

(Agenda No. 7)

The Committee considered (CMDE7) an application for provision of a new 64-space staff only car park in connection with the planned expansion of Wallingford School, St Georges Road, Wallingford required as the development for the extension of Wallingford School would remove some of the existing parking currently provided. The application was being reported to Committee because of objections received during a first consultation phase from Sport England, South Oxfordshire District Council and third-party objections based on loss of playing field provision, noise and visual impacts of additional traffic, increased air pollution and the requirement for a car park. A second consultation reducing the number of spaces from 100 to 64 was due to end on 6 September although the objections over loss of playing field space and impact on air quality had not been removed.

Kevin Griffin confirmed that the application had been required to support the expansion of Wallingford School necessary as a result of housing growth. The application, which represented a net growth of 36 spaces, was being proposed on an area of land not regarded as suitable for recreation use by the school.

Lynne Harrison confirmed that the proposed area in St Georges Road had not been used for many years due mainly to logistics including lack of changing facilities,

although there had been some limited use by a local youth football club. However, that had stopped with the club moving to use the astro pitch facilities at the school.

Matthew Richards confirmed that as space on the current Wallingford school site was very restricted resiting the car park off-site would help to avoid any adverse impact on current on-site facilities as a result of the necessary planned expansion of the school.

Responding to Councillor Sames Mr Griffin accepted that while the birth rate was declining increased housing would result in increased numbers and regarding child obesity by resiting the car park off-site they were avoiding any impact or reduction off on site facilities.

Councillor Lynda Atkins supported the application which was about meeting the needs of Wallingford and the surrounding area. The County Council had a duty to provide educational needs and if that was not done there would be a requirement to transport children to other schools. The field proposed for the new car park did not work logistically for the school and with no other reasonable option available as the school was surrounded by housing this presented a sensible option to meet the pressing needs of Wallingford School.

Councillor Sames considered the proposal contradictory to paragraph 97 of the NPPF which prevented playing fields being developed on unless 3 tests had been met. That as far as he could see had not been addressed neither had the site been declared site surplus to requirements. That could leave the Council open to challenge.

Mr Mytton replied that the NPPF contained a number of relevant references to this application which the report mentioned.

Councillor Reynolds acknowledged the level of objection to the proposal but considered that the points made by the local member along with the clear need for the school to expand were enough to override those concerns.

Mr Periam confirmed that if the Committee were minded to approve the application then because Sport England had objected it would need to be referred to the Secretary of State for him to decide if an inquiry was required.

RESOLVED: (on a motion by Councillor Sanders, seconded by Councillor Thompson and carried by 7 votes to 1, Councillor Sames recorded as voting against and Councillor Roberts and Councillor Reynolds as abstaining) that the Director for Planning and Place be authorised to either:

- A i) should planning permission to application no. P19/S0191/FUL be approved by South Oxfordshire District Council and this application first being referred to the Secretary of State to provide the opportunity for the application to be called in for his own determination, as required under the Town and Country Planning (Consultation) (England) Direction 2009 and the Secretary of State not calling in the application for his own determination following referral to him, approve application no. R3.0143/18 subject to conditions to be determined by the Director of Planning and Place including:

1. The development should be carried out in 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 to comprise:
 - Application form dated 22/11/2018
 - Transport Statement 17/10/2018
 - Proposed Car Park Road Construction Details
 - Proposed Car Park Surface Finishes and Kerbs
 - Additional Information August 2019 – Existing Site Plan – Car Park – Drawing No 0007 Rev C
 - Additional Information August 2019 – Location Plan – Car Park – Drawing No. 0005 Rev D
 - Additional Information August 2019 – Block Plan – Car Park – Drawing No. 0006 Rev D
 - Additional Information August 2019 – Proposed Site Plan – Car Park – Drawing No. 0008 Rev E
 - Additional Information August 2019 – Design and Access Statement Dated August 2019
 - Sketch plan of entrance Drawing no. 5001158 August 2019.
2. Work should not commence on the construction of the car park until the extension to Wallingford School to be permitted by permission P19/S0191/FUL had been completed or until such earlier time as the County Planning Authority might approve.
3. Prior to the commencement of the development, a detailed plan of the access including amendments to the layby should be submitted to and approved in writing by the County Planning Authority.
4. No works of construction should take place until a detailed landscaping plan, planting scheme and habitat management plan had been submitted to and approved in writing by the County Planning Authority. The works should be carried out strictly in accordance with the approved details and should be retained in that manner thereafter.

Informative

The proposal should comply with section 12, para. 127 of the National Planning Policy Framework (NPPF) and also Planning Practice Guidance on 'Design' and consider issues to create safe, connected and efficient streets, crime prevention, security measures and cohesive & vibrant neighbourhoods'.

ii) should South Oxfordshire District Council be minded to approve P19/S/0191/FUL, that they be advised that the County Council considered

a condition should be attached, that the school extension should not be brought into use until a car park had been provided for additional staff parking in the vicinity of the school and such car park is available for use.

or

B should planning permission to application no. P19/S0191/FUL be refused by South Oxfordshire District Council, to refuse planning permission for application no. R3.0143/18 for the following reasons:

1. The proposed development would lead to significant impacts on amenity, including air quality and would be contrary to policies CSWAL1 of the SOCS and policies EP1, WAL1, and ENV12 of the ESOLP.
2. The proposed development would lead to pollution emissions, noise and vibration, and would therefore be contrary to saved policies EP1 and EP2 of the SOLP, and policies ENV12 and DES6 of the ESOLP.
3. The proposed development makes no provision for a modal shift to public transport, cycling or walking. It is therefore contrary to policy CSM1 of the SOCS, and policy TRANS5 of the ESOLP.
4. The development would lead to a loss of playing field space and so existing recreational provision contrary to policy CF1 of the SOLP.

41/19 REQUEST FOR PRIOR APPROVAL OF THE INSTALLATION AND USE OF A CONCRETE BATCHING PLANT TO PRODUCE READY-MIXED CONCRETE FOR SALE AT LAND AT FARINGDON QUARRY, FERNHAM ROAD, FARINGDON, OXFORDSHIRE, SN7 7LG - APPLICATION MW.0068/19

(Agenda No. 8)

The Committee considered (PN8) a report on whether Prior Approval should be granted for the installation and use of a concrete batching plant to produce ready-mixed concrete at Faringdon Quarry (planning permission no. MW.0068/19). This was an application for Prior Approval of Permitted Development under Part 17, Class B of the General Permitted Development (England) Order (As Amended) 2015 and was being reported to Committee because objections had been received from the local County Councillor, Little Coxwell Parish Council, Faringdon Town Council and other third parties.

Mr Periam presented the report together with additional information set out in the addenda which included a revised recommendation.

Glen Yarwood on behalf of Little Coxwell Parish Council and residents considered the introduction of a concrete batching plant wholly unacceptable, completely disproportionate and a major departure from the initial quarrying of local materials for onward sale. Objections related to noise, traffic, dust and pollution, impact on the rural countryside, water supply and commercial considerations. Little Coxwell was a rural location with a large number of walkers on local footpaths and horses located in

the fields opposite the site and all using local bridleways and roads. Noise from the machinery would have a huge effect as would the visual impact. Dust and pollution would be distributed over a wide area and it was dismissive to suggest this would or could be mitigated by modern dust collection systems. That was clearly not the case as evidenced at other similar sites. The investment made in this sort of equipment suggested an intent to gain as much revenue as possible and, therefore, activity on site would inevitably increase. There was likely to be a higher increase in traffic than had been suggested with a more realistic figure of 10 vehicles an hour if equipment was used at full capacity. That investment also seemed to be contradictory to the site closing in 2026 which suggested an extension to the working life of the quarry. The potential for dust and pollution from cement dust which can be extremely harmful was considerable and it made little sense to introduce this sort of risk in an area when no demonstrable need for the material had been shown to exist. A 7-metre high piece of equipment would be visible and it was not acceptable to suggest that it would blend in on an existing industrial site or increase what was already an eyesore in the rural community. Water supply could be affected if the plant was on the same supply as the local community which already suffered from low water pressure. The parish council were strongly requesting that the application be refused.

Endorsing the above comments County Councillor Judith Heathcote emphasised the rural and agricultural location of this site and the consequences for the surrounding area. The site stood adjacent to the A420 where traffic levels were steadily increasing and with the expansion of Swindon safety levels were decreasing to such an extent that the road had been identified for inclusion in the Major Roads Network Proposals and had been the subject of numerous A420 safety meetings with officers and other local county councillors whose divisions straddled the road. The A420 had many junctions notably Buckland, which had been improved, Buckland Marsh, Littleworth, Little Coxwell and Great Coxwell and it is was these that accounted for the majority of accidents with drivers at the Littleworth junction preferring to turn left out of Littleworth rather than risk a right turn across oncoming traffic. That manouvere was being replicated at other junctions. Commercial traffic did not follow advisory signing to use the A34 to the M4 preferring instead the A420. Little Coxwell had one junction onto A420 where traffic was moving at and often exceeding 60 mph and to suggest that that junction was acceptable with sufficient splays and sightlines was at best questionable. Water requirements for the batching plant via a storage tank would affect local water pressure. I would urge the Committee to take on board the concerns I and other local residents have raised regarding conditions on the A420, impact on a rural and agricultural area, health and welfare from pollution, dust and noise and the serious need for the Little Coxwell junction to be improved.

Responding to Councillor Sames she confirmed that road improvements had not been carried out and residents did not want to see dirt and pollution problems experienced at similar sites replicated here.

Councillor Fitzgerald-O'Connor expressed concern regarding pollution and dust and agreed that any additional movements onto the A420 would be a major concern.

Mr Periam explained that the type of conditions which could be imposed on this type of application were limited to those which reduced injury to the amenity of a neighbourhood from a particular development or whether it could be sited elsewhere. Regarding the latter officers had felt that the location here where suitable material for concrete production was worked would contribute to meeting market demand in this part of the county and surrounding areas. Regarding the former and in response to specific questions he confirmed that it would not be possible to condition or refuse permission on highway capacity or safety impacts. However, a condition to mitigate against noise and dust could be considered as an impact on local amenity and a limit on vehicle movements to 22 per day to protect local horseriders and local inhabitants and residents.

RESOLVED: (on a motion by Councillor Johnston, seconded by ????? and carried by 6 votes to 3, Councillor Sames, Councillor Reynolds and Councillor Fitzgerald-O'Connor recorded as voting against and Councillor Webber recorded as abstaining) that the prior approval be granted for the installation and use of a mobile Concrete Batching Plant to produce ready-mixed concrete for sale under Part 17, Class B of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended), and in accordance with

- (a) the detailed proposals for the location, height, design and appearance of the plant, as contained within the application and listed in the Schedule of Approved Plans and Documents.

Schedule of Approved Plans and Documents

- (i) Request letter dated 09.07.19
 - (ii) Location Plan – Drawing No. DG.EST.FAR.CBP.01
 - (iii) Concrete Batching Plant Location Plan – Drawing No. DG.EST.FAR.CBP.02
 - (iv) MCM60 & MCS50 Silo Layout with existing 10m screws – Drawing No. Wiltshire MCM60 Layout
 - (v) MCM60 & MCS50 – Silo Layout with existing 10m screws (colour) – Drawing No. Wiltshire MCM60 Elevation Layout
 - (vi) Technical Note dated 29.05.19
 - (vii) Faringdon CBP Technical Note Addendum dated 21.08.19
- (b) on condition that the submission of a screening planting scheme be submitted to and approved in writing by the Minerals Planning Authority and implemented prior to the installation of the mobile batching plant and additional conditions (under Part 17, Class B.2(2) of the GDPO) to protect the amenity of the neighbourhood to:
 - (i) Limit the number of vehicle movements to 22 per day
 - (ii) Ensure robust dust and noise monitoring
 - (iii) Ensure use of wheelwashing facilities

42/19 USE OF LAND FOR MANUFACTURE OF RECYCLED AGGREGATE AND SOILS AT D & M PLANT HIRE LTD, DIX PIT, LINCH HILL, STANTON HARCOURT, OX29 5BB - APPLICATION R3.0059/19

(Agenda No. 9)

The Committee considered (PN9) an application for the temporary use of 0.32ha of land for the manufacture of recycled aggregate and soils at the request of the local member. Objections had been received from Northmoor Parish Council due to the transport, dust and noise impacts.

Mrs Hudson presented the report.

Suzi Coyne for the applicant welcomed the recommendation. The proposed use of the land would prevent material going to landfill and was sited away from properties. The applicant recognising the strong local concerns regarding traffic was happy to enter into a routeing agreement but considered it unreasonable to have to pay a security deposit as outlined in the Council's lorry routeing protocol as he had a tracking system to monitor lorry movements and as there would only be a maximum of 3 movements an hour with no history of persistent breaches the County Council needed to demonstrate that such a payment was justified.

She then responded to:

Councillor Johnston – confirmed all company vehicles were fitted with the tracking device.

Councillor Roberts – only company lorries and vehicles were used. There were no sub-contractors.

Councillor Mathew confirmed that active recycling and preparatory work had been carried out prior to permission being obtained. He supported recycling and secondary aggregate production but had concerns regarding noise and dust including for those working next door to the operation. He continued to have concerns over the use of B449 through Sutton and its impact on residents. He queried whether the applicant had permission to use a private haul road and quoting County Council policy that no new applications would be approved until a Sutton bypass had been built stressed that the present situation remained unacceptable.

Responding to Councillor Fox-Davies he confirmed that the routeing agreement had not been flouted by D & M Plant Hire but they had, in his view, not shown respect to planning regulations.

Councillor Reynolds expressed concern regarding incremental gain. Applications individually often seemed to be acceptable but that was not the case collectively and he was against this application on the grounds of concern regarding heavy traffic and the impact on Sutton residents living close to the road.

Councillor Johnston stated that there needed to be a demonstration of severe harm in order to justify refusal of an application but he did not consider that that had been done in this case.

RESOLVED: (on a motion by Councillor Fox-Davis, seconded by Councillor Johnston and carried by 7 votes to 2, Councillor Sames and Councillor Reynolds recorded as voting against) that subject to a routeing agreement first being entered into planning permission for Application MW.0059/19 be approved subject to

- (i) conditions to be determined by the Director for Planning and Place including the matters set out at Annex 3 to the report PN9; and
- (ii) an informative on the consent stating that the reason that a security deposit was not sought for the routeing agreement was that the applicant did not have a poor track record of complying with routeing agreements.

..... in the Chair

Date of signing