

To: Members of the Planning & Regulation Committee

Notice of a Meeting of the Planning & Regulation Committee

Monday, 5 March 2012 at 2.00 pm

County Hall, New Road, Oxford

Peter G. Clark.

Peter G. Clark
County Solicitor

February 2012

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Members are asked to contact the case officers in advance of the committee meeting if they have any issues/questions of a technical nature on any agenda item. This will enable officers to carry out any necessary research and provide members with an informed response.

Membership

Chairman – Councillor Steve Hayward
Deputy Chairman - Councillor Mrs Catherine Fulljames

Councillors

Alan Armitage
Tony Crabbe
Anda Fitzgerald-O'Connor
Jenny Hannaby
Ray Jelf

Peter Jones
Stewart Lilly
David Nimmo-Smith
Neil Owen
G.A. Reynolds

John Sanders
Don Seale
John Tanner

Notes:

- **Date of next meeting: 16 April 2012**

Declarations of Interest

This note briefly summarises the position on interests which you must declare at the meeting. Please refer to the Members' Code of Conduct in Part 9.1 of the Constitution for a fuller description.

The duty to declare ...

You must always declare any "personal interest" in a matter under consideration, i.e. where the matter affects (either positively or negatively):

- (i) any of the financial and other interests which you are required to notify for inclusion in the statutory Register of Members' Interests; or
- (ii) your own well-being or financial position or that of any member of your family or any person with whom you have a close association more than it would affect other people in the County.

Whose interests are included ...

"Member of your family" in (ii) above includes spouses and partners and other relatives' spouses and partners, and extends to the employment and investment interests of relatives and friends and their involvement in other bodies of various descriptions. For a full list of what "relative" covers, please see the Code of Conduct.

When and what to declare ...

The best time to make any declaration is under the agenda item "Declarations of Interest". Under the Code you must declare not later than at the start of the item concerned or (if different) as soon as the interest "becomes apparent".

In making a declaration you must state the nature of the interest.

Taking part if you have an interest ...

Having made a declaration you may still take part in the debate and vote on the matter unless your personal interest is also a "prejudicial" interest.

"Prejudicial" interests ...

A prejudicial interest is one which a member of the public knowing the relevant facts would think so significant as to be likely to affect your judgment of the public interest.

What to do if your interest is prejudicial ...

If you have a prejudicial interest in any matter under consideration, you may remain in the room but only for the purpose of making representations, answering questions or giving evidence relating to the matter under consideration, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

Exceptions ...

There are a few circumstances where you may regard yourself as not having a prejudicial interest or may participate even though you may have one. These, together with other rules about participation in the case of a prejudicial interest, are set out in paragraphs 10 – 12 of the Code.

Seeking Advice ...

It is your responsibility to decide whether any of these provisions apply to you in particular circumstances, but you may wish to seek the advice of the Monitoring Officer before the meeting.

If you have any special requirements (such as a large print version of these papers or special access facilities) please contact the officer named on the front page, but please give as much notice as possible before the meeting.

AGENDA

1. **Apologies for Absence and Temporary Appointments**
2. **Declarations of Interest - see guidance note opposite**
3. **Minutes (Pages 1 - 8)**

To approve the minutes of the meeting held on 16 January 2012 (**PN3**) and to receive information arising from them.

4. **Petitions and Public Address**
5. **Retention and continued use of a single temporary classroom unit (ref T2 E198) for a further period of 5 years at Longfields Primary School, Longfields, Bicester - Application R3.0010/12 (Pages 9 - 14)**

Report by the Director for Environment & Economy (Growth & Infrastructure) (**PN5**)

The report describes why the school are applying to renew planning permission, outlines the objection received and other responses to the application and sets out relevant planning policies along with the comments and recommendation of the Deputy Director for Environment & Economy (Growth and Infrastructure).

It is RECOMMENDED that Application No. R3.0010/12 be approved subject to conditions to be determined by the Deputy Director for Environment & Economy (Growth & Infrastructure) but to include the following matters:

1. ***The development must be carried out strictly in accordance with the plans and drawings submitted with the application.***
2. ***Building to be removed by 31 March 2017.***
3. ***Repainting of external doors, walls and railings within 6 months.***

School Accommodation Informative:

The school is advised to investigate the provision of a more permanent solution to its long-term accommodation needs before this consent expires.

6. Installation of a 93 square metre modular building extension to existing children's centre (incorporating an enclosed linkway) to provide additional accommodation for 40 children for a temporary period of 5 years at Eynsham Primary School, Beech Road, Eynsham - Application R3.0018/12 (Pages 15 - 22)

Report by Deputy Director for Environment & Economy (Growth & Infrastructure) (PN6)

The report describes the proposal to extend the Children's Centre at Eynsham Primary School, outlines the four objections and other responses which have been received to the application and sets out relevant planning policies along with the comments and recommendation of the Deputy Director (Growth and Infrastructure).

It is RECOMMENDED that Application No. R3.0018/12 be approved subject to conditions to be determined by the Deputy Director for Environment & Economy (Growth & Infrastructure) to include the following matters:

- 1. The development be carried out strictly in accordance with the plans and drawings submitted with the application.***
- 2. Temporary permission – building to be removed in 5 years.***
- 3. External materials to be agreed.***
- 4. Travel plan to be updated***
- 5. Drainage to be approved prior to occupation of the building.***
- 6. Landscaping to be approved prior to development taking place.***

7. Relevant Development Plan and other Policies (Pages 23 - 26)

This paper sets out the policies referred to in Items 5 and 6 and should be regarded as an Annex to each of those reports

8. Commons Act 2006: Delegation of decision-making powers to officers (Pages 27 - 38)

Report by County Solicitor and Director for Environment & Economy (PN8).

The Commons Act 2006 section 15(8) introduced a new power for a landowner to apply for voluntary registration of its own land as a town or village green using a simple statutory procedure. There are presently no officer delegations in relation to decisions under the Commons Act 2006, which at present must be determined by the Planning & Regulation Committee.

The Committee is RECOMMENDED to delegate to the Director for Environment & Economy the power to determine applications for registration of new town or

village greens under section 15(8) of the Commons Act 2006, provided always that:-

- (a) satisfactory evidence is obtained that the criteria set out in Regulation 7 of the Commons (Registration of Town or Village Greens) (Interim Arrangements) (England) Regulations 2007 are met;**
- (b) all statutory provisions are complied with and departmental guidance is taken into account where necessary;**
- (c) legal advice from the County Solicitor is obtained and taken into account where necessary.**

9. Commons Act 2006: In the matter of an application to register the Blackbird Leys Park, Blackbird Leys, Oxford as a Town or Village Green (Pages 39 - 72)

Report by County Solicitor & Head of Legal and Democratic Services (**PN9**)

In June 2011 an application was made by Mr William Clark for registration of land known as the Blackbird Leys Park Park, Blackbird Leys, Oxford in Oxfordshire as a Town or Village Green under the Commons Act 2006. The land is owned in part by the Oxford City Council and in part by the Oxfordshire County Council.

The County Council is the Commons Registration authority with statutory responsibility for determining such applications.

Objections were received by the Commons Registration Authority to the application and legal advice was obtained from a specialist barrister in relation to a preliminary issue. In light of that advice, this report sets out a recommendation to the Council.

There are no delegated powers to officers to determine such an application and therefore the Planning & Regulation Committee is required to determine the application.

Having received the Further Opinion of Counsel set out in Annex 2 to this report, the Committee is RECOMMENDED to REJECT the application for registration as a new Town or Village Green that plot of land known as Blackbird Leys Park, Blackbird Leys, Oxford in Oxfordshire that site being indicated clearly on the Application Map of the application submitted by Mr William Clark and dated 6 June 2011.

Pre-Meeting Briefing

There will be a pre-meeting briefing at County Hall on **Monday 5 March 2012** at **midday** for the Chairman, Deputy Chairman and Opposition Group Spokesman.