

To: **Members of the Planning & Regulation Committee**

***Notice of a Meeting of the Planning & Regulation
Committee***

Monday, 9 July 2012 at 2.00 pm

County Hall, New Road, Oxford



Peter G. Clark
County Solicitor

June 2012

Contact Officer: **Graham Warrington**
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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
Patrick Greene
Jenny Hannaby

Ray Jelf
Stewart Lilly
David Nimmo-Smith
Neil Owen
G.A. Reynolds

John Sanders
Lawrie Stratford
John Tanner

Notes:

- **Date of next meeting: 10 September 2012**

Declarations of Interest

The duty to declare.....

Under the Localism Act 2011 it is a criminal offence to

- (a) fail to register a disclosable pecuniary interest within 28 days of election or co-option (or re-election or re-appointment), or
- (b) provide false or misleading information on registration, or
- (c) participate in discussion or voting in a meeting on a matter in which the member or co-opted member has a disclosable pecuniary interest.

Whose Interests must be included?

The Act provides that the interests which must be notified are those of a member or co-opted member of the authority, or

- those of a spouse or civil partner of the member or co-opted member;
- those of a person with whom the member or co-opted member is living as husband/wife
- those of a person with whom the member or co-opted member is living as if they were civil partners.

(in each case where the member or co-opted member is aware that the other person has the interest).

What if I remember that I have a Disclosable Pecuniary Interest during the Meeting?.

The Code requires that, at a meeting, where a member or co-opted member has a disclosable interest (of which they are aware) in any matter being considered, they disclose that interest to the meeting. The Council will continue to include an appropriate item on agendas for all meetings, to facilitate this.

Although not explicitly required by the legislation or by the code, it is recommended that in the interests of transparency and for the benefit of all in attendance at the meeting (including members of the public) the nature as well as the existence of the interest is disclosed.

A member or co-opted member who has disclosed a pecuniary interest at a meeting must not participate (or participate further) in any discussion of the matter; and must not participate in any vote or further vote taken; and must withdraw from the room.

Members are asked to continue to pay regard to the following provisions in the code that *“You must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself”* or *“You must not place yourself in situations where your honesty and integrity may be questioned.....”*.

Please seek advice from the Monitoring Officer prior to the meeting should you have any doubt about your approach.

List of Disclosable Pecuniary Interests:

Employment (includes *“any employment, office, trade, profession or vocation carried on for profit or gain”*.), **Sponsorship, Contracts, Land, Licences, Corporate Tenancies, Securities.**

For a full list of Disclosable Pecuniary Interests and further Guidance on this matter please see the Guide to the New Code of Conduct and Register of Interests at Members’ conduct guidelines. <http://intranet.oxfordshire.gov.uk/wps/wcm/connect/occ/Insite/Elected+members/> or contact Rachel Dunn on (01865) 815279 or Rachel.dunn@oxfordshire.gov.uk for a hard copy of the document.

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 - 12)

To approve the minutes of the meeting held on 28 May 2012 (PN3) and to receive information arising from them.

4. **Petitions and Public Address**
5. **Chairman's Updates**
6. **Application to continue importing leachate for treatment at Ardley Leachate Treatment Plant** (Pages 13 - 28)

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

This report describes a planning application submitted by Viridor for development at Ardley Landfill Site. It is proposed to use the leachate treatment plant for leachate imported from other landfill sites. This was permitted under a previous consent but the current landfill permission has a condition preventing importation of leachate due to local concern about links to drainage and pollution problems. This is a retrospective application as the importation of leachate has been ongoing since the implementation of the new consent which prevents it. The application is being reported to this Committee as objections have been received to the proposal.

The report describes why the proposals have been put forward and outlines objections and other responses to the application. Relevant planning policies are included along with the comments and recommendation of the Deputy Director for Environment & economy(Growth and Infrastructure) on the proposal.

The proposed development is considered acceptable as there has been no objection from the Environment Agency or Thames Water in terms of drainage or pollution and it accords with planning policy relating to the location of waste development. The plant already processes leachate generated onsite and the importation would not lead to an increase in vehicle numbers above the total limit for the site.

It is RECOMMENDED that subject to a routing agreement to ensure that vehicles associated with this development follow the same route as waste vehicles associated with the EfW and landfill (avoiding Middleton Stoney) that planning permission be approved for application MW.0084/12 to continue importing leachate for treatment at Ardley Leachate Treatment Plant at Ardley Landfill Site

subject to conditions to be determined by the deputy Director for environment & Economy (Growth & Infrastructure) but to include the matters listed below:

Heads of Conditions

- 1. Complete accordance with application**
- 2. End date for importation to coincide with the end of the treatment of leachate generated onsite**
- 3. Standard working hours for deliveries**
- 4. Maximum annual import of 180 000 tonnes, as proposed**
- 5. Leachate to be delivered in sealed tankers only**
- 6. White noise on reversing beepers**

Informative

Conditions 3 and 4 of permission 08/02472/CM sets out annual and daily maximum tonnages of waste to be imported to this site. Imported leachate permitted under this consent is included in those totals.

- 7. To continue development without complying with condition 1 (approved plans and particulars), condition 3 (lighting) and condition 4 (hours of operation) of planning permission R3.0071/10 (installation of Oxford swimming pool enclosure over existing pool) at St Andrew's School, Chinnor - Application R3.0071/12 (Pages 29 - 36)**

Report by the Deputy Director for Environment & Economy (Growth & Infrastructure) (PN7)

The report describes an application to change the hours of use and installation of safety light at the Chinnor Community swimming pool at St Andrew's school, sets out the detail of the proposal, outlines the objections and other responses received to the application along with relevant planning policies and comments and recommendation of the Deputy Director for Environment & Economy (Growth and Infrastructure).

It is RECOMMENDED that application R3.0071/12 be granted subject to conditions to be determined by the Deputy Director for Environment & Economy (Growth and Infrastructure) but in accordance with those set out at Annex 1 to the report.

- 8. Relevant Development Plan and other Policies (Pages 37 - 42)**

Paper by the Deputy Director for Environment & Economy (Growth & Infrastructure) (PN8)

This paper setting out the policies referred to in Items PN6 and PN7 should be regarded as an Annex to each.

Pre-Meeting Briefing

There will be a pre-meeting briefing at County Hall on **Monday 9 July at 12 midday** for the Chairman, Deputy Chairman and Opposition Group Spokesman.

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PLANNING & REGULATION COMMITTEE

MINUTES of the meeting held on Monday, 28 May 2012 commencing at 2.00 pm and finishing at 4.10 pm

Present:

Voting Members: Councillor Steve Hayward – in the Chair

Councillor Alan Armitage
Councillor Tony Crabbe
Councillor Mrs Anda Fitzgerald-O'Connor
Councillor Patrick Greene
Councillor Jenny Hannaby
Councillor Ray Jelf
Councillor Stewart Lilly
Councillor Charles Mathew (In place of Councillor Mrs Catherine Fulljames)
Councillor David Nimmo-Smith
Councillor Neil Owen
Councillor G.A. Reynolds
Councillor John Sanders
Councillor Lawrie Stratford
Councillor John Tanner

Officers:

Whole of meeting G. Warrington and J. Crouch (Law & Governance);
Martin Tugwell (Environment & Economy)

Part of meeting

Agenda Item	Officer Attending
6 & 7	M. Thompson (Environment & Economy)
8 & 9	N. Woodcock (Environment & Economy)
6,7,8 and 9	D. Groves (Environment & Economy)
10	C. Hodgkinson, D. Flavin, C. Flavin and B. Stewart-Jones (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.

28/12 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

(Agenda No. 1)

Apology

Temporary Appointment

Councillor Mrs C Fulljames

Councillor Charles Mathew

29/12 DECLARATIONS OF INTEREST - SEE GUIDANCE NOTE OPPOSITE

(Agenda No. 2)

<i>Councillor</i>	<i>Item</i>	<i>Nature of Interest</i>
Councillor Lilly	6. Sutton Courtenay Landfill Site – Application APF/616/57-CM	Personal. Local County Councillor for Sutton Courtenay and Harwell. He advised that he had not expressed an opinion on the application in that capacity and therefore intended to participate in discussion and voting on the item.
Councillor Mathew	6. Sutton Courtenay Landfill Site – Application APF/616/57-CM	<p>Personal. He advised that he:</p> <ul style="list-style-type: none"> • had had previous dealings with WRG (now (FCC) with regard to another site at Dix Pit; • was the County Council's representative on the North Wessex Downs AONB. <p>However, he did not consider either affected his discretion to participate in discussion and voting on the item</p>

30/12 MINUTES

(Agenda No. 3)

The minutes of the meetings held on 16 April 2012 and 15 May 2012 were approved and signed.

31/12 CHAIRMAN'S UPDATES

(Agenda No. 4)

The Chairman referred to the recent retirements of John Duncalfe and John Hamilton. He would write and thank them for their hard work in support of the Committee.

Mr Tugwell advised as follows:

Pinewoods Road, Longworth – Application No MW.0080/11

No appeal lodged to date. The applicants had 6 months from the date of refusal.

Thrupp Lane Quarry, Radley – Application No. MW.0001/12

Cleud withdrawn and location for plant storage agreed. Permission would be issued following removal of plant.

Planning Development Management Annual Review April 2011 - March 2012

Paper tabled. Agreed to review paper and circulate to all members of the Council in amended form.

Waterstock Golf Course

Matter still before the High Court. Application made for a new Court hearing date before the same judge. No waste removed off site.

Ashgrove Farm, Ardley

The County Council continued to work closely with the Environment Agency and Cherwell District Council environmental health officers to ensure effective operation of the site and material kept to a minimum. Briefing session to be arranged for members on use of conditions.

32/12 PETITIONS AND PUBLIC ADDRESS

(Agenda No. 5)

<i>Speaker</i>	<i>Item</i>
David Hignell Dr Angela Jones Robin Draper Mike Graham)) 6. Sutton Courtenay Landfill Site –) Application No APF/616/57-CM)
John Hawkins	9. Manor School, Lydalls Road, Didcot – Application R3.0048/12

33/12 THE CONTINUATION OF DEVELOPMENT FOR THE ESTABLISHMENT OF RECYCLING FACILITIES ON LAND WEST OF CORRIDOR ROAD; EXTENSION OF THE DURATION OF THE EXISTING GREEN WASTE COMPOSTING FACILITY; THE STORAGE OF MATERIALS DERIVED FROM THE RECYCLING FACILITIES WITHIN THE GREEN WASTE COMPOSTING FACILITY WITHOUT COMPLYING WITH CONDITIONS 1, 6, 16, 18 AND 19 OF PLANNING PERMISSION AT SUTTON COURTENAY LANDFILL SITE APF/616/57-CM

(Agenda No. 6)

The Committee considered an application (PN6) to continue development of a permitted recycling facility at Sutton Courtenay landfill site, without complying with a number of conditions, which would allow the materials recycling facility to be constructed and operated without the construction of the in-vessel composting facility, which currently formed part of the approved plans but was no longer needed.

Mr Hignell stated that Sutton Courtenay Parish Council had taken the view that material differences between the original proposal and what was now being proposed warranted a new application with a full consultation process rather than a Section 73 application. WRG had downplayed the size of this project. That was common practice for them and in keeping with the way they extended their activities through planning creep. The Vale of White Horse District Council had objected to both the EfW and MBT proposals on lowland vale policies but it appeared they had not been consulted on this proposal. Drainage in Sutton Courtenay village remained a problem and a site drainage scheme had yet to be approved. Dust, noise and flies remained a constant problem and one which the company seemed not to take seriously.

Dr Jones speaking for Appleford Parish Council stated that Appleford was a small village under immense pressure. They had been distracted by recent events regarding changes to the proposals for the digester facility and had consequently missed the opportunity to respond to this Section 73 application. The Parish Council considered that if this application had come in through the normal planning process it would have been recommended for refusal as there had been opposition from local planning authorities to other smaller schemes and it seemed illogical that a bigger building should not be treated in the same way. WRG had failed to comply with conditions to provide a detailed flood scheme and the County Council should take account of local plan policies and reject the application.

Robin Draper introduced an element of caution to the Committee insofar as the Section 73 application was concerned. The original permission had permitted establishment of recycling facilities on land to the west of Corridor Road and Condition 2 to that permission stipulated that the development should begin no later than three years from the date of that permission namely 17 December 2008. It was difficult to see how the word "development" could mean anything other than the MRF and IVC as the remainder of the permission was merely for the extension of the duration of the existing composting operation and for storage. He was of the view that it was legally incorrect to claim that a Section 73 was appropriate in this case due to the composting operation having started before the 3 year deadline and therefore a fresh application should have been submitted. The Committee had been misled regarding the size of the building. That brought it into conflict with local plan policies,

particularly as the EfW and MBT had been rejected on similar grounds. Consultation had also been inadequate. WRG had also failed to identify the source of waste and therefore questions remained regarding need for the facility. WRG in January had stated its intention to open discussion regarding its long term plans. That would have been welcomed but had not been forthcoming. The Committee had little option legally other than to refuse the application.

The three speakers then responded to questions from members of the Committee.

Councillor Tanner – Mr Hignell stated that in addition to the industrialisation of a Greenfield site the application was contrary to local plan policies designed to protect the coalescence of communities and restoration of land. There would be an unfortunate effect of creating unattractive development where there was no overriding need for it and no benefit to the greater good of the local area. WRG continued to disappoint in that regard.

Councillor Crabbe – Mr Hignell confirmed that despite a condition for a drainage scheme being imposed 3 years previously one had never been submitted. Surface water appeared within the parish boundaries and had affected footpaths.

Councillor Armitage – Mr Hignell confirmed that the parish council had known about the consultation when the proposal was submitted. Dr Jones confirmed Appleford Parish Council had first been aware of the consultation on 28 February. Mr Tugwell confirmed that the consultation had been published on 15 February and that that consultation had included the vale of White Horse District Council.

Councillor Mathew – Mr Draper confirmed that a Section 73 was inappropriate in this case as it allowed a substantial variation without a full consultation. The time condition on the original permission had expired last December and that this variation had time lapsed.

Mr Graham addressed the Committee on behalf of the applicants. Waste processing and its structure were never popular but it was necessary to fulfil a need. In this case there had been one permission dealing with 3 issues - a material recovery facility, in-vessel composting facility and a composting facility. Failure to secure the green waste contract had meant that the IVC facility was redundant. That had freed up some space to provide a more efficient structure for a recycling facility, which would help divert material from landfill. The operation involved screening waste that was already coming into the site and no additional waste would be brought in. By providing a bigger building the company would be able to accommodate new and evolving plant to ensure sustainability and enable more of the operation itself to be housed within the building thereby reducing nuisance. The company were not ambivalent to local concerns. In addition to the IVC building not going ahead there would be a reduction in the footprint of the MRF of 2,000 square metres. The building although larger would not be higher and now there would be only one building as opposed to two. If the IVC facility had gone ahead there would have been the need to introduce a new stream of waste of 70,000 tonnes per annum. That would no longer happen. With regard to site drainage the landfill operation was not part of this permission. However, a surface water drainage plan for this site would be submitted in accordance with the conditions attached to any permission if granted.

There was a need for this facility. Waste was already coming in to the site and this would offer an opportunity to deal with waste more effectively and divert some of that from landfill. The original permission had contained three elements 1 of which had now gone and another, for the green waste composting facility, implemented. It had been difficult to separate those elements, which explained why some felt the permission period had lapsed. However, the company had taken the view that implementation of the green waste element allowed for submission of a Section 73 application.

He then answered questions from members of the Committee.

Councillor Hayward – it was expected to recycle around 70,000 tonnes.

Councillor Owen – he confirmed only one building would be required. As the company had not secured the green waste contract there was no waste stream to warrant construction of that facility.

Councillor Fitzgerald-O'Connor – he confirmed an increase in the footprint of the building but it would not be any higher than originally proposed.

Councillor Crabbe – the facility would be processing waste brought to the landfill site which did not have permission to accept hazardous waste.

Councillor Greene – he confirmed that the type of building proposed was a steel portal frame which could be removed and resited along with the plant inside it. The intention was for it to be removed by 2019.

Councillor Mathew – the dimensions of the original building had been acceptable 3 years ago but the opportunity which now presented itself to increase the size of the building meant that it would be possible to store material and manouvere vehicles within the building. There had been a lot of changes to waste processing operations in Oxfordshire recently ie Ardley and the company needed to respond to that.

Councillor Lilly – a surface water scheme had been submitted to the Environment Agency and was currently with the Oxfordshire County Council.

Councillor Mathew understood that the North Wessex Downs AONB had not been consulted on this proposal in accordance with agreed protocols between them and the County Council. He sought assurances that no changes were proposed to the height of the building.

Mr Tugwell could not confirm whether the North Wessex Downs AONB had been consulted in this instance, although a response had been received from Natural England. He would ensure that for future planning applications the relevant AONB would be included in the consultation process. He confirmed that the proposed height of the building was 12 metres.

Councillor Lilly considered there was a case for deferral in order to ascertain whether there had been correct consultation. He also expressed some caution as to whether a

Section 73 application was appropriate in this case and felt there a number of questions remained unanswered.

Councillor Stratford felt the application had merit. It provided 1 building as opposed to 2 and would be able to house and contain all operational aspects and if adequately monitored and enforced then the application held up. He moved and Councillor Reynolds seconded the recommendation as set out in the report.

Councillor Sanders then moved an amendment to defer the application to allow further local consultation. The Chairman was minded not to accept the amendment.

Councillor Stratford then asked that the motion be put and it was –

RESOLVED: (by 11 votes to 4) that Application MW.0027/12 be approved subject to:

- (a) conditions carried forward from the original consent (APF/616/57-CM) but with the following amendments to Conditions 1, 6, 16,18 and 19:

Replacement Condition 1

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 application comprises: Supporting Statement reference PEL/SC73/19471/001 dated October 2011, Site Location Plan CH6737-P01/C, Building Elevations CH6737-P02/C and landscaping drawings SC-RF-LR1 and SC-RF-LR2 dated December 2011.

Replacement Condition 6

No operations relating to the MRF or Green Waste Composting Facility including HGVs entering and leaving the site, other than air pumping and monitoring, shall be carried out on site except between the following times;

7:00 am to 18:00 pm Monday to Friday

7:00 am to 13:00 pm Saturdays

No operations shall take place Sunday or Bank Holidays

Replacement Condition 18

No development of the MRF shall commence until a scheme for the enhancement of screening vegetation has been submitted to the Waste Planning Authority and approved in writing. Any scheme that is approved shall be implemented in the first planting season following the date of this permission and shall be maintained for the life of the permission.

Replacement Condition 19

No development of the MRF shall commence until drainage details incorporating sustainable drainage principles, and an assessment of the

hydrological and hydrogeological context of the development, have been submitted to and approved in writing by the Waste Planning Authority. Any scheme approved shall be implemented before any waste is brought to the MRF.

Delete Condition 16

(b) the following new conditions and informative:

1. No construction of the MRF shall commence until a scheme for the surfacing of the road from the two accesses to the site to Corridor Road has been submitted to and approved in writing by the Waste Planning Authority, and those surfacing works have been completed in accordance with the approved scheme. The surfaced road shall be maintained in accordance with the approved scheme for the duration of the development.
2. No construction of the MRF shall commence until signs warning lorry drivers of pedestrians and cyclists on the road outside the two accesses to the site have been erected in accordance with details of location and design which have been submitted to and approved in writing by the Waste Planning Authority. These signs shall be maintained for the duration of the development.
3. No construction of the MRF shall take place until an internal layout scheme for the MRF has been submitted to and approved by the Waste Planning Authority. The development shall be carried out in accordance with that approved scheme.
4. No construction of the MRF shall take place until the bunds shown on approved plan CH6737-P01/C have been constructed to 3 metres in height and seeded with grass and until the landscape planting shown on the same approved plan has been implemented. The bunds and landscaping shall be maintained for the duration of the development.
5. No more than 40,000 tonnes per annum of green wastes and 70,000 tonnes per annum of other wastes shall be imported to the site.
6. The height of the building shall be restricted to a maximum height of 12 metres.

Informative: European Protected Species

- 34/12 FERRIS HILL FARM, HOOK NORTON**
VARIATION OF CONDITIONS 3 AND 5 OF PLANNING PERMISSION 07/00058/CM TO ALLOW LONGER OPERATING HOURS AND AN INCREASE IN THE MAXIMUM THROUGHPUT OF WASTE FROM 24,999 TONNES PER ANNUM TO 45,000 TONNES PER ANNUM (MW.0032/12)
VARIATION OF CONDITION 16 OF PLANNING PERMISSION 07/00058/CM TO ALLOW AN ADDITIONAL 6 MONTHS UNTIL 31 OCTOBER 2012, FOR COMPLETION OF CONCRETE APRON (MW.0034/12)
(Agenda No. 7)

The Committee considered an application (MW.0034/12) to vary a condition in order to extend the time for the provision of a concrete apron in front of a recently constructed waste transfer building.

A second application MW.0032/12 to vary conditions to increase operating hours and annual throughput of waste had been withdrawn by the applicants.

RESOLVED: (on a motion by Councillor Jelf, seconded by Councillor Hannaby and carried nem con) that subject to a routeing agreement to prohibit the route to and from the north of the site on the Sibford Road in order to prevent traffic passing through the villages of Sibford Ferris and Sibford Gower that planning permission be approved for Application MW.0034/12 subject to conditions to be determined by the Deputy Director for Environment & Economy (Growth and Infrastructure) but to include conditions from the existing consent as amended (Condition 16) to provide until 31 October 2012 for the provision of the concrete area.

- 35/12 RETENTION AND CONTINUED USE OF TWO MODULAR BUILDING UNITS (REF T1 (CE01) CHILDREN'S CENTRE BASE OFFICE AND T2 A CLASSROOM) FOR A FURTHER PERIOD OF FIVE YEARS AT GREAT MILTON C OF E SCHOOL, THE GREEN, GREAT MILTON, OXFORD OX44 7NT - APPLICATION R3.0047/12**
(Agenda No. 8)

The Committee considered an application by the school to renew planning permission for temporary buildings in order to continue provision of the children's centre services.

Ms Woodcock confirmed support from Councillor David Turner the local member.

Councillor Hannaby moved and Councillor Stratford seconded that the recommendation as set out in the report be approved.

Councillor Tanner moved an amendment that permission be granted for 3 years as opposed to five. Councillor Sanders seconded the motion which was then put to the Committee and lost by 12 votes to 2.

The original motion was then put to the Committee and –

RESOLVED: (nem con) that Application No. R3.0144/11 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 must be carried out strictly in accordance with the plans and drawings submitted with the application.
2. Temporary buildings to be removed by 31 May 2017.

Travel Plan Informative: to encourage provision of a new travel plan for the children's centre and update existing school travel plan.

36/12 INSTALLATION OF A MODULAR CLASSROOM BUILDING FOR A TEMPORARY PERIOD OF FIVE YEARS AT MANOR PRIMARY SCHOOL, LYDALLS CLOSE, DIDCOT, OXFORDSHIRE, OX11 7LB - APPLICATION R3.0048/12
(Agenda No. 9)

The Committee considered (PN9) an application to install a double modular classroom building for a temporary period of 5 years.

John Hawkins the headteacher was present to answer questions and responding to Councillor Armitage he confirmed that despite a growing population in Didcot he was not expecting numbers at the school to increase due to schools nearby being under capacity. Parking restrictions at the nearby Civic Hall had been lifted to allow parents to park.

RESOLVED: (on a motion by Councillor Crabbe, seconded by Councillor Greene and carried nem con) that Application No. R3.0048/112 be approved subject to conditions to be determined by the Deputy Director for Environment & Economy (Growth & Infrastructure) to include the following matters:

3. The development must be carried out strictly in accordance with the plans and drawings submitted with the application.
4. Temporary building to be removed by 31 January 2017.
5. Submission of final design details of temporary building (including material finish).
6. Prior submission of full drainage details (including soakage tests).

Informatives:

Encourage school to update school travel plan.

The school is required to notify the county archaeologist if any archaeological finds occur.

37/12 MINERALS AND WASTE SITES MONITORING AND ENFORCEMENT

(Agenda No. 10)

The Committee considered (PN10) a report on regular monitoring of minerals and waste planning permissions and progress of enforcement cases between 1 October 2011 to 31 March 2012.

Mr Hodgkinson confirmed an 83% rate for scheduled visits and whilst some visits were announced, such as site audit or specialist area visits, others were not. There was no covert evidence gathering and work was underway with other agencies to clarify the role of conditions and improve enforceability.

RESOLVED: that the Schedule of Compliance Monitoring Visits at Annex 1 to the report PN10 and the Schedule of Enforcement Cases at Annex 2 be noted.

..... in the Chair

Date of signing

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For: PLANNING AND REGULATION COMMITTEE – 9 JULY 2012

By: DEPUTY DIRECTOR FOR ENVIRONMENT & ECONOMY (GROWTH & INFRASTRUCTURE)

Development Proposed:

Application to continue importing leachate for treatment at Ardley Leachate Treatment Plant

Division Affected: Ploughley

Contact Officer: Mary Thompson **Tel:** Oxford 815901

Location: Ardley Landfill Site

Application No: MW.0084/12

Applicant: Viridor

District Council Area: Cherwell

Date Received: 4 May 2012

Consultation Period: 17 May- 11 June

Contents:

- Part 1 – Facts and Background
- Part 2 – Other Viewpoints
- Part 3 – Relevant Planning Documents
- Part 4 – Analysis and Conclusions

Recommendation

The report recommends that the application (MW.0084/12) be approved.

• **Part 1 – Facts and Background**

Location (See Location Plan 1)

1. The leachate treatment plant is located within Ardley Landfill Site, 900 metres south of Ardley and 2.5 kilometres (1.55 miles) north of Middleton Stoney. The wider site incorporates landfill with associated leachate treatment plant, a household waste recycling centre (HWRC) and a waste transfer building. An energy from waste (EfW) plant is currently under construction.

The Site and Setting (See Location Plan 2)

2. The leachate plant area covers an area of 0.22 hectares (0.54 acres) and is located near the entrance to the landfill site, to the north of the offices and weighbridge and the HWRC.
3. The leachate plant area is within the boundaries of the landfill site, close to the western boundary which abuts the B430. The wider site is bounded by a railway line to the north and open countryside to the east and south.
4. The nearest properties are Ashgrove Cottages, approximately 400 metres to the south west of the application site on the other side of the B430.
5. No footpaths are affected by the proposal.
6. There is a geological and biological SSSI 250m to the north east of the application site.

Background & Planning History

7. Permission for limestone working on the site was granted in 1951 and continued until 2007. Working is continuing to the south of the site.
8. Permission for the landfilling of household and commercial and industrial waste was first granted in 1978 and permission for significant amendments, including the extension of the HWRC, was granted in 2003. The leachate plant was permitted under a condition on that consent. Permission for plant for utilisation of landfill gas for electricity was granted in 1996.
9. Permission for an energy from waste (EfW) plant (08/02472/CM) was granted on appeal in 2011. This consent incorporated the landfilling operations and therefore superseded the previous consent.

Details of the Development

10. The site contains a leachate treatment plant, which is permitted to treat leachate generated by the adjacent landfill site. It has also been used, for a number of years, for the treatment of leachate imported from other landfill sites. There was no condition to prevent this under the previous landfilling consent. However, the EfW consent contains a specific condition preventing the importation of leachate from other landfill sites.
11. This is a retrospective application as the importation of leachate has been ongoing since the implementation of the new permission which specifically prevents it.
12. Leachate is predominantly imported from landfill sites in Finmere (Oxfordshire), Gerrards Cross (Buckinghamshire) and Ware (Hertfordshire).
13. This application has now been made to allow the continued importation of leachate.

Traffic and Access Details

14. The importation of leachate generates an average of 8 vehicle movements per day. The total daily and annual tonnage of waste to the site is limited by conditions 3 and 4 on the energy from waste consent 08/02472/CM. The imported leachate would be part of this total and so this proposal would not be permitted to generate traffic above the total levels already permitted.
15. There is an existing routeing agreement which requires that vehicles use a route following the B3040 to the north of the site to the M40/A43 junction. A new agreement would be needed to ensure that vehicles associated with this development also follow the approved route.

• Part 2 – Other Viewpoints

Third Party Representations (copies of the letters are available in the Members' Resource Centre)

16. Three letters of objection have been received to these applications. They express concern that the leachate plant may be contributing to drainage problems in the Bucknell sewer and ask whether this application can be determined by Oxfordshire County Council given that would override a condition imposed by the Secretary of State. Full details of the representations can be found at Annex 1.

Consultation Responses

17. Details of consultation responses can be found at Annex 2. There have been objections from local Parish Councils. However, the District Council and other statutory consultees including the Environment Agency have not objected.

• Part 3 – Relevant Planning Documents

Relevant Development Plan and other policies (see Policy Annex attached to this Agenda)

18. Planning applications should be decided in accordance with the Development Plan unless material considerations indicate otherwise.
19. The Development Plan for this area comprises:
- The South East Plan (SEP)
 - Oxfordshire Minerals and Waste Local Plan (saved policies) (OMWLP)
 - Cherwell Local Plan (CLP)
20. Other documents that need to be considered in determining this development include:
- Non Statutory Cherwell Local Plan (NSCLP)
 - Oxfordshire Minerals and Waste Core Strategy Proposed Submission Document (OMWCS)
 - National Planning Policy Framework (NPPF)
21. The South East Plan (SEP) forms part of the Development Plan. However, the Government has made it clear that it intends to abolish regional strategies. The Localism Act enables the Secretary of State to revoke the whole or any part of a regional strategy by order. Whilst no such order had been made at the date this report was drafted, the published intention to revoke is a material consideration to which substantial weight should be given.
22. The Oxfordshire Minerals and Waste Core Strategy has not yet been adopted, however the Proposed Submission Document was agreed by Oxfordshire County Council Cabinet on 13 March 2012 and Full Council on 3 April 2012. Now that it has been agreed by the Council it will be published for public comment and then submitted to the Government for examination. The independent examination of the plan by a government appointed inspector is expected to take place later in 2012. When the inspector's report is received, the Council will be able to adopt a final plan. As this plan is now at an advanced stage, significant weight should be given to its policies.

23. The Government's National Planning Policy Framework was published on 27 March 2012. This is a material consideration in taking planning decisions. However, it does not contain specific waste policies as these will be published as part of the National Waste Management Plan for England. Key extracts of the NPPF are highlighted in the planning policy annex.

Relevant Policies

24. The relevant policies are:
- NPPF – Sections in this document refer to promoting sustainable transport.
 - SEP – W4, W17, T1,
 - OMWLP – W2, W5
 - CLP – ENV1, ENV7
 - NSCLP – EN3, EN12
 - OMWCS - W6, C8

• Part 4 – Assessment and Conclusions

Comments of the Deputy Director for Environment & Economy (Growth and Infrastructure)

25. The key planning issues to consider in deciding these applications are:
- (i) Acceptability of the proposed waste development in this location
 - (ii) Traffic impacts on local roads and residents
 - (iii) Pollution/flooding
 - (iv) Restoration
- (i) Acceptability of the proposed waste development in this location**
26. Waste management policy generally supports the expansion of existing suitable sites (SEP Policy W17) and allows for encourages provision to be made for some waste from outside the county to be treated in Oxfordshire (OMWLP W2 and SEP W4). Waste treatment plant should be well screened (OMWLP Policy W5).
27. The site has an existing waste management use and is permitted for the treatment of leachate produced on the adjacent landfill. Therefore, I consider that it is suitable for the treatment of leachate. Waste would be brought in from outside the county however the quantities are relatively limited (4 tankers per day total for leachate from both inside and outside Oxfordshire) and policy does allow for the treatment of waste from outside Oxfordshire. The leachate plant is already well screened.
28. I consider the proposal to import waste to this site accords with waste policy.

(ii) Traffic Impacts

29. Policy requires facilities to be well located in relation to the transport network and not to cause nuisance from traffic generation (OMWLP Policy W3, SEP Policy W17 and OMWCS policy C7).
30. Ardley with Fewcott Parish Council have objected on the basis that the condition was originally put on in order to minimise road traffic and ensure restoration could take place. The letter from the Secretary of State which accompanied the schedule of conditions suggested that the reason for the condition was a result of concerns raised by Bucknell Parish Council and two individual objectors. In any case, the traffic and restoration impacts must be considered.
31. The site has direct access off the B4030. The number of vehicle movements involved in the importation of leachate (8 per day) is considered to be insignificant. There is a limit on the EfW permission on the total amount of waste that can be imported to the site and a condition or informative could be added to any consent granted for the importation of leachate to ensure that these vehicle movements are included in that total. Therefore, there would be no increase in the permitted vehicle movements as a result of the import of leachate. There has been no objection from the Highways Authority.
32. The importation of other waste to the site is covered by a routeing agreement to ensure that HGVs access the site from the north and do not travel through the village of Middleton Stoney. It is recommended that if permission is granted for this development there should also be a routeing agreement limiting vehicles to that same route.
33. I consider the development to be acceptable in terms of traffic policy.

(iii) Pollution and flooding

34. Policy states that development that would cause unacceptable levels of environmental pollution will not be permitted (CLP policy ENV1 and NSCLP EN3).
35. In addition, development which will directly adversely and materially affect water quality of surface or underground water bodies, such as rivers and lakes, will not be permitted (CLP policy ENV7 and NSCLP EN12).
36. There has been some concern about pollution and flooding, as set out in the summary of representations at Annex 1. These state that since Viridor connected their leachate discharge to the Bucknell sewer there have been a number of incidents of flooding. This includes a particular occasion in 2010 when sewer water was running over the road and into a ditch. However, included in the application is correspondence from

Thames Water which confirms that this incident was investigated and no link was found between the blockage and the discharge of treated leachate from the landfill site.

37. As neither Thames Water nor the Environment Agency has objected to this application, there is no evidence that the importation of leachate is likely to cause any adverse impact through flooding, drainage or pollution issues. Viridor have a consent to discharge trade effluent and this discharge consent imposes limits on the volume and nature of the discharge. Regular audit sampling is carried out by Thames Water to ensure compliance. In addition to the regulation by Thames Water, if the discharge of leachate was causing water pollution the Environment Agency has statutory powers to impose fines.
38. I consider this application accords with planning policy on environmental protection. Other systems are in place to protect the environment and human health from pollution incidents, including the waste permitting procedure handled by the Environment Agency and the sewer discharge procedure handled by Thames Water.

(iv) Restoration

39. Ardley with Fewcott Parish Council have stated that the original condition preventing leachate importation was added to ensure that restoration could take place in accordance with the timescales agreed for the restoration of the site. Cherwell District Council have also commented that this development should not allow the restoration of the site to be delayed.
40. I agree that this development should not delay the restoration of the site. If permission is granted it is recommended that a condition should be added to ensure that the timescale for the importation of leachate is linked to the timescale of the treatment of leachate generated on site. When the adjacent landfill ceases to create sufficient quantities of leachate to keep the treatment plant operational it will no longer be appropriate to bring leachate from other sites for treatment at this location.

v) Process

41. Objectors have suggested that Oxfordshire County Council is not able to deal with this application as the condition preventing leachate import was imposed by an inspector.
42. This is not the case. Oxfordshire County Council is the body with statutory responsibility for determining waste planning applications, regardless of the fact that a previous related consent was granted on appeal.

43. The Secretary of State considered a request from Viridor to change the condition preventing the importation of leachate, but did not accept them due to the concerns raised by local residents and Bucknell Parish Council.¹ However, this planning application has provided the opportunity to establish whether those concerns have any basis.
44. In light of new information contained in this application in the form of correspondence from Thames Water confirming that there is no evidence to link the sewage problem at Bucknell to leachate discharge from the site, it is appropriate to reconsider whether the restriction on import is still necessary.
45. A representation has been received stating that this application should have been accompanied by an Environmental Impact Assessment (EIA). The application was screened to determine whether it required an EIA in accordance with proper process. The conclusion of this exercise was that EIA was not needed.
46. There has been concern that the import of leachate has continued without planning consent for some months since the implementation of the EfW consent. Oxfordshire County Council has advised Viridor that this is contrary to a planning condition. Viridor have sought to rectify the planning position by submitting this application. The decision on what if any enforcement action should be taken can be made once this application has been determined.

Conclusion

47. Although there has been local concern in relation to this application, the proposals are considered to accord with development plan policies relating to waste, traffic and pollution.
48. There is no evidence that the importation of leachate is linked to the drainage problems described by objectors. The restriction preventing the import of leachate is not considered necessary.
49. Therefore, it is recommended that this application be approved subject to conditions and a routeing agreement.

Recommendation

50. **It is RECOMMENDED that subject to a routeing agreement to ensure that vehicles associated with this development follow the same route as waste vehicles associated with the EfW and landfill (avoiding Middleton Stoney) that planning permission be approved for application MW.0084/12 to continue importing leachate for treatment at Ardley Leachate Treatment Plant at Ardley Landfill Site subject to conditions to be determined by the Deputy Director for**

¹ Letter dated 17 February from Julian Pitt, Communities and Local Government

Environment & Economy (Growth & Infrastructure) but to include the matters listed below:

Heads of Conditions

- 1. Complete accordance with application**
- 2. End date for importation to coincide with the end of the treatment of leachate generated onsite**
- 3. Standard working hours for deliveries**
- 4. Maximum annual import of 180 000 tonnes, as proposed**
- 5. Leachate to be delivered in sealed tankers only**
- 6. White noise on reversing beepers**

Informative

Conditions 3 and 4 of permission 08/02472/CM sets out annual and daily maximum tonnages of waste to be imported to this site. Imported leachate permitted under this consent is included in those totals.

MARTIN TUGWELL
Deputy Director (Growth & Infrastructure)

June 2012

Annex 1 Representations

Third Party Representations (copies of the letters are available in the Members' Resource Centre)

38 letters of objection have been received to these applications. The following concerns have been expressed. The points raised are addressed in the main body of the report.

Drainage

- Danger to community from pollution.
- There were no problems with flooding of the Bucknell sewer until Viridor connected the leachate discharge.
- The email from Thames Water may confirm that one particular flooding incident was not due to leachate, but there have been many other flooding incidents.
- A proper investigation should take place into the gel and possible fungal growth in the sewer. The email from Thames Water does not suggest a thorough scientific investigation or attempt to explain the gel.
- The completion of the EfW plant and in particular the IBA maturation system will lead to an increase in leachate generated onsite and an overload of the sewer.
- Drains have often had to be cleared late at night, causing disturbance.
- There has not been so much of a problem in the last two years but this is because of the unusually low rainfall. Once it returns to normal the flooding will return.
- The sewer is linked to a stream to relieve flow in storm conditions. This same stream features as an important part of public open space in the Eco Town proposal.
- Further details of the source of the leachate should be provided in order to determine toxicity.

Process

- Oxfordshire County Council should not be able to determine an application that would have the effect of superseding a condition imposed by the Secretary of State.
- Viridor should have put their case to the inspector at the appropriate time – they agreed to this condition.
- Oxfordshire County Council should take enforcement action against the continued importation of leachate.
- Double standards – if a householder had been in breach of a condition for this length of time action would have been taken.

- An Environmental Impact Assessment should have been carried out.

Traffic

- Development would cause additional vehicle movements on unsuitable rural roads.

Annex 2 – Consultation Responses

1. Cherwell District Council – No objection subject to vehicle movements remaining within the permitted limits and the restoration of the site not being delayed as a result of the proposed use.
2. Ardley with Fewcott Parish Council – Object. Condition 38 was agreed by all parties at appeal. The reason given for the condition on the consent is not related to sewer flooding but to minimise road traffic and ensure that the area can be restored within the agreed timescale. Supports this reason as traffic on the B430 should be minimised. This condition should not be changed retrospectively by the planning authority as it was agreed at a public inquiry after several days of expert evidence.
3. Middleton Stoney Parish Council – Object. There was sufficient concern over the impact of the discharge of treated leachate for the Planning Inspectorate to impose a condition preventing leachate import. As this was agreed at the inquiry this is not a matter which should now be overturned by the planning authority.
4. Bucknell Parish Council – Object. This should not be allowed given that it contradicts a condition attached by the Secretary of State. Concerned that leachate import is ongoing without permission. Development would increase traffic on the B430. As the gel that has blocked the Bucknell sewer only started after Viridor started discharging leachate, an in-depth investigation should take place and this has not happened. More detail is needed of the source of the imported leachate to judge its toxicity. Flooding has caused a great deal of expense and concern to Bucknell residents.
5. Environment Agency – No objection. The environmental permit already authorises leachate treatment.
6. Natural England – No objection subject to the development being carried out as proposed. The site is in close proximity to the Ardley Cutting & Quarry Site of Special Scientific Interest.
7. Thames Water – No further comment to add beyond those comments communicated to Henry Austin and annexed within the application. Ardley Landfill have a consent to discharge trade effluent and as part of this consent certain limits are imposed on the volume and nature of their discharge. Thames Water regularly carry out audit sampling to monitor and ensure compliance. Cannot see anything in the results available that would suggest a direct link between their discharge and any blockages.
8. County Ecologist Planner – No objection. Understand that the existing hard-surfacing and plant equipment already has planning consent.

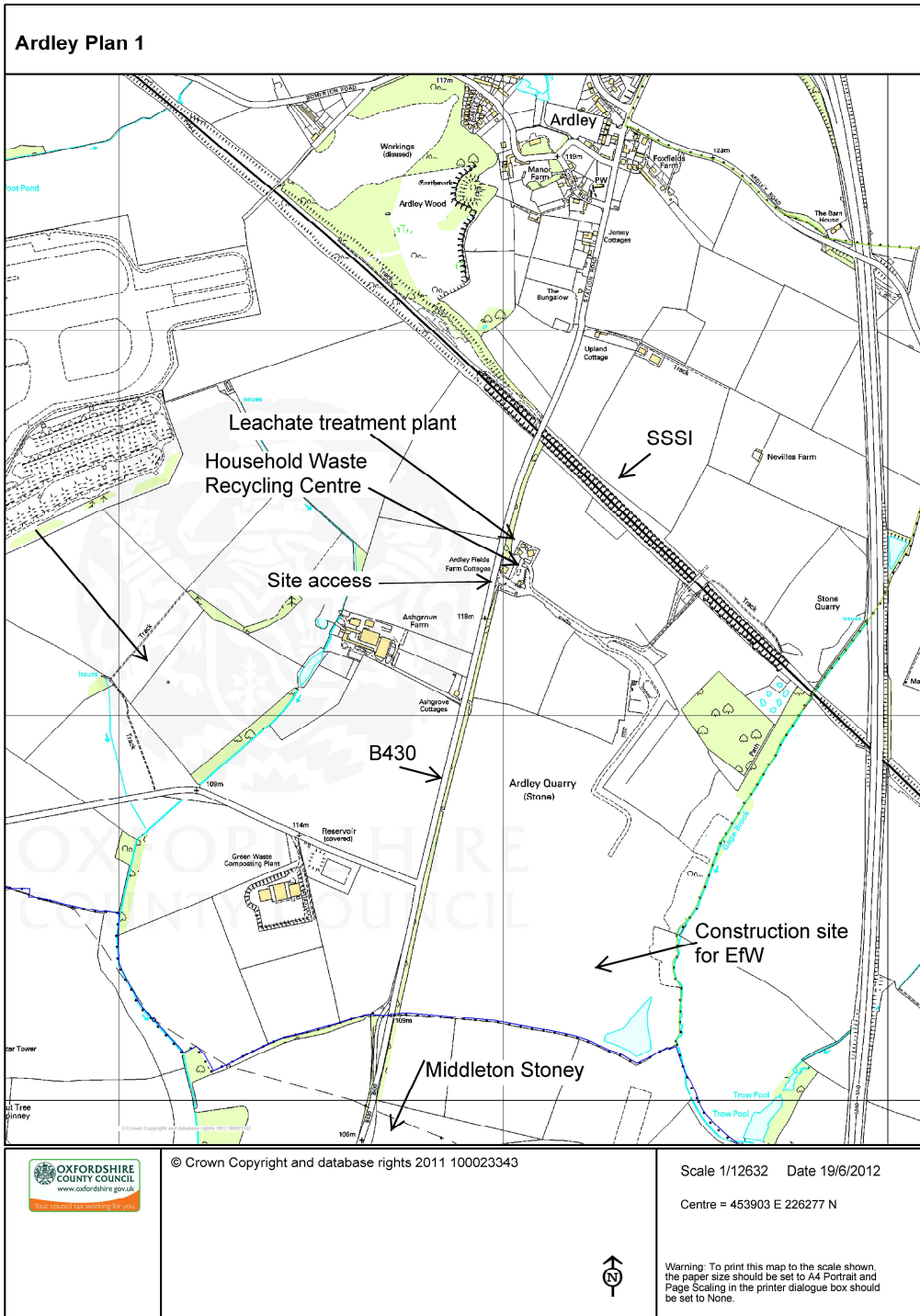
9. Highways Authority – No objection, subject to the traffic generation being as proposed.
10. County Drainage Officer – No objection. There would be no problem with the existing highway drainage systems surrounding the site. Any leakage at the site would be contained within the site.

Annex 3 – Protected Species

The Local Planning Authority in exercising any of their functions, have a legal duty to have regard to the requirements of the Conservation & Habitats Regulations 2010 which identifies 4 main offences for development affecting European Protected Species (EPS).

1. Deliberate capture or killing or injuring of an EPS.
2. Deliberate taking or destroying of EPS eggs.
3. Deliberate disturbance of an EPS including in particular any disturbance which is likely
 - a) to impair their ability –
 - i) to survive, to breed or reproduce, or to rear or nurture their young, or
 - ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate; or
 - b) to affect significantly the local distribution or abundance of the species to which they belong.
4. Damage or destruction of an EPS breeding site or resting place.

These regulations have been considered and it has been concluded that the proposed development would not affect any European Protected Species.



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For: PLANNING AND REGULATION COMMITTEE – 9 July 2012

By: DEPUTY DIRECTOR FOR ENVIRONMENT & ECONOMY (GROWTH & INFRASTRUCTURE)

Development Proposed:

To continue development without complying with condition 1 (approved plans and particulars), condition 3 (lighting) and condition 4 (hours of operation) of Planning Permission R3.0071/10 (installation of Oxford swimming pool enclosure over existing pool).

Division Affected: Thame & Chinnor

Contact Officer: Taufiq Islam **Tel:** 01865 815884

Location: St Andrew's School, Chinnor

Applicant: Chinnor Community Swimming Pool

Application No: R3.0071/12

Application received date: 19 March 2012

Consultation Period: 3 May–25 May 2012

Date of original permission issued: 08 July 2010

District Council Area: South Oxfordshire

Contents

- Part 1 – Facts and background
- Part 2 – Other Viewpoints
- Part 3 – Relevant planning documents
- Part 4 – Analysis and conclusions

Recommendation

The report recommends that the application be approved subject to conditions.

Part 1 – Facts and Background

Location (See Plan 1)

1. St Andrews School is located in Chinnor, in the east of the county, 1.5 kilometres from the County boundary with Buckinghamshire.

The site and setting (See Plan 1)

2. The school is located in the north of the village.
3. The swimming pool is located between the two main school blocks, against the school boundary abutting the boundary of residential properties.
4. The pool is immediately adjacent to the boundary with the back gardens of residential dwellings. The dwellings themselves lie approximately 9 metres from the pool.
5. There are no views from the residential dwellings into the pool as there is substantial vegetation along the fenced boundary.
6. Vehicular and pedestrian access is taken through the main entrance gate of the school.

Background and Details of the development

7. In July 2010 the County Council approved a planning proposal for installation of a swimming pool cover over the existing swimming pool. That planning permission restricted the use of the swimming pool to standard school hours upon construction of the pool cover.
8. The cover approved is a transparent arc of aluminium framed panels in clear polycarbonate. It is still to be constructed.
9. The pool management committee wish to extend the hours of operation for the swimming pool and to agree the addition of safety lighting (already in place).
10. The proposed hours of operation are as follows:
 - Monday to Friday – 08:30 -19:30
 - Saturday - 09:30 -16:30
 - Sunday - 10:30 -16:30 (cover would be drawn at 15:30)
11. The pool itself has been in use for many years and the applicant has indicated that it has long been available for wider community use, operating beyond the hours imposed to accompany the installation of the pool cover.

12. The applicant has indicated that the longer hours are required to carry out swimming sessions during some evenings for older people and swimming lessons for non St Andrews children also outside regular school hours.
13. The pool is mostly used from April to October though the school would not wish usage to be confined to those months.
14. Lighting (non-flood type) has been installed at the swimming pool for the safety of pool users. The light fittings are small and low energy (8watts) units. They are operated by a motion sensor. Condition 3 of the existing planning permission does not allow the erection of lighting without the details being approved by the Council.

Part 2 – Other Viewpoints

Representations

15. Two letter of representation have been received. One of the letters raises objections to the proposal. The copies of the letters are available in the Members' Resource Centre. The key points are:
 - Support the use of a cover for the pool but strongly object to the pool having any lighting or operation outside of school hours.
 - The pool cover should be closed at 14.30 on Sunday to contain noise.
 - Cars and pedestrians should not access via Grafton Orchards and access should be restricted to the main gate only.
 - The swimming pool committee should try to minimise noise from the non-swimming children.
 - There have been 19 letters of support for the proposed usage and hours of use.

Consultation

16. A summary of consultation responses is set out below. These are available to read in full on the Council's eplanning website.
 - South Oxfordshire District Council
 - Planning* – No response has been received.
 - Environmental Health Officer* – No objection
 - Chinnor Parish Council – No objection.
 - Ecologist Planner – No objection

Part 3 – Relevant Development Plan and other policies
(All the relevant policies are set out in the Policy Annex to the Committee papers)

17. Planning applications should be decided in accordance with the Development Plan unless material considerations indicate otherwise.
18. The Development Plan for this area comprises the South East Plan, saved policies of the Oxfordshire Structure Plan, and the South Oxfordshire Local Plan. In this case only policies of the South Oxfordshire Local plan are relevant.
 - The South Oxfordshire Local Plan (SOLP), relevant policies are: EP2, EP3,CF2
19. The South Oxfordshire District Council's Local Development Framework Core strategy has been submitted to the Secretary of State in March 2011. This plan is at an advanced stage and it should therefore be given significant weight. The relevant policy is – CSR3
20. The National Planning Policy Framework (NPPF) is also a material consideration.

Part 4 – Analysis and Conclusions

Comments of the Deputy Director for Environment & Economy (Growth & Infrastructure)

21. The key planning issues to consider are whether:
 - i) the proposed hours of operation are acceptable;
 - ii) whether the lighting is acceptable.

Changes to the hours of operation

22. Policy promotes best use of community facilities (SOLP policy CF2). Policy is that proposals which would by reason of noise have an adverse effect on existing occupiers should not be permitted unless effective mitigation measures will be implemented (Policy EP2 of SOLP).
23. There has been objection from an adjacent resident on noise grounds. This objection is not supported by the views of the District Environmental Health officer.
24. The pool has been in place and in use for a number of years by the school children and neighbouring community. Whilst there is a resident objection to allowing longer hours of operation, it would be reasonable to allow use by the wider community to continue. The fact that a cover is to be installed means that noise is likely to be reduced.

Amenity effects of lighting

25. Policy requires that proposals for new flood lighting and other external lighting that would have a potential adverse effect on neighbouring residents should not be permitted unless effective mitigation measures will be implemented (policy EP3 of SOLP).
26. The letter of objection from the neighbour expresses concern about the pool having lighting.
27. It is regrettable that the pool management committee has installed lighting without first seeking the consent of the planning authority.
28. However, the lights are now in place. There are two lights both of which are attached to the existing pool building – so they are not on poles. They are motion sensor lights which therefore would only come on should someone walk near the pool in darkness.

Other issues

29. There are no changes proposed to access or parking arrangements. Vehicle access will continue through the main entrance only.

Conclusions

30. Planning policies contained in the SOLP give priority to the retention and enhancement of community uses (including recreational facilities) on established sites.
31. This swimming pool is an established facility and the longer hours of use would enable the nearby community to continue to use it.
32. I consider the lighting that has been erected to be necessary and acceptable.

Recommendation

33. **It is RECOMMENDED that application R3.0071/12 be granted subject to conditions to be determined by the Deputy Director for Environment & Economy (Growth and Infrastructure) but in accordance with those set out at Annex 1 to this report.**

MARTIN TUGWELL

Deputy Director for Environment & Economy (Growth & Infrastructure)

June 2012

Annex 1

Conditions

1. Detailed compliance with plans submitted.
2. The hours of use of the swimming pool shall be restricted to -
Monday to Friday – 08:30 -19:30
Saturday - 09:30 -16:30
Sunday - 10:30 -16:30
3. The approved cover shall be drawn at 14:30 on Sunday.
4. No further external lighting to be erected around the pool site other than that allowed by this planning permission.

Annex 2

Our records and the habitat on and around the proposed development site indicate that European Protected Species are unlikely to be present. Therefore no further consideration of the Conservation & Habitats Regulations is necessary.

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PLANNING & REGULATION COMMITTEE – 9 JULY 2012

Policy Annex (Relevant Development Plan and other Policies)

The South East Plan - Regional Spatial Strategy for the South East of England, May 2009

POLICY T1: MANAGE AND INVEST

Relevant regional strategies, local development documents and local transport plans should ensure that their management policies and proposals:

- i. are consistent with, and supported by, appropriate mobility management measures
- ii. achieve a re-balancing of the transport system in favour of sustainable modes as a means of access to services and facilities
- iii. foster and promote an improved and integrated network of public transport services in and between both urban and rural areas
- iv. encourage development that is located and designed to reduce average journey lengths
- v. improve the maintenance of the existing transport system
- vi. include measures that reduce the overall number of road casualties]
- vii. include measures to minimise negative environmental impacts of transport and, where possible, to enhance the environment and communities through such interventions
- viii. investment in upgrading the transport system should be prioritised to support delivery of the spatial strategy by:
 - a. supporting the function of the region's international gateways and inter-regional movement corridors (see Diagram T1 at the end of this chapter)
 - b. developing the network of regional hubs and spokes (see Diagram T2 at the end of the chapter)
 - c. facilitating urban renewal and urban renaissance as a means of achieving a more sustainable pattern of development
 - d. improving overall levels of accessibility.

POLICY W4: SUB-REGIONAL SELF-SUFFICIENCY

Waste planning authorities (WPAs) will plan for net self-sufficiency through provision for management capacity equivalent to the amount of waste arising and requiring management within their boundaries. A degree of flexibility should be used in applying the sub-regional self-sufficiency concept. Where appropriate and consistently with Policy W3, capacity should also be provided for:

- i. waste from London
- ii. waste from adjoining sub-regions (waste planning authority area within or adjoining the region).

WPAs should collaborate in the preparation of plans, including identifying and making provision for potential flows across the regional and sub-regional boundaries, and identifying possible sites that could be served by sustainable transport modes. Co-operation will be encouraged between county councils and unitary authorities at the sub-regional level, particularly in respect of meeting the needs of the region's strategic growth areas.

POLICY W17: LOCATION OF WASTE MANAGEMENT FACILITIES

Waste development documents will, in identifying locations for waste management facilities, give priority to safeguarding and expanding suitable sites with an existing waste management use and good transport connections. The suitability of existing sites and potential new sites should be assessed on the basis of the following characteristics.

- i. good accessibility from existing urban areas or major new or planned development
- ii. good transport connections including, where possible, rail or water
- iii. compatible land uses, namely:
 - active mineral working sites
 - previous or existing industrial land use
 - contaminated or derelict land
 - land adjoining sewage treatment works
 - redundant farm buildings and their cartilages
- iv. be capable of meeting a range of locally based environmental and amenity criteria.

Waste management facilities should not be precluded from the Green Belt. Small-scale waste management facilities for local needs should not be precluded from Areas of Outstanding Natural Beauty and National Parks where the development would not compromise the objectives of the designation.

Oxfordshire Minerals and Waste Local Plan 1996

POLICY W2: WASTE DISPOSAL

Provision will be made to accept waste from London and other parts of the South East for treatment and/or disposal within Oxfordshire, provided that the treatment or disposal is consistent with regional, Structure and local plan policies. Proposals for the treatment or disposal of waste from London requiring road transport for the principal component of its journey will not be permitted.

POLICY W5: WASTE DISPOSAL

In all cases waste treatment plant, buildings, machinery and stockpiles must be properly screened from the surrounding landscape. Such screening – by

landscaping or other means – should be in place before any waste stockpiling or treatment begins.

Oxfordshire Minerals and Waste Core Strategy

POLICY C8: RIGHTS OF WAY

The integrity of the rights of way network should be maintained and if possible retained in situ in safe and useable condition. Diversions should be safe, attractive and convenient and, if temporary, should be reinstated as soon as possible. If permanent diversions are required, these should seek to enhance and improve the public rights of way network.

Improvements and enhancements to the rights of way network will generally be encouraged and public access sought to restored mineral workings, especially if this can be linked to wider provision of green infrastructure. Where appropriate, operators and landowners will be expected to make provision for this as part of the restoration scheme, including making appropriate financial contributions.

POLICY W6: SITES FOR WASTE MANAGEMENT FACILITIES

Priority will be given to siting waste management facilities on land that:

- is already in permanent waste management or industrial use; or
- is previously developed, derelict or underused; or
- involves existing agricultural buildings and their curtilages; or
- is at a waste water treatment works.

Waste management facilities will not be permitted on green field land unless there is an over-riding need that cannot reasonably be met elsewhere. At mineral working and landfill sites, waste management facilities will be permitted provided that the development is related to and will be removed on completion of the mineral working or landfill operation.

Within the Green Belt, waste management facilities may be permitted provided that very special circumstances are demonstrated. Proposals for such facilities will need to demonstrate that they are required to serve a recognised need arising in Oxford and that there is no reasonable prospect of an alternative site becoming available outside the Green Belt. Controls may be imposed to ensure that such facilities serve a waste management need arising in Oxford.

Within Areas of Outstanding Natural Beauty, only small-scale waste management facilities to meet local waste needs will normally be permitted.

National Planning Policy Framework

Sections in this document refer to promoting sustainable transport and other issues.

Cherwell Local Plan 1996 (CLP)

POLLUTION CONTROL

ENV1 Development which is likely to cause materially detrimental levels of noise, vibration, smell, smoke, fumes or other type of environmental pollution will not normally be permitted.

WATER QUALITY

ENV7 Development which will adversely affect to a material level, the water quality of surface or underground water bodies, including rivers, canals, lakes and reservoirs, as a result of directly attributable factors, will not be permitted.

The Non-Statutory Cherwell Local Plan 2011 (NSCLP)

EN3: POLLUTION CONTROL

Development which is likely to cause materially detrimental levels of noise, vibration, smell, smoke, fumes or other type of environmental pollution will not be permitted.

EN12: WATER QUALITY

Development which will adversely affect to a material level, the water quality of surface or underground water bodies, including rivers, canals, lakes and reservoirs, as a result of directly attributable factors, will not be permitted.

South Oxfordshire Local Plan 2011

POLICY CF2: PROVISION OF COMMUNITY FACILITIES AND SERVICES

Proposals that would result in the provision of additional community facilities or services within settlements will be permitted, provided that there are no overriding amenity, environmental or traffic objections to the proposals and that there is no conflict with the other policies in this plan.

POLICY EP2: NOISE AND VIBRATIONS

Proposals which would by reason of noise or vibrations have an adverse effect on existing or proposed occupiers will not be permitted, unless effective mitigation measures will be implemented. In addition, noise sensitive development will not be permitted close to existing or proposed sources of significant noise or vibrations.

POLICY EP3: LIGHT POLLUTION

Proposals for new floodlighting and other external lighting that would have an adverse effect on neighbouring residents, the rural character of the countryside or biodiversity will not be permitted, unless effective mitigation measures will be implemented.

South Oxfordshire Local Development Framework Core Strategy

POLICY CF2: PROVISION OF COMMUNITY FACILITIES AND SERVICES

Proposals that would result in the provision of additional community facilities or services within settlements will be permitted, provided that there are no overriding amenity, environmental or traffic objections to the proposals and that there is no conflict with the other policies in this plan.

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