

## PLANNING & REGULATION COMMITTEE

**MINUTES** of the meeting held on Monday, 22 October 2012 commencing at 2.00 pm and finishing at 3.16 pm

### **Present:**

**Voting Members:** Councillor Steve Hayward – in the Chair

Councillor Mrs Catherine Fulljames (Deputy Chairman)  
Councillor Alan Armitage  
Councillor Tony Crabbe  
Councillor Patrick Greene  
Councillor Jenny Hannaby  
Councillor Stewart Lilly  
Councillor Charles Mathew (In place of Councillor Mrs  
Anda Fitzgerald-O'Connor)  
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 D. Mytton (Law & Culture); P. Lerner  
and D. Groves (Environment & Economy)

Part of meeting

### **Agenda Item                      Officer Attending**

6. N. Fagan (Environment & Economy)  
7. M. Thompson (Environment & Economy)  
8 and 9 K. Broughton (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.*

**53/12 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS**

(Agenda No. 1)

<i>Apology</i>	<i>Temporary Appointment</i>
Councillor Anda Fitzgerald-O'Connor Councillor Ray Jelf	Councillor Charles Mathew -

*Councillor Hilary Hibbert-Biles (Cabinet Member for Growth & Infrastructure) had sent her apologies.*

**54/12 DECLARATIONS OF INTEREST - SEE GUIDANCE NOTE OPPOSITE**

(Agenda No. 2)

Councillor	Item	Nature of Interest
Lilly	7. Bridge Farm, Sutton Courtenay – Application MW.0126/12	Personal. Member for Sutton Courtenay & Harwell. He advised that he had not expressed an opinion on the application in that capacity and intended to take part in the discussion and voting thereon.
Mathew	7. Bridge Farm, Sutton Courtenay – Application MW.0126/12	Predetermination. He advised that previous dealings with Hansons (the applicants) in respect of another site which they owned in his division could be regarded by some as affecting his impartiality with regard to this application. Therefore he intended to make a brief statement at the beginning of the item and take no further part in the discussion and any voting thereon.

**55/12 MINUTES**

(Agenda No. 3)

The Minutes of the meeting held on 10 September 2012 were approved and signed

**56/12 PETITIONS AND PUBLIC ADDRESS**

(Agenda No. 4)

<i>Speaker</i>	<i>Item</i>
Mrs S. Coyne (Agent)	6. Worton Farm, Yarnton – Application No. MW.0122/12
Mrs D. Hanson Bailey (Local Resident)	9. Bicester Children’s Centre – Application No. R3.0065/12

**57/12 CHAIRMAN'S UPDATES**

(Agenda No. 5)

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

Mr Lerner advised that an Article 20 Direction submitted to the Secretary of State following the last meeting had been lifted. The County Council were now free to issue the permission but that would not happen until after the routeing agreement had been agreed and signed.

**Radley ROMP (Review of Old Mineral Permission)**

Mr Lerner advised that the Radley ROMP was now in automatic suspension pending submission of an Environmental Statement in support of the ROMP application. The suspension had started on 30 September 2010 giving the applicants two years in which to submit a Statement ie up until 30 September 2012. A document, which the applicant had termed an Environmental Statement, had been submitted to the County Council on 17 September 2012 but having reviewed the document and taken legal advice both internally and from Counsel it had been determined that the document had not met the requirements of an Environmental Statement and as a result the applicant had now passed the deadline for submission of a Statement.

The County Council now had a duty to serve a prohibition order preventing the winning and working of the mineral and requiring the land to be restored. That Order was being drafted and would be served on the applicant, landowners and other interested parties allowing a period of at least 28 days for responses to be sent to the Planning Inspectorate prior to a decision by the Secretary of State.

## Conditions Seminar for Members

Mr Lerner advised that it was hoped to arrange a seminar for members during the morning of 3 December 2012 and prior to the next scheduled meeting of this Committee. Final arrangements would, however, depend on the agenda for that meeting and whether or not site visits were required. He would confirm as soon as possible.

### 58/12 USE OF LAND FOR STORAGE OF EMPTY SKIPS AT WORTON FARM, YARNTON - APPLICATION MW.0122/12

(Agenda No. 6)

The Committee considered (PN6) a planning application which sought temporary permission for 5 years for the storage of empty skips on concrete hard standing at Worton Farm.

Mrs Coyne did not make a specific submission but had been available to answer questions if necessary.

Responding to questions from members Mr Fagan advised that a condition limiting the height of stacked skips would be unnecessary as it was unlikely that the height would exceed the height of existing piles of material on the site. He further advised that the applicants had nominated this site as suitable for further waste management operations as part of the evidence gathering stage of the Minerals and Waste LDF. However, as the investment required for that was not currently available they had in the meantime submitted an application for the storage of empty skips for a temporary period of 5 years pending a final decision in the Allocations DPD regarding future use of the site.

Mrs Coyne undertook to inform the applicants of safety concerns expressed by the Chairman regarding the gate on the northern side of the site, which was often left open after 6 pm to accommodate late vehicles.

**RESOLVED:** (on a motion by Councillor Nimmo-Smith, seconded by Councillor Tanner and carried by 13 votes to 0) that planning permission be approved for Application MW.0122/12 to use this land for storage of empty skips, subject to conditions to be determined by the Deputy Director for Environment & Economy (Strategy & Infrastructure Planning) but to include the matters listed below:

#### Heads of Conditions

1. Complete accordance with application.
2. Development to commence within 3 years of the date of permission.
3. Temporary permission expiring 31 December 2017 including removal of all skips, plant and stockpiles & breaking up and removal of concrete hard standing .
4. Restoration scheme to be submitted by 31 December 2016 and implemented by 30 June 2018.
5. Hours of operation as per main M&M recycling site.
6. Access only from A40.

7. No floodlighting other than in accordance with any approved scheme.
8. No development prior to implementation of an additional tree screen landscaping belt within first planting season.
9. Silencers fitted to vehicles and plant.
10. Haul and internal roads swept clean such that no mud would be deposited on public highway.
11. Skips only to be stored on concrete apron and not in vehicle turning area to western side of the site.

**59/12 APPLICATION TO VARY CONDITION 1 OF PLANNING APPROVAL APF/SUT/1815-CM (FOR THE EXTRACTION OF SAND AND GRAVEL) TO EXTEND THE END DATE OF EXTRACTION FROM 4 AUGUST 2012 TO 30 SEPTEMBER 2017 AND THE END DATE FOR RESTORATION FROM 30 SEPTEMBER 2012 TO 30 SEPTEMBER 2018 AT BRIDGE FARM QUARRY, SUTTON COURTENAY - APPLICATION MW.0126/12**

(Agenda No. 7)

The Committee considered (PN7) an application to continue development of a permitted sand and gravel quarry, without complying with the condition which currently required extraction to cease in August 2012 and allow extraction until September 2017 with a further year after that for completion of restoration.

Councillor Mathew considered that current levels in the County's landbank were sufficient and questioned the need for the material. He felt this was a commercial decision by Hansons and should be the subject of a new application.

He then withdrew from the Committee table taking no further part in the discussion or voting thereon.

Mary Thompson confirmed that current figures indicated that the landbank was below the 7 year level required by the NPPF and that loss of this material would require new permissions being granted elsewhere.

Councillor Lilly advised that Appleford Parish Council were not against the application in principle but had questioned the need for the material. There was also considerable concern locally at the retrospective nature of the application. As the current consent had expired on 4 August he suggested that the Company had been dilatory and that some people had been angered by the Company's decision to carry on operating on the assumption that the application would be approved. That seemed to be their usual practice but did not in his view make for good public relations.

Mr Lerner agreed that technically the Company had been in breach but it was difficult to enforce such a breach for such a short space of time and a judgement call had been necessary.

Councillor Sanders considered the application very open ended. He also questioned the need for material, particularly as the operators appeared to have cut back on production for economic reasons and if demand continued to drop it begged the question whether or not extraction would be completed within 5 years.

Councillor Greene was very familiar with the site and bearing in mind that Didcot had been identified as a growth area a local source of material would be invaluable. He moved that the officer recommendation be approved. Seconding the motion Councillor Crabbe referred to the long term strategy in the development framework for mineral working. Approving this application would enable the site to be worked out and remove the need to identify additional sites.

The motion was put to the Committee and carried 11 votes to 0. Councillor Sanders and Councillor Lilly recorded as having abstained.

**RESOLVED:** that subject to legal agreements to secure the terms of the existing Section 106, routing and highways works agreements that Application MW.0126/12 be approved subject to conditions to be determined by the Deputy Director for Environment & Economy (Strategy & Infrastructure Planning) but in accordance with the amendments to condition 1 as set out in Annex 2 to the report PN7 and the updating of the wording of remaining conditions set out in Annex 3 to the report PN7 to ensure they were consistent with current standard condition wording, enforceable and up to date policy references.

**60/12 SECTION 73 APPLICATION TO VARY CONDITIONS 35,4041,98 & 99 OF PLANNING PERMISSION 12/00056/CM TO CREATE RESTORATION CONTOURS TO ALLOW FOR EFFECTIVE DRAINAGE AT ALKERTON QUARRY, ALKERTON WITH SHENNINGTON - APPLICATION NO. MW.0113/12**  
(Agenda No. 8)

The Committee considered (PN8) an application to alter restoration arrangements at the quarry that were no longer operational to allow for a large area to be restored to agriculture.

**RESOLVED:** (on a motion by Councillor Reynolds, seconded by Councillor Mrs Fulljames and carried 14 votes to 0) that Application No. MW.0113/12 be approved subject to the conditions set out in schedule 1 attached to the report PN8.

**61/12 RETENTION AND CONTINUED USE OF A RELOCATABLE BUILDING UNIT REF T5 (PR30) FOR A FURTHER PERIOD OF FIVE YEARS AT BICESTER CHILDREN'S CENTRE, GLORY FARM SCHOOL SITE, HENDON PLACE, BICESTER OX26 4YJ - APPLICATION R3.0065/12**  
(Agenda No. 9)

The Committee considered (PN9) an application by the Bicester Children's Centre to renew planning permission.

Mrs Hanson Bailey referred to continuous problems experienced by residents over many years from car parking, litter, dog fouling, private gardens being used as a short cut and anti social behaviour. The Centre now catered for under 10s during holiday periods which had increased noise levels considerably but having the gate closed and unavailable for access to evening events had, without doubt, offered some respite for residents. This application was not neutral for residents who were suffering

increased nuisance and if allowed to go through without conditions attached represented a retrograde step. Conditions attached to the previous permission had offered some protection and, contrary to what was being said, residents maintained it would be easy to identify who was breaking the conditions. Residents would remove their objection if previous conditions were imposed but if those conditions were not attached then they could foresee nothing but problems.

Responding to Councillor Armitage she confirmed that condition 6 had been observed in the last year.

Councillor Stratford supported the residents' case and in order to offer them some protection called for reinstatement of conditions 4 to 7 from the original planning permission no. R3.0233/09. Circular 11/95 stipulated that conditions "should be" enforceable and not as restrictive as "must be". The continuity offered to residents by these conditions was valuable and he moved that the officer recommendation be approved subject to reinstatement of Conditions 4, 5, 6 and 7.

Mr Lerner emphasised the need to resist raising expectation by imposing conditions which were not enforceable. Criteria set out in Circular 11/95 were quite clear in that regard and if conditions were breached then clear evidence would be needed that that had happened and he considered that that could be difficult in this case. He could not advise the Committee to impose conditions which were not considered enforceable.

Councillor Stratford reiterated the view that the level of unenforceability of conditions in this case was open to interpretation. He felt it would be difficult to reach agreement by talking to all 3 schools on the site as each would be concerned with what happened in their specific area and therefore conditions were needed to offer some protection to residents.

Officers raised the option of negotiating a written memorandum of understanding between all parties as a way forward and the Chairman moved an amendment that the application be deferred to enable that option to be explored.

Councillor Stratford did not consider this a reasonable option. Residents were merely asking for better management and without conditions he suspected that would not be possible.

Mr Hardie advised that the Site Users Group had written to residents setting out proposals to manage the gate. Mrs Beal confirmed that provision of the service was a statutory duty and the Centre were keen to work with residents and the community.

Councillor Owen agreed that although enforcement might be difficult conditions offered a moral force and strength to the application.

Councillor Tanner agreed with Councillor Stratford but would prefer to see a permanent building provided.

Mrs Beal confirmed there were no imminent plans for a permanent building and no current provision for capital funding. However, Bicester was an expanding community which might, in time, offer some alternative opportunities.

..... Councillor Crabbe pointed out that this was a retrospective application and that if the current application had been submitted in time it might have enabled these issues to be dealt with more expeditiously.

In view of comments made the Chairman withdrew his amendment.

The original motion was then put to the Committee and –

**RESOLVED:** (by 10 votes to 2) that Application No. R3.0065/12 be approved subject to conditions to be determined by the Deputy Director for Environment & Economy (Strategy & Infrastructure Planning) 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. Temporary building to be removed by 31 October 2017.
3. The building authorised by this planning consent should not be used outside the following times:

08:30 hours. to 18:00 hours Mondays to Fridays  
10:00 hours. to 12:00 hours Saturdays

Except that it might be used on not more than one weekday evening (Monday to Friday) per week between 18:00 hours and 22:00 hours and it might be used on not more than five Saturdays per year for an extended period between 09:00 hours and 15:00 hours.

The building should not be used on Sundays or on Public Holidays.

4. That the pedestrian gate to Somerville Drive should not be used for access or egress in connection with the Adult Education Evening Classes.
5. That car parking by users of the Adult Education Evening Classes should only take place in the parking areas adjacent to the Children's Centre.
6. That the pedestrian gate to Somerville Drive should not be used for access or egress in connection with the use of the Children's Centre site during weekends (except for the permitted hours of use under Condition 3) and School Holidays.
7. That car parking by staff or users should only take place in the designated car parks at Glory Farm School and that no car parking should take place to the west of the vehicular gate across the Service Road.

#### Informatives

The children's centre be advised to carry out investigations into the provision of permanent accommodation.

..... in the Chair

Date of signing