



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

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

Monday, 15 April 2013 at 2.00 pm

County Hall, New Road, Oxford

Peter G. Clark.

Peter G. Clark
County Solicitor

April 2013

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 June 2013**

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 - 10)

To approve the minutes of the meeting held on 4 March 2013 (**PN3**) and to receive information arising from them.

4. **Petitions and Public Address**
5. **Chairman's Updates**
6. **Details Pursuant to Condition 33 (Approval of External Materials Samples) of Planning Permission 08/02472/CM (MW.0044/08)** (Pages 11 - 18)

Report by the Deputy Director for Environment & Economy (Strategy & Infrastructure Planning) (**PN6**).

This application is for the approval of the details of materials to be used for the Energy from Waste Facility which has been granted planning permission at Ardley Fields, Ardley Landfill Site, Ardley and is being reported to this Committee as consideration of application no. MW.0139/12 was deferred at the meeting of the Planning and Regulation Committee on 4 March 2013 to this meeting.

The report describes why the proposals have been put forward and outlines the consultation responses to the application. Relevant planning policies are included along with the comments and recommendation of the Deputy Director (Strategy and Infrastructure Planning) on the proposal.

Planning Permission no. 08/02472/CM (MW.0044/08) was granted on appeal for an Energy from Waste facility at Ardley Landfill Site. Condition 33 of that planning permission requires that prior to the commencement of building works to the Energy from Waste facility. It is considered that the proposed roof material submitted under application no. MW.0139/12 is inappropriate to the rural setting of the development and the application is recommended for refusal. The roof material submitted under application no. MW.0040/13 is appropriate to the rural setting of the development and the application is recommended for approval.

It is RECOMMENDED that Application MW.0139/12 be refused as inappropriate on

a large building in the rural context of the application site contrary to the provisions of CLP policies C6 and C28, OMWCS policies C3 and C6, and the guidance with regard to good design set out in paragraphs 17 and 56 of the NPPF.

It is RECOMMENDED that subject to no over-riding issue being raised by outstanding consultees, Application MW.0040/13 be approved.

7. Shipton Hill, Fulbrook (Pages 19 - 36)

Application for a certificate of lawfulness of existing use or development, (CLEUD) for the use of land and structures for the following purposes: landscape contractor's yard including ground-works contractor's yard, with ancillary plant and vehicle storage, maintenance and repair; incidental hire of plant vehicles and equipment; storage and incidental distribution of landscaping materials and products; and for the importation, processing, storage and re-use/recycling of wastes (mainly construction and demolition wastes and green waste) for a period of over 10 years. These wastes include hardcore, rubble, subsoils and soils, timber, green garden and contracting waste, and incidental metals and plastics and other materials. Use of land includes screening waste to separate stone and concrete from soils, screening the resultant soils and fines, crushing stones and hardcore, chipping and shredding wood and green waste for mulch and composting.

Report by the Deputy Director for Planning & Property Services (Strategy & Infrastructure Planning) (PN8).

This application seeks to gain a Certificate of Lawfulness of Existing Use or Development (CLEUD) under Section 191 of the Town & Country Planning Act 1990 as amended by Section 10 of the Planning & Compensation Act 1991 and is being reported to this Committee as the local County Councillor has asked that the application be decided by the Planning & Regulation committee. The applicant claims that the land (southern area and central intermediate area) has been in use for over 10 years for claimed uses. Sworn affidavits, aerial photographs, other photographs, invoices for plant hire and purchase, waste processing and a waste carrier's licence have been submitted by the applicant in support of this claim.

The decision on the CLEUD application rests on the examination of evidence and not matters of planning judgement, planning merit or planning policy. The report describes the evidence submitted by the applicant, the third parties and the County Council own evidence. It recommends that the application for a Certificate of Lawful Existing Use or Development for the use of land for –i) landscape contractor's yard including ground works contractor's yard with ancillary activities and ii) the importation, sorting, processing and storage of waste for a period exceeding ten years on the southern and central intermediate area of Hickman Brothers Landscapes Ltd site, Shipton Hill,

Fulbrook be approved as set out with a schedule of limitations in the first schedule. The uses specified in the second schedule are not considered as lawful.

It is RECOMMENDED that the application for a Certificate of Lawful Existing Use or Development for the use of land for i) landscape contractor's yard including ground works contractor's yard with ancillary activities and ii) the importation, sorting, processing and storage of waste for a period exceeding ten years on the southern and central intermediate area of Hickman Brothers Landscapes Ltd site, Shipton Hill, Fulbrook be approved as set out below, with a Schedule of Limitations. The uses specified in the Second Schedule are not considered as lawful.

First Schedule (part 1):

1. ***The use as a landscape contractors' yard (including groundwork contractors' yard) of the land shown in plan A in the second schedule to this certificate, together with the following uses in so far as ancillary thereto:***
 - i. ***plant and vehicle storage;***
 - ii. ***operation of plant and equipment;***
 - iii. ***for the importation, sorting, storage reuse/recycling of construction demolition and green waste and other landscape materials;***
 - iv. ***the processing of green waste and demolition waste; including hardcore and soils to produce aggregate, usable hardcore, fines, soils, mulch and compost;***
 - v. ***screening waste to separate stone and concrete from soils;***
 - vi. ***shredding wood and green waste .***

First Schedule (part 2) - Subject to the following identified limitations:

- ***Imported waste and landscaping materials are predominantly – construction demolition waste, green waste, spent mushroom compost, soils, subsoil and aggregates, chipped bark, fencing, timber, incidental metal and plastic items.***
- ***Waste is imported to the Land shown in plan A via the land shown in plan B1.***
- ***The amount of waste stored on the land shown in plan A has averaged 10,000 tonnes per annum.***
- ***In conjunction with the land shown in plan B1, as at April 2012 the business operated with the following large items of plant:***
-two 12 tonne excavators, one tractor loader, a crusher, a screener and a shredder.
- ***In conjunction with the land shown in plan B1, no more than 6 lorries and 16 vans have been in consistent use over the 10 years period.***

Second Schedule: The Council is not satisfied that the following uses are lawful:

- ***Retail sales.***
- ***Operation of plant and equipment over and above that ordinarily ancillary to a landscaping and groundwork contractors' yard.***
- ***Hire of plant, vehicles and equipment over and above incidental hiring of items ordinarily used for landscape and groundwork contracting.***
- ***The hiring of skips for removal of household wastes not connected with the landscape contracting business.***

8. Request for prior approval of the installation and use of a Concrete Batching Plant to produce ready-mixed concrete for sale - Upwood Quarry - Application No. MW.0017/13 (Pages 37 - 44)

Report by the Deputy Director for Environment & Economy (Strategy & Infrastructure Planning) (PN9).

This application seeks prior approval pursuant to Class B of Part 19 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (GDPO) for the installation of a concrete batching plant at Upwood Quarry, Besselsleigh and is being reported to this Committee as the local County Councillor and Parish Council have objected.

The proposal involves the installation and use of a Concrete Batching Plant to produce ready-mixed concrete for sale. It is considered that the proposal falls within the provisions of Part 19, Class B of the GDPO. Consequently, before the plant may be erected, the developer is required to obtain the prior written approval of the Mineral Planning Authority of detailed proposals for the location, height and appearance of the plant.²⁰ Part 19 of the GPDO states

that prior approval shall not be refused or granted subject to conditions unless the Mineral Planning Authority is satisfied that it is expedient to do so because (a) the proposal would adversely affect amenity, and that modifications can reasonably be made or conditions imposed in order to avoid or reduce the effects, or (b) the proposed development ought to be, and could reasonably be, sited elsewhere.

It is considered that the proposal would ensure the sustainable use of raw materials at source and conserve the primary aggregate for the highest end use and that the proposed plant ought not and could not be reasonably sited elsewhere. The existing conditions of the planning permission would remain the same to control any potential impacts from the entire quarry operations (including the proposed plant) and so there would not be any greater injury to the amenity of the neighbourhood than exists in relation to the existing consented development.

Subject to no adverse comments being received from the Environmental Health Officer regarding noise impact it is RECOMMENDED that the prior approval is granted for the installation and use of a Concrete Batching Plant to produce

ready-mixed concrete for sale under Part 19, Class B of the Town & Country Planning (General Permitted Development) Order 1995 (as amended), and in accordance with the detailed proposals for the location, height, design and appearance of the plant, as contained within the application and listed in the Schedule of Approved Plans and Documents.

9. Renewal of Consent and Continued Use of a Relocatable Building Unit Reference T1 (SP5) for a Further Period of Five Years at Grandpont Nursery School & Children's Centre, White House Road, Oxford - Application No. R3.0011/13 (Pages 45 - 50)

Report by the Deputy Director for Environment & Economy (Strategy & Infrastructure Planning) (PN10).

The proposal, to renew permission for this temporary building required to facilitate the running of this large pre-school, is referred to Committee solely because there is an objection from the City Council on the basis that it does not sanction such buildings for more than five years. However this building is in reasonably good condition and is fit for purpose. It does not detract from the character of the area or neighbours' amenity and there are therefore no grounds to refuse it permission because it is not contrary to policy in the development plan.

It is RECOMMENDED that Application R3.0011/13 be approved subject to the following conditions:

- 1. The development shall be carried out solely in accordance with details submitted with the application.***
- 2. Temporary permission expiring 30 April 2018 and restoration of site thereafter.***

10. Commons Act 2006: In the Matter of an Application to register North Lane Pond, Weston-on-the-Green, Oxfordshire as a Town or Village Green (Pages 51 - 110)

Report by the County Solicitor & Head of Law & Governance (Legal Services) (PN10).

In June 2010 an application was made by Norman Boardman, Simon John Davis and Susan Daenke for registration of land known as the Duck Pond, North Lane, Weston-On-The-Green in Oxfordshire as a Town or Village Green under the Commons Act 2006. The land is in unknown ownership but is in part recorded as public highway.

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 after submissions on points of law the application was referred to Counsel for an Opinion containing a recommendation to the Council.

There are no delegated powers to officers to determine such an application and therefore the Members are requested to determine the application.

Having received the Advice of Counsel set out in Annex 4 to this report, the Committee is RECOMMENDED to:-

- (a) APPROVE the application for registration as a new Town or Village Green of that plot of land known as North Lane Pond, Weston-On-The-Green, Oxfordshire that site being identified coloured pink on the map appended to this report;***
- (b) REJECT the application for registration as a new Town or Village Green that plot of land known as North Lane Pond, Weston-On-The-Green, Oxfordshire that site being identified coloured brown on the map appended to this report.***

11. Relevant Development Plan and other Policies (Pages 111 - 114)

Paper by the Deputy Director for Environment & Economy (Strategy & Infrastructure Planning) (**PN11**).

The paper sets out policies referred to in Items 6 and 9 and should be regarded as an Annex to those reports.

Pre-Meeting Briefing

There will be a pre-meeting briefing at County Hall on **Monday 15 April** at **12.00 pm** for the Chairman, Deputy Chairman and Opposition Group Spokesman.