



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

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

Monday, 30 November 2015 at 2.00 pm

County Hall, New Road, Oxford

Peter G. Clark
Head of Paid Service

November 2015

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 Mrs Catherine Fulljames
Deputy Chairman - Councillor Neil Owen

Councillors

David Bartholomew
Mark Cherry
Patrick Greene
Bob Johnston

Stewart Lilly
James Mills
Glynis Phillips
Anne Purse

G.A. Reynolds
John Tanner

Notes:

- **Site visits required for Items 11 (Clanfield Cof E Primary School) and 8 (Duns Tew Quarry) have been arranged for 26 November 2015.**
- **Date of next meeting: 11 January 2016**

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 Glenn Watson on (01865) 815270 or glenn.watson@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 - 6)

To approve the minutes of the meeting held on 19 October 2015 (**PN3**) and to receive information arising from them.

4. **Petitions and Public Address**
5. **Chairman's Updates**
6. **Request for temporary relaxation of requirements of routeing agreement associated with planning permission for erection of a mobile concrete batching plant with associated infrastructure, concrete hardstanding and portable toilet Land at Dix Pit adjacent to Workshops, Linch Hill, Stanton Harcourt - Application No MW.0053/15** (Pages 7 - 14)

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

The report considers a proposed modification to the approved route for vehicles associated with the concrete batching operation at Dix Pit. The developer has implemented the consent (MW.0053/15) but found that journey times from the site into central Oxford are adversely affected by roadworks on the Wolvercote and Cutteslowe roundabouts, to the extent that concrete has been out of specification on arrival and has had to be returned. Therefore, the developer has proposed an alternative route, using the B4449 and the B4044 to reach Oxford from the west. This route includes the B4449 through the village of Sutton, which is specifically protected from a significant increase in traffic intrusion by development plan policy. The alternative route would only be used for the duration of the roadworks, only during off peak hours (9pm-3pm) and only by vehicles carrying concrete to the Westgate redevelopment in central Oxford. The applicant has also asked for agreement that the alternative route can be used for empty vehicles returning from the Westgate, however this is not considered to be justified.

It is RECOMMENDED that the County Council enter into a deed of variation to the existing routeing agreement for application MW.0053/15 to allow off-peak HGV movements on the alternative route to Oxford for concrete mixer trucks travelling to the Westgate redevelopment in central Oxford only, until the completion of

roadworks on the Cutteslowe and Wolvercote roundabouts.

7. **Section 73 application to continue the development of 'To crush, screen, blend and stock reject building blocks, furnace bottom ash and reject materials from concrete making to make material for block making' without complying with condition 5 to allow operations to take place 52 weeks a year at Hanson Building Products, Sutton Courtenay - Application No. MW.0135/15 (Pages 15 - 24)**

Report by the Deputy Director for Environment & Economy (Strategy & Infrastructure Planning) (PN7).

The application considers removal of a condition on an existing consent for the crushing of reject blocks at Sutton Courtenay. The condition limits crushing activity to 6 weeks in any year and the removal of the condition would allow crushing to take place up to 52 weeks per year. There would be no increase in the amount of material permitted to be imported to the site, or to vehicle movements. The applicant has stated that the limitation to 6 weeks was the result of an error in the original application and it is not possible to crush the material which they are permitted to import in only 6 weeks per year. The application is being reported to this Committee because of objections from Sutton Courtenay Parish Council, Appleford Parish Council and one local resident. The objectors are concerned about a potential increase in throughput and vehicle numbers. The report considers the proposal to delete the condition against relevant planning policy relating to the protection of amenity.

It is RECOMMENDED that subject to the same conditions as permission MW.0129/11 (the original planning permission) amended as set out in Annex 1 and as may be otherwise necessary to reflect the approval of schemes previously required pursuant to conditions, that planning permission for application MW.0135/15 be granted.

8. **Proposed northern and eastern extension to Duns Tew Quarry (East) to extract approximately 415 000 tonnes of saleable sand and the continuation of importation of aggregate for blending and merchanting/onward sale for 16/17 years with restoration to a mix of woodland, geo-diversity benefits and nature conservation at Duns Tew Quarry (East), Horsehay Farm, Duns Tew Road, Middle Barton - Application No. MW.0036/14 (Pages 25 - 66)**

Report by the Deputy Director for Environment & Economy (Strategy & Infrastructure Planning) (PN8).

The application is for the extraction of approximately 415,000 tonnes of sand from an area adjacent to the existing Duns Tew Quarry. The land would be restored to a mixture of woodland and nature conservation, with geodiversity benefits. Extraction would take place on a campaign basis for up to two months in each calendar year for a period of up to 17 years. It is also proposed to import aggregate to the site for blending and merchanting.

The application is reported to this Committee because it has an EIA and there have been three objections from local residents and concerns raised by the Parish Council and local County Councillor. Concerns raised include dust, air quality, proximity to dwellings, impact on rural roads and ecology. There have been no objections from other consultees.

The report considers the proposals against relevant planning policies with comments and recommendation of the Deputy Director for Environment and Economy (Strategy and Infrastructure Planning).

It is RECOMMENDED that subject to:

- (i) a Section 106 legal agreement to cover the matters outlined in Annex 2 to the report;***
- (ii) a routeing agreement to ensure that vehicle movements from the new development are covered by the existing routeing arrangements;***

that planning permission for application no. MW.0036/14 be granted subject to:

- (iii) conditions to be determined by the Deputy Director for Environment and Economy (Strategy & Infrastructure Planning) to include the matters set out in Annex 3 to the report; and***
- (iv) the Deputy Director for Environment and Economy (Strategy & Infrastructure Planning) being authorised to refuse the application if the legal agreement referred to in (i) above is not completed within 10 weeks of the date of this meeting on the grounds that it would not comply with OMWLP policy PE13 and the guidance set out in paragraph 118 of the NPPF (in that there would not be satisfactory provisions for the long term management of the restored site).***

- 9. Section 73 application to vary conditions 3, 6 and 14 of planning permission no. MW.0097/14 to extend the time period for the removal of all buildings, plant, machinery or structures and their foundations and bases, together with any hard standings, bunds of overburden, quarry waste or soil and complete restoration by 30th September 2016 at Wicklesham Quarry, Sandshill, Faringdon - Application No. MW.0134/15 (Pages 67 - 86)**

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

The applications seek an extension of time for the restoration of the quarry and an extension of time for the soil blending operation on the site. There has been local objection to the extension of time for the quarry because of concern that the applicants are keeping the development going to help achieve a future use at the quarry. The report assesses the need to restore the quarry and the implications for future development if the applications are approved.

It is RECOMMENDED that:

- a) **planning permission for application no. MW.0134/15 be approved subject to conditions to be determined by the Deputy Director (Strategy & Infrastructure Planning) but to include the following:**
- 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.**
 - 2) No operations, including HGVs entering and leaving the site, other than water pumping or environmental monitoring, shall be carried out at the site except between the following times:**
 - 0700 and 1800 hours Mondays to Fridays and 0700 to 1300 hours on Saturdays;****No operations shall take place at any time on Sundays or recognised public holidays.**
 - 3) No winning and working of mineral or sale of processed mineral shall take place. The site shall be completely restored by 30 September 2016 in accordance with the approved restoration scheme.**
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order amending, replacing or re-enacting that Order), the access to the development hereby permitted shall not be other than as shown as 'new access' on approved plan 010/4.**
 - 5) All internal haul roads shall be maintained in a condition free from potholes.**
 - 6) All buildings, plant, machinery or structures and their foundations and bases, together with any hard standing shall be removed from the site by 30th September 2016.**
 - 7) The operators shall insulate plant or machinery, silence vehicles and provide acoustic screening as may be necessary to ensure that noise levels or frequencies shall not exceed 55 dB(LAeq) (1hour) freefield during the hours of operation permitted under condition 2, at the facades of the nearest residential properties.**
 - 8) Dust control measures shall be utilised as set out in paragraph 3.11.5 of the approved Planning Statement dated July 2014.**
 - 9) No commercial vehicles shall enter the public highway unless their wheels and chassis are clean such that mud and dust are not deposited on the highway.**
 - 10) All turf, topsoil, subsoil and overburden stripped prior to mineral extraction, or quarry waste or such similar materials presently stored on site shall be used for site restoration only.**

- 11) **No storage or respreading of topsoil and subsoil shall take place unless the percentage moisture in the subsoil and topsoil to be moved is less than the percentage moisture at the plastic limit of each of the topsoil and subsoil respectively.**
- 12) **The full depth of the restored topsoil and the top 0.15 metres of subsoil shall be ripped with an agricultural wing tine implement at a spacing not exceeding 1.5 times the working depth. All stones and rocks exceeding 100mm in any dimension and other deleterious material shall be removed.**
- 13) **No bunds of overburden, quarry waste or soil shall be left on the site after 30 September 2016.**
- 14) **No mineral shall be exported from the site with the exception of the stones to be removed under condition 12, and the hardstanding to be removed under condition 6.**
- 15) **No building, plant or machinery or structure of fixed or mobile design shall be located or operated other than on the quarry floor at the base of the deposit known as the sponge gravels except machinery engaged in storage and respreading of soil and overburden.**
- 16) **Oil and fuel storage bunds shall only be sited on impervious bases and surrounded by oil tight bund walls; the bunded areas shall be capable of containing 110% of the tank's volume and should enclose all fill and draw pipes.**
- 17) **There shall be no discharge of water containing sand, gravel, soil or grease.**
- 18) **No reversing beepers shall be fixed to, or used on, any mobile plant.**
- 19) **The field access directly from the A420 into the western part of the site shall not be used for the development the subject of this planning permission or for any purpose connected with it.**
- 20) **No works shall be carried out other than in accordance with the approved mitigation and enhancement scheme section 6 (Mitigation Measures) of the Extended Phase 1 Habitat Survey Report dated September 2012, the Reptile Method Statement submitted 28 February 2013, the Tree Planting & Grassland Mix dated 28 February 2013 and section 1.8 of the 2013 Great Crested Newt Refresher Surveys (enzygo 2013) report dated 5 July 2013.**
- 21) **Warning signs to users of footpath no. 17 of vehicles crossing the access road and to drivers of vehicles of pedestrians shall be erected and maintained for the duration of the development hereby permitted.**

Informatives

All bird nests, eggs and young are protected under the Wildlife & Countryside Act 1981 (as amended) which makes it illegal to intentionally take, damage or destroy the nest of any wild bird while it is use or being built. Therefore, no removal of [trees, scrub, hedgerows, and grassland] should take place between 1st March and 31st August inclusive to prevent committing an offence under the Wildlife & Countryside Act 1981 (as amended).

If any protected species [e.g. bats, badgers, dormice, otters, water voles, reptiles, amphibians, and breeding birds] are found at any point, all work should cease immediately. Killing, injuring or disturbing any of these species could constitute a criminal offence. Before any further work takes place a suitably qualified ecological consultant should be consulted for advice on how to proceed. Work should not recommence until a full survey has been carried out, a mitigation strategy prepared and licence obtained (if necessary) in discussion and agreement with Natural England.

It is recommended that the native trees and seeds to be used in the restoration scheme are of UK (or ideally more local) provenance. For example, the Flora Locale website gives contact details for suppliers of UK provenance seed and plants:

<http://www.floralocale.org/HomePage>

A Habitat Regulations licence from Natural England for great crested newts may be required to make this permission lawful.

- b) planning permission for application no. MW.0133/15 be approved subject to conditions to be determined by the Deputy Director (Strategy & Infrastructure Planning) but to include the following:**
- 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.**
 - 2) No operations, including HGVs entering and leaving the site, other than water pumping or environmental monitoring, shall be carried out at the site except between the following times:**
 - 0700 and 1800 hours Mondays to Fridays and 0700 to 1300 hours on Saturdays;****No operations shall take place at any time on Sundays or recognised public holidays.**
 - 3) Imported material shall be used only in connection with the restoration of the quarry in accordance with the approved restoration scheme.**
 - 4) All internal haul roads shall be maintained in a condition free from potholes.**
 - 5) There shall be no import of waste on site except soils.**

- 6) **All buildings, plant, machinery or structures and their foundations and bases, together with any hard standing shall be removed from the site by 30th September 2016.**
- 7) **The operators shall insulate plant or machinery, silence vehicles and provide acoustic screening as may be necessary to ensure that noise levels or frequencies shall not exceed 55 dB(LAeq) (1hour) freefield during the hours of operation permitted under condition 2, at the facades of the nearest residential properties.**
- 8) **Dust control measures shall be utilised as set out in paragraph 3.11.5 of the approved Planning Statement dated July 2014.**
- 9) **No commercial vehicles shall enter the public highway unless their wheels and chassis are clean such that mud and dust are not deposited on the highway.**
- 10) **Oil and fuel storage bunds shall only be sited on impervious bases and surrounded by oil tight bund walls; the bunded areas shall be capable of containing 110% of the tank's volume and should enclose all fill and draw pipes.**
- 11) **There shall be no discharge of water containing sand, gravel, soil or grease.**
- 12) **No reversing beepers shall be fixed to, or used on, any mobile plant.**
- 13) **Warning signs to users of footpath no. 17 of vehicles crossing the access road and to drivers of vehicles of pedestrians shall be erected and maintained for the duration of the development hereby permitted.**
- 14) **No works shall be carried out other than in accordance with the approved mitigation and enhancement scheme section 6 (Mitigation Measures) of the Extended Phase 1 Habitat Survey Report dated September 2012, the Reptile Method Statement submitted 28 February 2013, the Tree Planting & Grassland Mix dated 28 February 2013 and section 1.8 of the 2013 Great Crested Newt Refresher Surveys (enzygo 2013) report dated 5 July 2013.**

Informatives

All bird nests, eggs and young are protected under the Wildlife & Countryside Act 1981 (as amended) which makes it illegal to intentionally take, damage or destroy the nest of any wild bird while it is use or being built. Therefore, no removal of [trees, scrub, hedgerows, and grassland] should take place between 1st March and 31st August inclusive to prevent committing an offence under the Wildlife & Countryside Act 1981 (as amended).

If any protected species [e.g. bats, badgers, dormice, otters, water voles, reptiles, amphibians, and breeding birds] are found at any point, all work should cease immediately. Killing, injuring or disturbing any of these

species could constitute a criminal offence. Before any further work takes place a suitably qualified ecological consultant should be consulted for advice on how to proceed. Work should not recommence until a full survey has been carried out, a mitigation strategy prepared and licence obtained (if necessary) in discussion and agreement with Natural England.

It is recommended that the native trees and seeds to be used in the restoration scheme are of UK (or ideally more local) provenance. For example, the Flora Locale website gives contact details for suppliers of UK provenance seed and plants:

<http://www.floralocale.org/HomePage>

A Habitat Regulations licence from Natural England for great crested newts may be required to make this permission lawful.

10. The erection of a flat roofed mobile unit to provide catering facilities at Clanfield C of E Primary School, Main Street, Clanfield - Application No. R3.0096/15 (Pages 87 - 100)

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

This is a planning application for the erection of a flat roofed mobile unit to provide catering facilities for the school pupils of Clanfield Church of England Primary School. The application has been made due to a recent central government directive requiring the provision of school meals to primary schools. As present there is no accommodation available at the school for this facility.

It is RECOMMENDED that planning permission for application R3.0096/15 be granted subject to conditions to be determined by the Deputy Director for Environment and Economy (Strategy and Infrastructure Planning) to include the following:

- i. The development to be commenced within a period of three years from the date of the permission.***
- ii. Development to be carried out in accordance with the submitted documents and plans.***
- iii. Translucent film being attached to the southern elevation windows and door to obscure views to the neighbouring boundaries.***
- iv. Access to the development during the construction phase to be solely via the northern access onto and from the access road to the east.***
- v. During the construction phase of the development the applicant shall provide adequate protection to the large Corsican Pine on the southern boundary.***
- vi. Soakage tests being carried out and the soakaway design submitted for approval prior to the operational phase of the development.***

11. Commons Act 2006: In the matter of an application to register Humpty Hill, Highworth Road, Faringdon as a Town or Village Green (Pages 101 - 166)

Report by the Chief Legal Officer and Head of Law & Governance (**PN11**).

An application was made by Mr Robert Stewart for registration of land at Humpty Hill, Highworth Road, Faringdon in Oxfordshire as a new town or village green under the Commons Act 2006. The landowner objected to this application and a public inquiry was held. The Council is the Commons Registration Authority and the Planning & Regulation Committee has delegated authority to determine such applications.

The matter was originally referred to the October meeting of the Planning & Regulation Committee (see minute 60/15 of Item PN3 of this agenda) but as a last minute submission was received from the objectors, which it was felt needed to be referred to the Inspector for an opinion, it was deferred.

The Inspector's report and officer's recommendation are therefore set out and the Committee is therefore requested to determine the application.

Having received the Opinion of the Inspector set out in Annexes 2 and 5 to this report, the Committee is RECOMMENDED to APPROVE the application for registration as a new Town or Village Green that plot of land known as Humpty Hill, Highworth Road, Faringdon in Oxfordshire that site being indicated clearly on the map included in the application submitted by Mr Robert Stewart on 19 April 2013.

12. Relevant Development Plan and other Policies (Pages 167 - 188)

Paper by the Deputy Director for Environment & Economy (Strategy & Infrastructure Planning) (**PN12**).

The paper sets out policies in relation to Items 6, 7, 8, 9 and 10 and should be regarded as an Annex to each report.

Pre-Meeting Briefing

There will be a pre-meeting briefing at County Hall on **Monday 30 November** at **12 midday** for the Chairman, Deputy Chairman and Opposition Group Spokesman.