

PLANNING & REGULATION COMMITTEE

MINUTES of the meeting held on Monday, 11 July 2016 commencing at 2.00 pm and finishing at 3.30 pm

Present:

Voting Members: Councillor Neil Owen – in the Chair

Councillor Lynda Atkins
Councillor David Bartholomew
Councillor Mark Cherry
Councillor Patrick Greene
Councillor Bob Johnston
Councillor Stewart Lilly
Councillor Charles Mathew (in place of Councillor Mrs Fulljames)
Councillor James F. Mills
Councillor Glynis Phillips
Councillor Anne Purse
Councillor G.A. Reynolds
Councillor John Sanders

Other Members in Attendance: Councillor Janet Godden (for Agenda Item 8)

Officers:

Whole of meeting G. Warrington and D. Mytton (Law & Governance); C. Kenneford and D. Periam (Environment & Economy)

Part of meeting

Agenda Item	Officer Attending
6 & 7.	M. Case (Environment & Economy)
7	C. Rossington (Environment & Economy)
8	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.

23/16 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

(Agenda No. 1)

<i>Apology for absence</i>	<i>Temporary Appointment</i>
Councillor Mrs Fulljames	Councillor Charles Mathew

24/16 DECLARATIONS OF INTEREST - SEE GUIDANCE NOTE OPPOSITE

(Agenda No. 2)

<i>Councillor</i>	<i>Interest</i>
Neil Owen	<p><i>Item 7 – Castle Barn Quarry, Sarsden – Application No MW.0071/16</i></p> <p>Member of West Oxfordshire District Council Planning Committee. He advised that as he had not expressed an opinion with regard to the application in that capacity he intended to participate in any discussion and decision.</p>
James Mills	<p>Member of West Oxfordshire District Council Planning Committee. He advised that as he had not expressed an opinion with regard to the application in that capacity he intended to participate in the discussion and decision.</p>
Mark Cherry	<p>He advised that in early 2000 he had worked at the Great Tew Estate which was operated by the applicant for this application. That was no longer the case and he considered that his ability to participate impartially any discussion or decision voting on this application had not been compromised.</p>

25/16 MINUTES
(Agenda No. 3)

The Minutes of the meeting held on 23 May 2016 were approved and signed.

26/16 PETITIONS AND PUBLIC ADDRESS
(Agenda No. 4)

<i>Name</i>	<i>Speaker</i>
Steve Bowley, Agent for Applicant	Item 6 – Shipton-on-Cherwell Quarry – Application No. MW.0046/16
Nicholas Johnston, Applicant	Item 7 – Castle barn Quarry, Sarsden – Application No. MW.007/16
Ian Carr, Business Manager, Matthew Arnold School Councillor Janet Godden (Local Member))) 8. Matthew Arnold School -) Application No R3.0023/16)

27/16 CHAIRMAN'S UPDATES
(Agenda No. 5)

Planning application no: MW.0078/15 - Proposed extension of ironstone extraction, revocation of existing consented mineral extraction, export of clay, construction of temporary and permanent landforms, retention of an existing overburden store, relocation of consented stone saw shed, replacement quarry, farm and estate office building, erection of a new shoot store and multi-purpose building.

On 23 May 2016 the Planning & Regulation Committee had granted permission for this development which had included an extension to the existing Great Tew Ironstone Quarry. That permission had been subject to securing a Section 106 agreement preventing the working of mineral permitted under the “clay bank” together with a 20 year long-term management plan. Under that agreement it had been intended that a geological feature showing an exposed rock face should be retained with public access by appointment. Unfortunately, that had been omitted from the proposed working and restoration scheme and not realised at the time of the committee meeting. However, a minor correction has since been made to four plans

reinstating that small area and these have been submitted as amendments to the application to ensure this obligation is carried forward into the new agreement.

The original application did have an Environmental Impact Assessment attached and as it had been felt that the creation and retention of the geological exposure did not have any additional environmental effects which would require further assessment officers were suggesting with the Committee's approval that the new permission could be issued with the amended plans showing the geological exposure once the S.106 Agreement had been completed. If not then the Committee had the option of receiving a full updated report at its next meeting in September.

Officers had concluded that as there was a resolution to approve the application and given the minor nature of this change, which was beneficial it would in their view be extremely difficult for anyone to justify seeking to overturn the decision on the basis of this minor change. Therefore, they had requested that the Committee confirm issue of the planning permission with the amended plans included as part of the approved documents.

On a motion by Councillor Lilly, seconded by Councillor Johnston the Committee agreed unanimously that the planning permission be issued with the amended plans.

Barford Road Farm update on permission and S278 agreement.

Officers advised that it was now possible to grant the planning permission for Barford Road Farm in advance of the Section 278 agreement being granted. This would enable planning conditions on all other matters to be enforced while still requiring the highway works.

Noted.

- 28/16 CONTINUATION OF DEVELOPMENT WITHOUT COMPLYING WITH CONDITION 40 (AFTERCARE), AND CONDITION 51 (RESTORATION) OF PLANNING PERMISSION 11/01402/CM (CONTINUATION OF DEVELOPMENT WITHOUT COMPLYING WITH CONDITION 6 (IMPORTATION OF WASTE BY ROAD) AND WITH THE VARIANCE OF CONDITIONS 1 (TIME LIMITS) AND 7 (VOLUME OF WASTE IMPORTED) OF PLANNING PERMISSION 10/00360/CM DATED 17 JUNE 2010 FOR EXTRACTION OF LIMESTONE AND RESTORATION OF THE SITE BY INFILLING FOR COMMERCIAL, HABITAT CREATION AND AMENITY USE) IN ORDER TO DEFER SUBMISSION OF RESTORATION AND AFTERCARE DETAILS FOR AREA A (2 YEARS) AREAS B-D (5 YEARS) AT SHIPTON ON CHERWELL QUARRY, SHIPTON-ON-CHERWELL. - APPLICATION NO. MW.0046/16**
(Agenda No. 6)

The Committee considered (PN6) an application to remove and modify planning conditions of an existing consent for development in order to amend the aftercare and restoration conditions.

Having presented the report Mr Case and other officers responded to questions from:

Councillor Phillips – Mr Case advised that conditions relating to the car storage operation were not being amended. Mr Broughton further confirmed that originally the intention had been to bring cars in by rail but as the site was not currently rail connected and cars had been brought in and out by lorry. Those movements would not increase.

Councillor Bartholomew – permission to work material beyond 2017 would require a further application.

Councillor Lilly – Mr Periam advised that anything which affected restoration of a mineral site made it a county planning matter. Mr Case confirmed that the conditions now proposed retained all the details of existing conditions.

Councillor Sanders – Mr Case advised that car storage was permitted development as part of the interim restoration phase but was not happening yet. He was unable to confirm what the future status of European Protected Species legislation would be following the Brexit vote but could confirm that the reason for delay had been because of the need for further discussion regarding a reptile mitigation scheme and restoration management plan. Mr Periam explained the term geological window.

Councillor Phillips – there was provision in the legal agreement to commission a traffic survey.

Councillor Mathew expressed concern regarding the constant need to regularly review conditions attached to planning permissions. It seemed to him to always be for the benefit and interests of applicants alone and although officers had explained that the concerns of the parish council and other objectors in this particular case were not relevant to this application he disagreed on principle.

Councillor Lilly considered there was something of a paradox when considering the livelihood of birds at a site which was close to Oxford airport.

Mr Bowley for the applicants explained that these were relatively minor amendments which sought only to reschedule the submission of the detailed restoration and aftercare schemes for the site. As one of the largest quarries in Oxfordshire Shipton on Cherwell had a long and complex planning history passing through different ownerships and derelict for over 20 years and despite many planning permissions being granted for development nothing had happened. Earthline had however made significant progress since it had purchased the site in 2012 which had included:

- Extraction of remaining permitted limestone.
- Demolition (almost completed) of the derelict cement works.
- Commencement of restoration with inert fill.
- Commencement of aggregates recycling.

- General improvements including the upgrading of the access road

The company had inherited a complicated planning position and needed to secure some amendments to make it fit for their operational purposes. That required submission of a number of applications both to amend planning conditions and discharge planning conditions and this was one such application. Area A, at the western end of the quarry near to the site entrance, would be the first area to be restored. That was not straightforward and needed to balance the interests of nature conservation, Oxford Airport (the site lay directly beneath the main flight path), water management, geology (part of the site was a SSSI) and factory flue dust that had been deposited in the area. As restoration of the remainder of the site would not be commenced for several years and circumstances could well change during that time he emphasised that it would be sensible to defer submission of detailed schemes for these areas. In response to points raised by members he confirmed that bird strikes were a potential problem and although car storage was part of the existing planning permission Earthline was not in that business. He asked the Committee to support the officer recommendation.

He then responded to questions from:

Councillor Bartholomew – the applicants were working on an application to regularise restoration. With regard to existing permitted reserves he could not confirm if they would be worked by 2017 but if not then a separate application would be required.

Councillor Johnston – there was an extant permission for car storage but he could not say what the company's intentions were with regard to that element nor was he able to confirm whether the company would take advantage of rail reconnection and although there had been some discussions in that regard there were heavy costs involved in establishing that.

Councillor Mathew – operations at this site had commenced in 1929 with quarrying scheduled to expire in 2017 and restoration by 2036.

RESOLVED: (on a motion by Councillor Lilly, seconded by Councillor Johnston and carried by 12 votes to 0, Councillor Mathew recorded as having abstained) that planning permission for application MW.0046/16 be approved subject to conditions to be determined by the Deputy Director for Environment & Economy (Strategy & Infrastructure Planning) including those set out in Annex 2 to the report PN6.

29/16 CONTINUATION OF DEVELOPMENT WITHOUT COMPLYING WITH CONDITION 10 (PASSING BAYS), OF PLANNING PERMISSION 14/02055/CM (LIMESTONE EXTRACTION: EASTERN EXTENSION TO EXISTING PERMITTED LIMESTONE EXTRACTION), IN ORDER TO REMOVE THE NEED FOR PASSING BAYS PRIOR TO THE COMMENCEMENT OF DEVELOPMENT AT CASTLE BARN QUARRY, SARSDEN, CHIPPING NORTON - APPLICATION NO. MW.0071/16

(Agenda No. 7)

The Committee considered (PN7) a report setting out the terms of an application to vary an existing permission granted to enable the exportation of 72,000 tonnes of crushed rock for a temporary period of 12 months in 2015 by deleting a condition requiring provision of passing bays at two locations along a minor road from the site to the A361 recommended at that time by the Transport Development Control officer. However, a Vehicle Conflict Analysis report had since concluded that there was now no justification for such a requirement as the likelihood of HGV traffic meeting would be small and in the light of that the Transport Development Control Team now had no objection to the application providing restrictions were made on daily HGV traffic movements.

Having presented the report Mr Case and other officers responded to questions from:

Councillor Mills – he understood that 3 people were employed on site and the total movements would be 44 plus tractor movements.

Councillor Bartholomew – the passing bays had not been constructed yet and this review had been undertaken following the conflict analysis document.

Councillor Cherry – Mr Rossington confirmed that the vehicle conflict analysis had only considered the number of vehicles and it had to be accepted that there could be some damage to verges during for example bad weather.

Councillor Phillips – Mr Rossington confirmed that when provision of bays had first been considered the information now set out in the vehicle conflict analysis had not been available and officers had felt that they might be required but in the light of further information as set out in the analysis that had changed.

Councillor Mathew – the analysis had been received but not circulated with the report.

Councillor Purse – Mr Rossington confirmed forward visibility was very good at the access to the site and no doubt if passing bays were there they would be used but evidence now showed that they were not required.

Responding to a request from Councillor Purse Mr Periam advised that it would not be possible to attach a condition requiring traffic going to and leaving the site behave in a reasonable manner but an informative could be attached to that effect.

Responding to a further request from Councillor Matthew he advised that a condition could be attached requiring the applicants provide quarterly statements with regard to lorry movements to and from the site and tonnages involved.

Nicholas Johnston explained the nature of work at the quarry and the concerns expressed by a number of residents regarding the passing bays. It had seemed a substantial investment for a short permission and as the concerns expressed had now been addressed it seemed sensible to carry on with things as they were. However, he gave an undertaking that if the need for bays needed to be reconsidered then that would be done.

Responding to Councillor Bartholomew he confirmed that the site was not in their ownership and a further application would be needed if they wished to carry on after 12 months.

RESOLVED: (on a motion by Councillor Sanders, seconded by Councillor Johnston and carried by 12 votes to 0, Councillor Reynolds recorded as having abstained) that planning permission for application MW.0071/16 be approved subject to conditions to be determined by the Deputy Director for Environment & Economy (Strategy & Infrastructure) including those set out in Annex 2 to the report PN7 and:

- (a) an additional condition that the applicant to provide quarterly statements setting out lorry movements to and from the site with tonnage of materials.
- (b) additional informatives that:
 - traffic travelling to and from the site behave in a reasonable manner;
 - if a further application to extend working at the site was received then consideration should be given to provision of passing bays.

30/16 NEW TWO STOREY CLASSROOM BLOCK, ASSOCIATED LANDSCAPING, CYCLE STORES AND PROVISION OF A TEMPORARY CAR PARK AT MATTHEW ARNOLD SCHOOL, ARNOLDS WAY, CUMNOR HILL. _ APPLICATION NO. R3.0023/16

(Agenda No. 8)

The Committee considered an application for the construction of a single storey building to provide 6 new classrooms and a flexible teaching space on an existing school site within Cumnor.

Presenting the report Mr Broughton highlighted amendments to Condition iii (as set out in the resolution below), tabled an improved plan showing the new build and responded to issues raised by:

Councillor Sanders and Councillor Cherry - he advised that he would take back concerns regarding the need to break the side elevation of the new build and seek advice on tree planting to help eliminate potential problems regarding shading on solar panels.

Councillor Mathew – he confirmed that the new build did not impact on playing field space.

Ian Carr for the school commended the recommendation. The school had been oversubscribed for several years with pressure on numbers continuing to increase. Highlighting the benefits to students as a result of improved facilities and to families in the local community the school had been mindful of neighbours' concerns and had worked closely with them when revising plans.

Councillor Godden confirmed that she had requested that the application be considered by the Committee. The need for the school to expand was not in dispute and Mathew Arnold had involved the local community in the process. Cumnor parish

..... council was satisfied that the school had done all it could to improve the scheme and meet local concerns but it was imperative that construction traffic should be managed by securing lorry access via Arnolds Way and Cumnor Hill and not via residential roads

Responding to Councillor Sanders regarding the south side of the building Claire Williams (Architects) confirmed that it was in fact a rear elevation and that the neighbours concerned having considered alternatives had expressed a preference for the finish as proposed.

Councillor Mathew moved that the recommendation be approved with the changes as outlined to Condition iii and with an additional condition securing removal of the temporary car park on completion of the building. The motion seconded by Councillor Bartholomew was put to the Committee and –

RESOLVED: (by 11 votes to 0) that planning permission for application No. R3.0023/16 be approved subject to conditions to be determined by the Deputy Director for Environment and Economy (Strategy and Infrastructure Planning) to include the following:

- I. Detailed compliance.
- II. Permission to be implemented within 3 years.
- III. That no development should take place until a Construction Phase Traffic Management Plan (CPTMP) had been submitted to and approved by the Local Planning Authority. That CMPTP should include the routeing of HGVs west from the school site along Arnold’s Way directly onto Cumnor Hill.
- IV. An updated school travel plan.
- V. The temporary car park to be removed on completion of the building.

..... in the Chair

Date of signing