

PLANNING & REGULATION COMMITTEE

MINUTES of the meeting held on Monday, 10 December 2018 commencing at 2.00 pm and finishing at 4.17 pm

Present:

Voting Members: Councillor Les Sibley – in the Chair
Councillor Jeannette Matelot (Deputy Chairman)
Councillor Mrs Anda Fitzgerald-O'Connor
Councillor Mike Fox-Davies
Councillor Stefan Gawrysiak
Councillor Bob Johnston
Councillor Glynis Phillips
Councillor G.A. Reynolds
Councillor Judy Roberts
Councillor Dan Sames
Councillor John Sanders
Councillor Richard Webber
Councillor Liam Walker (In place of Councillor Alan Thompson)

Other Members in Attendance: Councillor Mark Gray (for Agenda Item 10)

Officers:

Whole of meeting G. Warrington & J. Crouch (Law & Governance); D. Periam (Planning & Place)

Part of meeting

Agenda Item	Officer Attending
6 & 7	K. Broughton (Planning & Place)
8 & 10	M. Hudson (Planning & Place)
9	C. Hodgkinson (Planning & Place)

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.

45/18 MINUTES

(Agenda No. 3)

The minutes of the meeting held on 29 October 2018 were approved and signed.

Minute 42/18 – Chairman’s Updates – Wicklesham Quarry

Officers advised that Grundons, in response to representations made to them regarding inadequate gradient levels achieved as part of restoration work carried out at the site, had submitted a non-material amendment application. However, officers had responded to say that in their view such an amendment would be unacceptable as they felt that the levels achieved varied significantly from what was stipulated in the planning permission and the issue was, therefore, a material one. Grundons now intended submitting a S73 application.

46/18 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

(Agenda No. 1)

<i>Apology for Absence</i>	<i>Temporary Appointment</i>
Councillor Alan Thompson	Councillor Liam Walker

47/18 PETITIONS AND PUBLIC ADDRESS

(Agenda No. 4)

<i>Speaker</i>	<i>Item</i>
Marian Fox (Resident) Gemma Crossley (for the Applicant)) 6. Shipton on Cherwell Quarry)
Veronique Bensedou (for the Applicants)	7. Goulds Grove, Ewelme
County Councillor Mark Gray (Local Member)	10. Benson CE School

48/18 PROPOSED EXTRACTION OF MINERAL AND RESTORATION BY INFILLING WITH IMPORTED INERT MATERIALS TO AGRICULTURE ON LAND TO THE SOUTH EAST OF SHIPTON ON CHERWELL QUARRY - APPLICATION NO. MW.0046/18

(Agenda No. 6)

The Committee considered (PN6) a planning application to allow extraction of limestone as an extension to the existing Quarry at Shipton on Cherwell with restoration to agriculture and biodiversity use.

Mr Broughton presented the report and confirmed in response to Councillor Sames that although the site was subject to a SSSI it was a geological SSSI and none of the geological features would be harmed by the proposed works.

Marian Fox speaking on behalf of local residents referred to issues of:

Dust and noise which created a health hazard as well as nuisance. This had been discussed at the Liaison Group but as yet nothing had been done to mitigate the effects. The haul road was also a major source of dust and although an undertaking had been given to scrape and clear nothing had been done. Work started on site at 7am and although the bund was 9 metres high in places it didn't prevent noise carrying to Thrupp a mile away. If this application was approved it would bring work even closer. Residents had concerns regarding breaches of conditions. Vehicles were restricted by condition to 318 per day but that was being exceeded. The site had been in existence for 80 years and if this application were approved that would affect timescales for restoration and exacerbate concerns regarding conservation areas around the canal.

She then responded to questions from:

Councillor Johnston – she was a resident of Jerome Way, Shipton-on-Cherwell.

Councillor Gawrysiak – the existing bund to some extent did mitigate the effects of working but there was a persistent noise although she accepted that might not exceed legal levels.

Mr Broughton advised that the Environment agency had lodged an objection to an application for another noise attenuation bund. That was waiting to be resolved.

Gemma Crossley spoke on behalf of the applicants. The Shipton-on-Cherwell site was not within the strategic resources area but did accord with policy M4 and therefore met the requirements of the spatial strategy. The site was enclosed by topography and openness was not seriously affected. The County Council was currently meeting its landbank requirement but there was an urgent need for reserves now with sale of rock increasing over the last few years and mineral in high demand. The limestone material at this site met a high specification and was one of a few sites in the south east able to supply this material. It was a small logical extension to an existing quarry with no significant amenity or environmental impacts and the bund did not affect the openness. Quite simply there was a demand for the material which demonstrated a need.

She then responded to questions from:

Councillor Phillips – parts of the site would be visible from the canal with a narrow field of view of about 25 metres where the edge of the site could be seen.

Councillor Gawrysiak – she confirmed that although the material was not unique there were only 2 bands in the county. There were 2 different types of geological limestone and not all were able to meet the highest specification.

Councillor Webber – bunds would be constructed from material stripped from the surface prior to working and so material would be in place prior to working.

Councillor Roberts – although not completely out of date the Minerals Plan relied to some extent on information gathered over a period of time. That had included years of recession and it was widely recognised that there had been some changes in levels of demand.

Councillor Sanders – the site was still a very active site and was being sequentially restored. Quarrying was a dusty activity but the EIA submitted had considered issues of dust which didn't travel very far and was within guidelines.

Councillor Walker – there would be no increase in permitted vehicle movements. Also she had met representatives from Oxford airport along with county officers to discuss the issue of bird strikes and it had been concluded that the pond in the extension area would not attract large birds or flocks of birds. Other small ponds could be netted.

RESOLVED: (on a motion by Councillor Johnston, seconded by Councillor Phillips and carried by 12 votes to 0, with one abstention) that planning permission for application no. MW.00046/18 be refused on the grounds that:

- 1 The site is not situated within the principal locations for aggregate minerals extraction. The development is therefore contrary to policies M3 and M5 of the Oxfordshire Minerals and Waste Local Plan Part 1: Core Strategy;
- 2 The development would constitute inappropriate development in the Green Belt for which Very Special Circumstances have not been demonstrated. It is therefore contrary to policy C12 of the Oxfordshire Minerals and Waste Local Plan Part 1: Core Strategy and policy ESD14 of the Cherwell Local Plan 2031; and
- 3 The development would cause harm to the local amenity of residents on Jerome Way through noise, dust and visual intrusion contrary to policy C5 of the Oxfordshire Minerals and Waste Local Plan Part 1: Core Strategy.

49/18 OPEN STORAGE AREA FOR EMPTY CONTAINERS, BINS AND PACKAGING EQUIPMENT, INCLUDING THE RETENTION OF THE OLD LAB SMALLS BUILDING FOR THE STORAGE OF EQUIPMENT - APPLICATION NO. MW.0025/18

(Agenda No. 7)

The Committee considered (PN7) a retrospective application seeking permanent retention of the former Hazardous Waste Transfer Station for use as an open storage area for empty containers, bins and packaging equipment and retention of the old lab smalls building for the storage of equipment.

Mr Broughton presented the report drawing attention to the objection from the Chiltern Conservation Board regarding loss of biodiversity which, despite further consultation with them they had been unwilling to withdraw.

Speaking for the applicants Veronique Bensadou explained that the application would allow the applicants to maximise its operation. They had put together a package of measure to address the objection by the Conservation Board despite the site being well screened and not visible from the outside. The site had been there for 60 years, provided a valuable facility for the disposal of hazardous waste and there had been no third-party objections.

She then responded to questions from:

Councillor Johnston – the Lab Smalls building had in the past been used to carry out some chemical testing and analysis to enable safe disposal of waste.

Councillor Phillips – the application was for storage of equipment for the main operation. Increased space would increase efficiency with no increase in tonnage through the site.

Responding to Councillor Fox-Davies Mr Broughton confirmed that monitoring would be carried out and enforcement action taken if conditions were not observed.

Responding to Councillor Walker he confirmed the site was well screened and little of it could be seen from outside. The objection by the Conservation Board also referred to parts of the site which were not subject to this application and, furthermore, went beyond what could be expected under the 6 tests set out in the National Planning Policy Framework. That had included a request for £15,000 towards a package of mitigation proposals.

RESOLVED: (on a motion by Councillor Johnston, seconded by Councillor Phillips and carried unanimously) that planning permission for application no. MW.0025/18 be approved subject to conditions to be determined by the Director for Planning and Place but to include the following:

- 1) The development should be carried out strictly in accordance with the particulars of the development, plans and specifications contained in the

application (and letters/e-mails of amendment) except as modified by conditions of this permission. The approved plans and particulars comprised:

- Application form dated 16/03/2018
- Planning application supporting statement dated March 2018.
- Drawing no 3A 9740 – Lab Smalls Building plan and elevations.
- Drawing no DG/Est/EWE1/HWTS/Ext/01 – Location Plan
- Drawing DG/Est/EWE1/HWTS/Ext/02 – Application and Ownership Plan
- Drawing no DG/Est/EWE1/HWTS/Ext/03 – Site Plan.

- 2) The site should be used only for storage related to the adjoining hazardous waste transfer station.
- 3) Operations authorised by this permission, including vehicles entering or leaving the site, should only take place:

07: 00 to 18.00 Mondays to Fridays

07:00 to 13:00 Saturdays.

No operations should take place on Sundays, Bank or Public Holidays.

- 4) No mud or dust should be deposited on the public highway.
- 5) No external lighting should be erected on the site unless first approved in writing by the Waste Planning Authority. The lighting should be implemented in accordance with the approved scheme.
- 6) All vehicles, plant and machinery operated within the site should be fitted with and use effective silencers.
- 7) The noise levels arising from the development should not exceed 55 dB (LAeq) (1 hour), freefield at The Cottage and Goulds Grove Farm.
- 8) No reversing beepers or other means of audible warning of reversing vehicles should be fixed to, or used on, any vehicle owned or leased by the operator of the site, other than those which used white noise.

50/18 SUTTON WICK QUARRY

(Agenda No. 8)

The Committee considered (PN8) two Section 73 applications to amend the conditions on existing consents.

Mary Hudson presented the report and responded to questions from:

Councillor Webber – she was not aware of issues regarding flooding in the past 5 years.

Councillor Fitzgerald-O'Connor – odour would not be an issue as the site was used for inert waste.

Councillor Roberts – separation of the bridleway was not considered necessary and in any event beyond the scope of this application. There would be less quarry traffic and that issue had been covered in the report.

RESOLVED: (on a motion by Councillor Johnston, seconded by Councillor Sibley and carried unanimously) that planning permission for:

- (a) application MW.0098/18 be approved subject to the existing conditions on consent MW.0139/18, amended as set out in Annex 1 to the report PN8;
- (b) application MW.0099/18 be approved subject to the existing conditions on consent MW.0124/13, amended as set out in Annex 2 to the report PN8.

51/18 PROGRESS REPORT ON MINERALS AND WASTE SITE MONITORING AND ENFORCEMENT

(Agenda No. 9)

The Committee considered a report (PN9) updating members on regular monitoring of minerals and waste planning permissions for the 2018 financial year and progress of enforcement cases.

Presenting the report Mr Hodgkinson clarified the charging regime available to the County Council.

Responding to Councillor Reynolds Mr Hodgkinson confirmed that he had contacted the operators at Ferris Hill Farm regarding the issue of mud on the road and regarding Hill Farm, Great Tew he was working with the agent there to secure the submission of a CLOPUD application and would keep the parish council informed on progress.

Members discussed the need to continue funding the temporary monitoring and enforcement officer post for at least one further year after October 2019 and possibly as a permanent post in the longer term. Members agreed that it was important to ensure decisions taken were enforced.

RESOLVED: (on a motion by Councillor Sibley, seconded by Councillor Phillips and carried unanimously):

- (a) that the Schedule of Compliance Monitoring Visits at Annex and the Schedule of Enforcement cases at Annex 2 to the report PN9 be noted;
- (b) that the Committee supports consideration being given by the council through the service and Resource process to the continued funding of the temporary Monitoring and Enforcement post so that it was retained for at least one further year after October 2019 and potentially as a permanent post thereafter.

52/18 NEW SINGLE STOREY THREE CLASSROOM TEACHING BLOCK, INCLUDING WITHDRAWAL ROOM, TOILETS, STORES, ANCILLARY

ROOMS TOGETHER WITH MINOR MODIFICATIONS TO HARD AND SOFT LANDSCAPING AND MODIFIED PARKING ARRANGEMENTS. - APPLICATION NO. R3.0114/18

(Agenda No. 10)

The Committee considered (PN10) an application for a new single storey three classroom teaching block, including withdrawal room, toilets, stores, ancillary rooms together with minor modifications to hard and soft landscaping and modified parking arrangements at Benson CE School.

Mary Hudson presented the report and referred to two emails received following publication of the report. In the first District Councillor Felix Bloomfield had referred to the Benson Neighbourhood Development Plan which acknowledged and supported the need for school expansion on sustainability grounds and to the strategic need for this school extension for the future education of the children of Benson and surrounding villages. He urged that the application be approved along with the transport management plan conditions to ease congestion on Oxford Road at peak times (at the beginning and end of the school day) and reinstate Oxford road as two-way at these times.

The second from Chris Hambleton of Frank Wise Associates the architects for the scheme explained the reasoning behind the current proposal and how during the design stage a number of options had been considered. The relatively compact layout of the existing school had been a defining factor which meant that a direct extension or building location closer to the existing school had not been deemed a feasible solution and realistically only allowed for some form of expansion either to the north or the east of the main building. Any extension of the school building eastwards would have a significant impact upon the existing teaching facilities with potential problems maintaining adequate daylight penetration and ventilation into existing classrooms. Also building an extension onto the existing school would likely cause considerable disruption to the operations of the school during the construction of the new building. The need to maintain safe routes into and around the existing school was paramount particularly during the construction process as was the need to secure access to play spaces. There were site constraints from both land ownership boundaries which did not allow sufficient space to expand north and the majority of the trees on the site being listed.

Bearing in mind the levels of new housing proposed for this area Councillor Matelot felt it imperative for this expansion to go ahead and therefore supported the recommendation.

Councillor Phillips agreed with the need for increased classroom space but had some reservations regarding the need to build on a conservation area and why construction work could not be carried out during school holidays and whether or not these issues could be explored further.

Councillor Webber expressed concern over the apparent disconnect between the property and education resource.

Councillor Mark Gray referred to recently agreed proposals for a 1000 new house build in Benson agreed to help secure a new bypass for the village. That would inevitably lead to an increased demand for school places and potentially require further development at the school and so he questioned why efforts had not been made to secure a new build school as part of the proposed housing. The current proposals for the school would remove 20% of an already small playing field space and while acknowledging the support of the local district councillor he pointed out that there were others who were very concerned that this proposal in its current form did not appear to secure the best deal for the school or the village. There were a number of questions which remained unanswered and he felt the best option would be to defer to explore all alternatives.

Mr Periam advised that deferral was an option. However, he pointed out that the Committee could not in his view consider matters which might or might not happen in the future and which were not pertinent to this application.

Councillor Sames, however, felt that the loss of 20% space was a material consideration and with regard to potential development at the school raised the issue of whether the school would be fit for purpose in the future. In his view whether the county was able to provide adequately for what was happening locally was a material consideration which the Committee needed to consider.

RESOLVED: (on a motion by Councillor Sames, seconded by Councillor Walker and carried by 12 votes to 0) to:

- (a) defer consideration of Application R3.0114/18 to enable further consideration of the following issues:
- 1) could the building be an extension to the existing and so limiting the impact on the conservation area (and keeping the children dry...) and whether there was any scope for it to be located elsewhere within the school site anyway with less impact on the conservation area e.g. using the existing netball/hard play area;
 - 2) why the design of the building couldn't be more reflective of the fact that it was in the conservation area rather than just a reflection of the existing, arguably poorly designed, main school building;
 - 3) whether additional development could be provided for by building upwards rather than outwards – strong foundations on any extension granted now to cater for any possible future additional requirement for additional accommodation with a second storey;
 - 4) investigate if there was any potential to obtain a replacement school site from housing developers undertaking a 1000 house development in the village;
 - 5) whether or not these proposals reflected NPPF guidelines in so far as planning policies and decisions should ensure that developments would function well and add to the overall quality of the area, not just in the short term but over the lifetime of the development;
 - (6) cost of the development in the context of how it would compare with building a new school taking into account the income from selling the existing school site for development.

- (b) the architect and/or agent be asked to attend the meeting when this matter would to be reconsidered.

..... in the Chair

Date of signing