

PLANNING & REGULATION COMMITTEE

MINUTES of the meeting held on Monday, 15 February 2010 commencing at 2.00 pm and finishing at 5.25 pm

Present:

Voting Members:

Councillor Steve Hayward – in the Chair

Councillor Alan Armitage
Councillor Mrs Anda Fitzgerald-O'Connor
Councillor Tim Hallchurch MBE
Councillor Jenny Hannaby
Councillor Ian Hudspeth (In place of Councillor Mrs Catherine Fulljames)
Councillor Ray Jelf
Councillor Peter Jones
Councillor Lorraine Lindsay-Gale
Councillor David Nimmo-Smith
Councillor Neil Owen
Councillor G.A. Reynolds
Councillor John Sanders
Councillor Don Seale
Councillor John Tanner

Other Members in Attendance:

Councillor Keith Mitchell (for Agenda Item 12)

Officers:

Whole of meeting

G. Warrington and R. Hanson (Corporate Core); R. Dance and D. Groves (Environment & Economy)

Part of meeting

Agenda Item

5

6 & 10

7 & 8

9

11

12

Officer Attending

J. Hamilton (Environment & Economy)

M. Thompson (Environment & Economy)

A. Divall (Environment & Economy)

J. Irvine (Environment & Economy)

J. Duncalfe (Environment & Economy)

A. Sylvester (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.

78/09 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

(Agenda No. 1)

Apology for Absence	Temporary Appointment
Councillor Mrs C Fulljames	Councillor Ian Hudspeth

79/09 DECLARATIONS OF INTEREST - SEE GUIDANCE NOTE OPPOSITE

(Agenda No. 2)

Councillor	Item	Nature of Interest
Reynolds	7. Deddington Depot - Application R3.0079/09 and 8. The Corner House, Victoria Road, Bicester – Application R3.0203/09	Personal. Member of Cherwell District Council Planning Committee. He advised that as he had not expressed an opinion on either application in that capacity he intended to take part in discussions and voting on both items.
Councillor Ian Hudspeth Councillor Peter Jones	9. Great Tew Quarry – Application Application 09/1328/P/CM	Personal. Chairman of the Minerals & Waste Planning Working Group (Advisory) Personal. Member of the Minerals & Waste Planning Working Group (Advisory) Both advised that they intended to take part in the discussion and voting on Item 9

80/09 MINUTES

(Agenda No. 3)

The minutes of the meeting held on 11 January 2010 were approved and signed.

Minute 75/09 – Wallingford Youth Centre, Clapcot Way, Wallingford – Application R3.0181/09

Mr Dance advised that in order to investigate the effects of the proposed office block on neighbouring properties a full daylight study had been commissioned. That study was ongoing and no permission had yet been issued.

Minute 77/09 – Monitoring & Enforcement Update (Gosford Silo Waste Recovery)

Mr Dance advised that the legal agreement had now been signed and planning permission would now be issued.

81/09 PETITIONS AND PUBLIC ADDRESS

(Agenda No. 4)

Speaker	Item
Michael Tyce Stephen Harrod Clare Abolins James Cunningham Councillor David Turner	))) 5. Great Milton CE School) Application R3.0188/09)
Edward Way	6. Great Tew School – Application 09/1608/P/CD3
Nicholas Johnston	11. Great Tew Quarry – Application 09/1328/P/CM
Michael Shotton Susan Weston Councillor Keith Mitchell	)) 12. Bodicote FP8 and Bloxham FP2)

82/09 PUBLIC RIGHT OF WAY DIVERSION - OBJECTED TO ORDER (BODICOTE FOOTPATH NO8 AND BLOXHAM FOOTPATH NO 2.

(Agenda No. 12)

The Committee considered (PN12) objections received to a diversion order for part of Bodicote FP8 and part of Bloxham FP2 the effect of which would be to reroute the footpaths from their current line along the front of Bodicote Mill to a route along the eastern boundary of the site.

Mr Shotton referred to the overwhelming number of objections to the Order and yet County had deemed that it fulfilled Highways Act criteria. The applicant had bought the property in full awareness of the existence of the line of the path and he and others did not accept that there were security and privacy issues nor did they accept that it was not substantially less convenient to the public but would effect public enjoyment of the path. There would be a considerable cost to the public purse from a public hearing together with ongoing maintenance costs for a bridge which could no longer be crossed. There were also questions of priority between a single landowner and the general public and he asked the Committee to withdraw the Order.

Susan Weston advised that the order if confirmed would be of significant benefit to their privacy while allowing continued use of the path. The line of the path itself was only three feet from the front of the house and was a constant source of shock and embarrassment to her family and walkers alike. There had been damage to their property and the path crossed the route from the main house to the Annex which was used by her elderly mother. She asked the Committee to support her family's desire for privacy and security.

Councillor Mitchell advised that although there had been objections those objections represented a small proportion of the local population. He accepted the concerns of the residents of the Old Mill regarding security and privacy were genuine as the property was isolated. It was a popular walk but a viable alternative had been proposed. The owners were entitled to test the law and seek the views of an independent Inspector at Inquiry and he asked the Committee to allow that to happen.

Councillor Tanner did not feel the report had given a balanced view and that any decision taken now to secure a diversion would impact on this path long after the current situation had changed. He considered the application should be withdrawn.

Councillor Owen and Councillor Seale considered that the applicants were entitled to make this application and as such the costs of the Inquiry were irrelevant.

RESOLVED: (on a motion by Councillor Reynolds, seconded by Councillor Hudspeth and carried by 13 votes to 2) to submit the objected to order for Bodicote Footpath 8 and Bloxham 2 to the Secretary of State for Environment, Food and Rural Affairs for determination

83/09 DEMOLITION OF DETACHED TEMPORARY CLASSROOM/COMMUNITY RESOURCES BUILDING AND BRICK STORE AND ERECTION OF A SINGLE STOREY BUILDING TO PROVIDE A NEW CHILDREN'S CENTRE AND ERECTION OF EXTENSIONS TO THE EXISTING SCHOOL BUILDING TO PROVIDE A REPLACEMENT CLASSROOM/COMMUNITY RESOURCE AREA, READING ROOM AND REPLACEMENT STORE PLUS ASSOCIATED EXTERNAL WORKS - GREAT MILTON CE SCHOOL, THE GREEN, GREAT MILTON - APPLICATION R3.0188/09

(Agenda No. 5)

The Committee considered (PN5) an application for a single storey Children's Centre and replacement accommodation at Great Milton CE School.

Mr Tyce advised that this represented inappropriate development in the Green Belt and was opposed by CPRE and many local residents. There was no objection in principle to provision of a Children's Centre but such provision should be central to the catchment area it served, well served by public transport and not in the green belt. This site did not meet any of those criteria. Additionally this development would exacerbate the severe traffic congestion which existed in this area.

Mr Harrod advised that the Parish Council did not object to the development of the school but had serious concerns about provision of a Children's Centre. There was a great deal of local opposition due to increased traffic and lack of provision for adequate parking – all to the detriment of safety for local residents. The development contravened four local plan policies and would result in further overcrowding on an already overcrowded site. The Children's Centre would be better sited in a more central location and the Parish Council had serious misgivings regarding the procurement process and had submitted an Article 14 Direction to the Secretary of State. In the light of that he asked the Committee to refuse the application.

Responding to a question from Councillor Hannaby he confirmed that the Parish Council felt that access to the Children's Centre would be better served if sited in Wheatley.

Mr Cunningham and Ms Abolins spoke in support of the application. Mr Cunningham (School Governors) thanked the Parish Council for their support for the development of the school. Regarding the Children's Centre he advised that as it would not be operating in peak times it would not add to the problems of congestion at the school.

Ms Abolins (CYP&F) confirmed that the County Council had followed procurement rules. There had been countywide consultation and this site offered clear benefits through good use of space and site and value for money as development of the school and provision of the new Centre would take place simultaneously. There was also security of tenure. She was confident that the centre would prove to be an effective base for this area.

Responding to questions from –

Councillor Seale – Mr Cunningham confirmed that there procedures were in place to secure the site.

Councillor Tanner – Ms Abolins confirmed that the decision to locate at this site had not been taken on a cost only basis, that other sites had applied and that Great Milton had been considered to be the most appropriate.

Councillor Armitage – Ms Abolins confirmed that the Centre not operating at peak times would not detract from its effectiveness.

Councillor David Turner supported the Rural Children's Centres Project but felt he had to convey the concerns of local residents about increased traffic and road safety issues, which were a real problem at the school at peak hour delivery and collection times. He had hoped that discussions with officers and local people would have

enabled a compromise to be reached to solve these issues through provision of alternative parking and dispersal of some of the traffic. He felt that the Committee should have visited the site to see at first hand the problems that existed. There was also an issue which the Committee needed to consider regarding the numbers of vehicles likely to visit the site if permission was granted compared with recent months when the Centre had been operating from the school without a dedicated building. He did not want to see this area lose the Children's centre, which he supported but he urged that more attention be given to the parking issues.

He responded to questions from –

Councillor Seale and Councillor Jelf - he did not want to see the application refused but more thought was needed to address traffic issues. The Committee had before it one site which it needed to consider.

Councillor Armitage – with regard to further aggravating traffic levels it would be important to stagger times to lessen that impact.

Mr Hamilton confirmed that officers had amended their recommendation as set out in the addenda following confirmation from the Government Office for the South East that they had received a request to call in the application.

The Committee recognised that levels of parking on the site were inappropriate but that provision of a rural children's centre was important.

RESOLVED: (on a motion by Councillor Sanders, seconded by Councillor Tanner and carried 13 votes to 1) that subject to the development not being called in by the Secretary of State to authorise the Head of Sustainable Development to grant permission for Application No. R3.0188/09 (for the demolition of a temporary classroom/community resources building and brick built store and the erection of a single storey building to provide a children's centre, and the erection of extensions to provide replacement classroom and community resources facility, reading room and replacement store, along with associated external works; at Great Milton C of E School) subject to:

- (a) the applicant first (before a planning permission was issued) securing and if necessary obtaining planning permission for suitable alternative temporary arrangements for parking for use by the school during the period of construction;
- (b) conditions to be determined by the Head of Sustainable Development to include the following matters:
 - 1. That the development must be carried out strictly in accordance with the particulars contained in the application and the plans accompanying subject to conditions below.
 - 2. That the development should all commence within 3 years of the date of the permission.

3. That samples of the external materials proposed to be used should all be submitted to and approved in writing by the Head of Sustainable Development prior to commencement of development.
4. That no development should take place until the trees on the site which were to be retained and which were adjacent to or within the development area, had been protected during building operations by means of a protective fence around the edge of the canopy of the trees.
5. That the site be landscaped and planted with trees (including replacement trees) and shrubs in accordance with a comprehensive planting and landscaping scheme first approved by the Head of Sustainable Development.
6. That all planting, seeding or turfing comprised in the approved details of landscaping should be carried out in the first planting season following occupation of the buildings or the completion of the development, whichever was sooner.
7. The hours of operation of the children's centre for use by the public should not allow use between 8.00 to 9.15 am and 2.45 to 3.30 pm Monday to Friday during term time.
8. The hours of use of the children's centre at other times (including outside school hours) should be submitted for agreement by the Head of Sustainable Development before any use of the Centre commenced.
9. That the high split level windows on the western elevation of the proposed children's centre building should be frosted or glazed with obscure glass.
10. That prior to the commencement of the development full details of any additional proposed lighting, should be submitted to and approved by the Head of Sustainable Development.
11. That prior to the first occupation of the children's centre building the existing school Travel Plan for the site should be updated and submitted to the Head of Sustainable Development for approval.
12. That prior to the commencement of the development details of a sustainable drainage scheme for the proposed site should be submitted to and approved in writing by the Head of Sustainable Development.
13. Vegetation removal should not take place during the bird breeding season, which is March-August inclusive. If any trees and/or bushes needed to be removed during this time, they would need to be checked over by an ecological consultant immediately prior to removal to ensure there were no nesting birds present. If nesting birds were present, the vegetation could not be removed until the birds had fledged.
14. If any protected species not initially surveyed for were found at any point, all work should cease immediately. Work should not recommence until a full survey had been carried out, a mitigation strategy prepared and licence obtained (if necessary) in discussion and agreement with Natural England.
15. The existing pond should not be removed until a new pond had been created in a position to be agreed by the Head of Sustainable Development.
16. The existing pond should not be removed except in the months of August, September and October. The pond should be drained gradually and the plant material removed from it stacked by the side of

the pond for at least 24 hours to allow any animals trapped to escape before the vegetation was removed.

17. Details of the proposals to create habitats for bats in the new buildings should be submitted for agreement by the Head of Sustainable Development.
18. If any works were planned to occur later than April 2010, the submitted protected species survey must be updated.
19. Details of proposals for the formation of 3 additional on site parking spaces should be submitted and agreed by the Head of Sustainable Development before development commenced.
20. Details of a construction traffic management plan (to include details of times of delivery of materials) should be submitted and agreed by the Head of Sustainable Development before development commenced.

Archaeological Informative – if archaeological finds occurred during development the County Archaeologist should be notified in order that he might visit the site and advise as necessary.

84/09 TEMPORARY (FOR A MAXIMUM OF 3 YEARS) CLASSROOM (PORTAKABIN TYPE) SITED ON EXISTING PLAY PITCH AT GREAT TEW SCHOOL, THE GREEN, GREAT TEW - APPLICATION 09/1608/P/CD3
(Agenda No. 6)

The Committee considered (PN6) an application for a temporary classroom at Great Tew school along with objections received to the application.

Edward Way advised that numbers at the school had increased dramatically in recent years and the school now needed to expand to meet that need. This application provided an interim solution pending completion of a three year development plan which was already at an advanced stage and he was confident that the school would have a new building in three years.

RESOLVED (on a motion by Councillor Hudspeth , seconded by Councillor Owen and carried by 13 votes to 0) that application No. 09/1608/P/CD3 be approved subject to the following conditions:

1. development in accordance with submitted plans and particulars;
2. development to commence within 3 years of permission;
3. temporary consent – 3 years or when a permanent extension/building is provided, whichever was sooner;
4. tree protection during construction works.
5. no development to take place until a landscaping scheme including the details of trees to be planted had been submitted and approved;
6. the landscaping scheme should be implemented in the first planting season;
7. no development to commence until details of the external paint colour had been submitted and approved.

85/09 OUTLINE APPLICATION FOR THE DEMOLITION OF EXISTING TRANSPORTABLE OFFICE BUILDINGS AND ERECTION OF TWO STOREY PERMANENT OFFICE BUILDING; FORMALISATION OF EXISTING PARKING AREA TO PROVIDE 10 DEDICATED SPACES AT DEDDINGTON DEPOT, BANBURY ROAD, DEDDINGTON - APPLICATION R3.0079/09

(Agenda No. 7)

The Committee considered (PN7) an application for outline planning permission for the demolition of existing buildings and erection of a replacement two storey permanent office building along with objections received to the application.

Councillor Jelf expressed some concerns regarding the intrusiveness of a two story building on views from the Deddington direction and suggested a single storey development.

Councillor Hudspeth highlighted the urgent need for this development and felt that the impact from a two storey building would not be any greater than that from the existing buildings.

Mr Dance advised that major changes could not be made to the application but suggested that the Committee could consider placing a condition to secure a height restriction.

The Committee asked for an undertaking that the Detailed Reserved Matters Application be considered by the Planning & Regulation Committee irrespective of whether or not objections were received

RESOLVED: (on a motion by the Chairman, duly seconded and carried by 11 votes to 3) to approve Application Number R3.0079/09 for outline approval for the demolition of existing transportable office buildings and erection of two storey permanent office building; formalisation of existing parking area to provide 10 dedicated spaces subject to conditions to be determined by the Head of Sustainable Development to include the following matters:

1. outline compliance – that the development must be carried out strictly in accordance with the particulars contained in the application and the plans accompanying with any approval given in respect of any subsequent reserved matters;
2. application for approval of the reserved matters to be made not later than 3 years of the date of the permission;
3. that details of the design, materials and height of the proposed building should be submitted and approved prior to the commencement of the development;
4. that details of the sustainable features of the proposed building should be submitted and approved prior to the commencement of the development;
5. that details of the proposed car parking layout and vehicle and pedestrian access points and routes should be submitted and approved (in consultation with the Local Highway Authority) prior to the commencement of the development. Any details approved should be implemented before the development had been brought into use;

6. the development should not commence until the final details of a self-contained powered sewerage package plant to serve the proposed building had been submitted and approved (in consultation with the Environment Agency). Any details approved should be implemented before the development had been brought into use;
7. if during development contamination was found to be present on site, then no further development should be carried out until a method statement detailing how this contamination should be dealt with, had been submitted and approved (in consultation with the Environment Agency); and
8. that no development should take place until the trees on the site which were to be retained and which were adjacent to or within the development area, had been protected during building operations by means of a protective fence around the edge of the canopy of the trees;
9. a maximum height of the building;
10. provision of adequate screening to the south west.

Ecological informative – Prior to the submission of any reserved matters application the applicant should contact the County Ecologist for advice on ecological issues associated with any reserved matters application.

Archaeological informative – If archaeological finds occurred during development, the County Archaeologist should be notified in order that he might visit the site and advise as necessary.

Environment Agency Informative - Any open chemical or refuse storage areas should be surrounded by suitable liquid tight bunded compounds to prevent drainage from these areas discharging into the surface water system. These areas should drain to the sealed tanks.

Environment Agency Informative - Any above ground oil storage tank(s) should be sited on impervious base and surrounded by a suitable liquid tight bunded compounds. No drainage outlet should be provided. The bunded area should be capable of containing 110% of the volume of the largest tank and all fill pipes, draw pipes and sight gauges should be enclosed within its curtilage. The vent pipes should be directed downwards into the bund.

86/09 CHANGE OF USE OF BUILDING FROM USE CLASS B1 (OFFICES) TO CLASS D1 (ADULT LEARNING CENTRE) - THE CORNER HOUSE, VICTORIA ROAD, BICESTER - APPLICATION R3.0203/09

(Agenda No. 8)

The Committee considered (PN8) an application for the change of use of an existing building (known as the Corner House) from office use to that of an adult learning training centre.

RESOLVED: (on a motion by Councillor Hallchurch, seconded by Councillor Seale and carried 12 votes to 0) to approve Application Number R3.0203/09 for the change of use of building from use class B1 (offices) to class D1 (adult learning training centre), subject to conditions to be determined by the Head of Sustainable Development to include the following matters:

1. that the development must be carried out strictly in accordance with the particulars contained in the application and the plans accompanying subject to conditions covering matters below;
2. that the development should commence within 3 years of the date of the permission;
3. the hours of use of the building should be restricted to between 8:30am and 5:30pm Monday to Friday;
4. that prior to the commencement of the development a scheme for the provision of signage on the building and in its vicinity to deter unauthorised parking should be submitted and approved. All erected signs should be maintained for the duration of the use of the building as an Adult Learning Training Centre; and
5. within 6 months of the first occupation of the building a Travel Plan for the site should be prepared and submitted for approval and implemented and updated appropriately.

87/09 TO EXTEND MINERAL EXTRACTION AND ALTER SCHEME OF WORKING AND RESTORATION AT GREAT TEW BROWN IRONSTONE QUARRY. PROPOSED DEVELOPMENT INCLUDES THE INSTALLATION OF A STONE SAW SHED, MODIFICATION AND RETENTION OF A SCHEMING LANDFORM AND EXTENSION OF THE FARM SITE AT THE QUARRY FARM SITE. APPROVAL IS ALSO SOUGHT FOR MINOR CHANGES TO THE BUILT GRAIN STORE DEVELOPMENT AND TO CONSOLIDATE HISTORIC PERMISSION - GREAT TEW QUARRY, GREAT TEW

(Agenda No. 9)

The Committee considered an application to extend a phase of mineral extraction and erect a stone saw shed and two new agricultural buildings to relocate livestock farming operations from elsewhere on the estate.

Nicholas Johnston thanked officers for carrying out a diligent and objective process. This application was an important element of the Estate's long term management plan to ensure employment during uncertain times for the rural economy.

RESOLVED: (on a motion by Councillor Hudspeth seconded by Councillor Owen and carried 12 votes to 0) that:

- (a) subject to a legal agreement requiring:
 - (i) public access to the geological feature,
 - (ii) a management plan including a programme of monitoring to operate for 20 years over and above the 5 year after care period;
 - (iii) funding for the implementation of the management plan;
 - (iv) the applicant not to further implement any quarry operations approved under previous planning permissions;

that planning permission be granted for the development proposed in Application 09/1328/P/CM subject to conditions to be determined by the Head of Sustainable Development but to cover matters included in Annex 1 to the report PN9;

- (b) if the legal agreement referred to in (a) above was not completed within 10 weeks of the date of this meeting the Head of Sustainable Development be authorised to refuse the application on the grounds that it would not comply with South East Plan policy NRM5 in that there would be no satisfactory provision for the long term management of the restored site.

88/09 RE-USE OF AN EXISTING BUILDING FOR A WASTE TYRE AND CATERPILLAR TRACK RECYCLING FACILITY, HANDLING APPROXIMATELY 3500 TONNES OF WASTE TYRES PER YEAR - CULHAM NO 4 SITE - APPLICATION NO P07/W0631/CM

(Agenda No. 10)

Application P07/W0631/CM had been withdrawn at the request of the applicants.

89/09 PROCESSING PLANT FOR RECYCLED AGGREGATES - GILL MILL QUARRY, DUCKLINGTON - APPLICATION 09/0047/P/CM

(Agenda No. 11)

The Committee considered (PN11) an application for the erection and use of a washing plant to recycle suitable inert waste materials for use as aggregate on a site within Gill Mill Quarry for the life of the quarry having noted an amendment in paragraph 54 that “not “ in line 1 should have read “now”.

RESOLVED: (on a motion by Councillor Seale, seconded by Councillor Owen and carried 12 votes to 0) that subject to a routeing agreement to prevent heavy goods vehicles from travelling to and from the south on the A415 planning permission be granted for the development outlined in application 09/0047/P/CM subject to conditions to be determined by the Head of Sustainable Development to cover matters including those set out below:

1. complete compliance;
2. commencement date;
3. completion and restoration by 2021;
4. restoration as per existing quarry permission;
5. surface water drainage scheme to be submitted and agreed;
6. compliance with submitted flood risk assessment and mitigation measures;
7. opening hours to be agreed;
8. existing vegetation to be retained;
9. noise mitigation as for existing quarry;
10. details of a lighting scheme to be submitted and agreed;
11. use of existing access only;
12. details of bund construction and their maintenance to be submitted and agreed;
13. external elevations of plant to be painted a dark green colour.

Thames Water informative: take account of Thames Water water pressures.

..... in the Chair

Date of signing