

PLANNING & REGULATION COMMITTEE

MINUTES of the meeting held on Monday, 5 March 2012 commencing at 2.00 pm and finishing at 3.00 pm

Present:

Voting Members:

Councillor Steve Hayward – in the Chair

Councillor Mrs Catherine Fulljames (Deputy Chairman)

Councillor Alan Armitage

Councillor Tony Crabbe

Councillor Mrs Anda Fitzgerald-O'Connor

Councillor Jenny Hannaby

Councillor Ray Jelf

Councillor Stewart Lilly

Councillor David Nimmo-Smith

Councillor G.A. Reynolds

Councillor Don Seale

Councillor John Tanner

Councillor Lawrie Stratford (In place of Councillor Neil Owen)

Officers:

Whole of meeting

G. Warrington and J Crouch(Law & Governance); R. Dance (Environment & Economy)

Part of meeting

Agenda Item

Officer Attending

5.

N. Woodcock (Environment & Economy)

6.

K. Broughton (Environment & Economy)

8 and 9.

R. Goodlad (Law & Governance)

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.

8/12 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

(Agenda No. 1)

Apology

Temporary Appointment

Councillor Neil Owen
 Councillor Peter Jones
 Councillor John Sanders

Councillor Lawrie Stratford
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9/12 DECLARATIONS OF INTEREST - SEE GUIDANCE NOTE OPPOSITE

(Agenda No. 2)

Councillor	Item	Nature of Interest
Lawrie Stratford	5. Longfields Primary School	Personal. Member of Cherwell District Council Planning Committee. He advised that he had not expressed an opinion on the application in that capacity and therefore intended to participate in discussion and voting thereon.
Mrs Fulljames	Item 3 – Minutes 41/11, 50/11 and 4/12 – Energy from Waste application, Ardley.	Personal. In the event that the legal process in respect of the application was discussed.
	Item 5. Longfields Primary School	Personal. Member of Cherwell District Council Planning Committee. She advised that she had not expressed an opinion on the application in that capacity and therefore intended to participate in discussion and voting thereon.

<p>Alan Armitage</p>	<p>9. Application to register Blackbird leys Park as a Town or Village Green</p>	<p>Personal. Member of Oxford City Council. He advised that as far as he was aware the City Council had not previously debated or voted on the specific application and therefore he intended to participate in discussion and voting.</p>
<p>Councillor John Tanner</p>	<p>9. Application to register Blackbird leys Park as a Town or Village Green</p>	<p>He advised that he would leave the meeting for the duration of this item on the grounds that as a member of the Oxford City Council's Executive he might have predetermined the application during the course of discussion of other issues ancillary to this matter.</p>

10/12 MINUTES

(Agenda No. 3)

The Minutes of the meeting held on 5 March 2012 were approved and signed by the Chairman.

4/12 – Chairman's Updates

Waterstock

Mr Dance advised that in January the High Court had demanded a specification for the removal of waste. That had been received mid February but had proved to be inadequate. To date no waste had been removed. The County Council had applied for a further Court hearing date with the same judge.

Ardley Energy from Waste

Mr Dance advised that groundwork construction had commenced and pre-commencement conditions cleared. CCTV had been installed to monitor vehicle movements particularly through Ardley village. The liaison meeting had been expanded to take account of the EfW development with a second meeting scheduled for 6 March 2012.

Ashgrove Farm

Agrivert had made further revisions to the odour management plan to meet concerns from the Environment Agency although the Agency were still unhappy with certain elements of it and would be contacting Agrivert shortly to discuss those issues. The Plan would not be signed off without Agency support. The Agency were also carrying out a further audit of the site and its operation. Officers considered that ultimately the Agency would be looking for less waste to go through the plant thereby encouraging better management. Ultimately the Agency could take enforcement action.

In response to complaints regarding the County Council’s handling of issues of odour management an independent investigation had identified that a much tighter approach was required to make conditions more enforceable and avoid duplication with other agencies.

Mrs Fulljames welcomed this news. Referring to local concerns that lines of responsibility had not been clear she hoped this would improve matters.

6/12 - Sutton Courtenay material for block making – Application 11/02440/CM

Work on the drainage scheme had progressed with consultation ending on 1 March. Officers would be meeting with WRG on 6 March when this issue would be discussed.

11/12 PETITIONS AND PUBLIC ADDRESS

(Agenda No. 4)

Speaker	Item
William Clark Sarah Lasenby	9. Blackbird Leys Park Village Green Application

12/12 ORDER OF BUSINESS

(Agenda No.)

RESOLVED: that Items 8 and 9 be taken immediately after Item 4

13/12 COMMONS ACT 2006: DELEGATION OF DECISION-MAKING POWERS TO OFFICERS

(Agenda No. 8)

The Commons Act 2006 introduced a new power for a landowner to apply for voluntary registration of its own land as a town or village green using a simple statutory procedure. The Committee considered a proposal to delegate to the Director for environment & Economy the power to determine such applications subject to certain provisions.

RESOLVED: (on a motion by Councillor Armitage, seconded by Councillor Hayward and carried unanimously) to delegate to the Director for Environment & Economy the power to determine applications for registration of new town or village greens under section 15(8) of the Commons Act 2006, provided always that:-

- (a) satisfactory evidence had been obtained that the criteria set out in Regulation 7 of the Commons (Registration of Town or Village Greens) (Interim Arrangements) (England) Regulations 2007 had been met;
- (b) all statutory provisions had been complied with and departmental guidance taken into account where necessary and no prior objections from any third party with an interest in the land were outstanding;
- (c) legal advice from the County Solicitor had been obtained and taken into account where necessary.

14/12 COMMONS ACT 2006: IN THE MATTER OF AN APPLICATION TO REGISTER THE BLACKBIRD LEYS PARK, BLACKBIRD LEYS, OXFORD AS A TOWN OR VILLAGE GREEN

(Agenda No. 9)

The Committee considered an application for the registration of land known as Blackbird Leys Park as a Town or Village Green in the light of legal advice obtained from a specialist barrister in relation to a preliminary issue following objections received to the application.

Councillor Tanner left the room for the duration of the item.

Sarah Lasenby advised that the applicants no longer wished to withdraw their objection and asked the Committee to defer consideration of the application pending the outcome of the Barkas case.

Mr Clark advised that this site was owned by the people of Oxford City and the City Council as trustees of the site had a position of responsibility to manage and administer the site and offer protection from encroachment of grassed areas. Proposals to erect a swimming pool on the site were misdirected – it would be sited in a most aggressive area fronting Pegasus Road on a known floodplain with an inadequate road infrastructure affecting parking, disruption to bus traffic and increased safety risks at nearby school on Pegasus Road. The nature of the site was woefully inadequate to accommodate development and a decision on the town and village green application should be deferred pending the result of the Barkas case.

Mr Goodlad advised that the central point of the judgement had been that use of the land had not been as of right. That was a fundamental requirement of such an application and the use of land needed to be looked at in an historical sense and not any future use. The view of Counsel had been that the decision in the Barkas case was binding on this authority.

RESOLVED: (on a motion by Councillor Armitage, seconded by Councillor Mrs Fulljames and carried unanimously) that in the light of the Further Opinion of Counsel set out in Annex 2 to the report PN9 that the application for registration as a new Town or Village Green of that plot of land known as Blackbird Leys Park, Blackbird Leys, Oxford in Oxfordshire and being indicated clearly on the Application Map of the application submitted by Mr William Clark and dated 6 June 2011 be rejected.

15/12 RETENTION AND CONTINUED USE OF A SINGLE TEMPORARY CLASSROOM UNIT (REF T2 E198) FOR A FURTHER PERIOD OF 5 YEARS AT LONGFIELDS PRIMARY SCHOOL, LONGFIELDS, BICESTER - APPLICATION R3.0010/12

(Agenda No. 5)

The Committee considered an application to renew planning permission for a single temporary classroom unit.

Councillor Tanner expressed some sympathy with the view of the Bicester Town Council and moved that the officer recommendation be approved but with permission granted for 3 years and not 5.

There was no seconder and the motion fell.

RESOLVED: that Application No. R3.0010/12 be approved subject to conditions to be determined by the Deputy Director for Environment & Economy (Growth & Infrastructure) but to include the following matters:

1. The development must be carried out strictly in accordance with the plans and drawings submitted with the application.
2. Building to be removed by 31 March 2017.
3. Repainting of external doors, walls and railings within 6 months.

School Accommodation Informative:

The school be advised to investigate the provision of a more permanent solution to its long-term accommodation needs before this consent expired.

16/12 INSTALLATION OF A 93 SQUARE METRE MODULAR BUILDING EXTENSION TO EXISTING CHILDREN'S CENTRE (INCORPORATING AN ENCLOSED LINKWAY) TO PROVIDE ADDITIONAL ACCOMMODATION FOR 40 CHILDREN FOR A TEMPORARY PERIOD OF 5 YEARS AT EYNHAM PRIMARY SCHOOL, BEECH ROAD, EYNHAM - APPLICATION R3.0018/12

(Agenda No. 6)

The Committee considered an application to extend the Children's Centre at Eynham Primary School together with further representations from the applicant regarding the condition requiring removal of the building after 5 years.

..... In response to concerns expressed regarding the adequacy of the level of toilet provision officers confirmed that the applicants were satisfied with the current provision.

RESOLVED: (on a motion by Councillor Tanner, seconded by Councillor Lilly and carried unanimously) that Application No. R3.0018/12 be approved subject to conditions to be determined by the Deputy Director for Environment & Economy (Growth & Infrastructure) to include the following matters:

1. The development be carried out strictly in accordance with the plans and drawings submitted with the application.
2. Temporary permission – building to be removed in 5 years.
3. External materials to be agreed.
4. Travel plan to be updated
5. Drainage to be approved prior to occupation of the building.
6. Landscaping to be approved prior to development taking place.

..... in the Chair

Date of signing