

PLANNING & REGULATION COMMITTEE

MINUTES of the meeting held on Monday, 1 December 2014 commencing at 2.00 pm and finishing at 3.36 pm

Present:

Voting Members: Councillor Mrs Catherine Fulljames – in the Chair
Councillor Neil Owen (Deputy Chairman)
Councillor David Bartholomew
Councillor Mark Cherry
Councillor Patrick Greene
Councillor Pete Handley
Councillor Ian Hudspeth (In place of Councillor G.A. Reynolds)
Councillor Bob Johnston
Councillor Glynis Phillips
Councillor Anne Purse
Councillor Rodney Rose (In place of Councillor Stewart Lilly)
Councillor John Tanner

Other Members in Attendance: Councillor Charles Mathew (for Agenda Item 6)

Officers:

Whole of meeting G. Warrington & D. Mytton (Law & Culture); D. Periam (Environment & Economy)

Part of meeting

Agenda Item	Officer Attending
6 & 7	F. Hamid (Environment & Economy)
7	M. Thompson (Environment & Economy)
8	C. Hodgkinson (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.

35/14 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

(Agenda No. 1)

<i>Apology</i>	<i>Temporary Appointment</i>
Councillor Stewart Lilly Councillor George Reynolds	Councillor Rodney Rose Councillor Ian Hudspeth

36/14 MINUTES

(Agenda No. 3)

The minutes of the meeting held on 20 October 2014 were approved and signed.

Minute 33/14 – Chairman’s Updates

At the last meeting Mr Periam had undertaken to circulate to members of the Committee a breakdown of costs awarded against the Council following the successful appeal against the Council’s decision to refuse planning permission at the Sutton Courtenay Waste Management Site. However, he had been unable to do so but would circulate the figures within the next week.

37/14 PETITIONS AND PUBLIC ADDRESS

(Agenda No. 4)

<i>Speaker</i>	<i>Item</i>
Phillip Basil (Local Resident) Suzi Coyne (Agent for the Applicant) Councillor Charles Mathew (Local Member)) 6. Sheehens Recycled Aggregates) Plant, Dix Pit – Application No) MW.0003/14.)

38/14 CHAIRMAN'S UPDATES

(Agenda No. 5)

Councillor Bartholomew referred to recent problems regarding the notice given for site visits and suggested that an earlier indication could be given when officers circulated the draft agenda.

The Chairman confirmed that arrangements for visits were under review..

39/14 PROPOSED EXTENSION TO SITE AREA OF AGGREGATE RECYCLING FACILITY FOR PROCESSING AND STOCKPILING WASTE MATERIALS AND RECYCLED PRODUCTS AND VARIATION OF CONDITIONS 1 AND 15 OF PLANNING PERMISSION MW.0184/12 TO PROVIDE FOR REVISIONS TO THE APPROVED SITE FENCING, LANDSCAPING AND DRAINAGE SYSTEM AT . SHEEHANS RECYCLED AGGREGATES PLANT, DIX PIT, STANTON HARCOURT - APPLICATION NO.MW.0003/14.

(Agenda No. 6)

The Committee considered (PN6) an application to extend an existing aggregates recycling facility at Dix Pit, Stanton Harcourt.

Mr Periam presented the report, updated it with an addendum and responded to questions from:

Councillor Handley – given the height of the proposed bunds it was unlikely there would be a problem of water run-off into the lake or onto the bridlepath.

Councillor Greene – paragraph 5 of the report set out the detail regarding proximity of properties to the site.

He then explained the tabled photomontages and advised that the County's landscape advisers had confirmed that the proposed landscaping would not adequately screen the site. That had prompted a revised recommendation (ii) which had been set out in the addenda and below:

- (ii) *The development would not be easily assimilated into the landscape and could not be satisfactorily screened by additional landscape planting. It would have an adverse impact and so harm to the local landscape character of the area contrary to the provisions of saved policy PE18 of the Oxfordshire Minerals and Waste Local Plan 1996, saved policies NE3 and BE2 of the West Oxfordshire Local Plan 2011, paragraph 7 and Appendix B of the National Planning Policy for Waste, draft policy C8 of the Draft Oxfordshire Minerals and Waste Local Plan Core Strategy and draft policy 17 of the Draft West Oxfordshire Local Plan 2012.*

Mr Basil confirmed his family had been the nearest residents to the Dix Pit site for 15 years and so felt able to judge the negative visual, noise and traffic impacts of the site. Despite the decision to allow this site on appeal it seemed the Inspector had had some sympathy with the concerns of the County Council setting out a long list of restrictions and conditions to mitigate against operations at the site and whilst not agreeing with that decision he had accepted there was a balance to be struck between public need for facilities and their impact on the local community as demonstrated by the constraints placed on it by the Inspector. Therefore, he considered it wholly inappropriate for Sheehans to now seek to double the size of their facility and upset that balance. There would be increased visual and noise impact, additional planting was ineffective and on past performance the company were unlikely to comply with conditions against which the only positive seemed to be

for the operator by establishing a more profitable site. He urged the Committee to reject the proposal.

Mrs Coyne queried the accuracy of the report stating that the extra area involved was in fact 1.1 hectares. The current site had been accepted on appeal in the countryside as no alternative urban sites had been identified. Indeed similar operations in the county were also on greenfield sites and were encouraged by national planning policy. There was a definite need for this facility as shown by the decision of the Inspector, which had also indicated that the original reasons for refusal had not been sound. There would of course be impacts but these could be mitigated against and she tabled photomontages which demonstrated that screening would be adequate. One further positive would be that this highly sustainable development would protect land which could otherwise be used for mineral development. She urged the Committee to approve the application on reasonable grounds of sustainability and good mitigation measures and avoid the need for yet another potential appeal.

Responding to a question from Councillor Johnston she confirmed the size of the application site had been reduced from 3.3 hectares to 1.1.

Councillor Bartholomew considered it regrettable that the agent had felt it necessary to suggest that the Committee should grant the application in order to avoid an appeal.

Councillor Mathew then spoke as a local resident, Chairman of Stanton Harcourt Parish Council and local County Councillor and outlined his concern since the 2012 appeal at the unneighbourliness of Sheehans. The original application had proposed tree planting along the bridlepath, which had not been done. Lighting had been installed in positions, which contravened the original application and timings ignored consistently over the three years since the permission had been granted. The routing agreement was not respected with traffic regularly going through Sutton, which was narrow and dangerous. He was aware that the haul road, which was in the ownership of All Souls College had a clause in the original agreement which prevented it from being used in connection with future development. He supported the aims of the operation but felt the site was in the wrong place with major visibility issues, which seemed unlikely to be addressed on the basis of the photomontage evidence. He urged the Committee to refuse.

He then responded to questions from:

Councillor Hudspeth – his concerns could have been minimised had the planning conditions under the original appeal been honoured.

Councillor Bartholomew – he was not personally involved in the issue with All Souls College although he was aware that there had been some discussions but no conclusions reached.

Mr Mytton stressed that that issue with All Souls College was not a planning matter.

Responding to Councillor Handley Mr Hodgkinson confirmed that action could be taken with regard to a breach of conditions provided a period of 10 years had not expired.

Councillor Owen confirmed he had visited the site and his first instinct had been that the extension was acceptable and he had heard nothing to suggest otherwise. Conditions could be imposed to help the one resident living close by and the objection from the neighbouring angling club had been withdrawn. He accepted the site was in open countryside but in his view the application site was on a bog standard field and the development would be more acceptable there rather than a village or urban setting.

Councillor Tanner agreed with some of what Councillor Owen had said and whilst this type of operation needed to be encouraged conversely there needed to be good reasons to agree it in the open countryside and he felt that in this case they were not strong enough. The open countryside was made up of bog standard fields like this one but that was no reason to blindly accept this sort of development. He moved the officer recommendation as amended and set out in the addenda sheet.

Seconding the motion Councillor Bartholomew echoed the comments made by Councillor Tanner regarding the need for this type of operation but this was an open countryside site and the principle of protecting the open countryside was an important one. He also had concerns regarding the past record of the company.

The motion was put to the Committee and –

RESOLVED:(by 11 votes to 1) that Application MW.0003/14 (14/0142/P/CM) be refused planning permission for the following reasons:

- i) The development would be partly on a restored mineral extraction and landfill site and in the open countryside. It would neither maintain nor enhance the countryside for its own sake, would not be on a currently operational mineral extraction or landfill site and would not be on previously developed land contrary to the provisions of saved policy W4 of the Oxfordshire Minerals and Waste Local Plan 1996, saved policy NE1 of the West Oxfordshire Local Plan 2011, paragraph 4 of the National Planning Policy for Waste and draft policy W6 of the Draft Oxfordshire Minerals and Waste Local Plan Core Strategy.
- ii) The development would not be easily assimilated into the landscape and could not be satisfactorily screened by additional landscape planting. It would have an adverse impact and so harm to the local landscape character of the area contrary to the provisions of saved policy PE18 of the Oxfordshire Minerals and Waste Local Plan 1996, saved policies NE3 and BE2 of the West Oxfordshire Local Plan 2011, paragraph 7 and Appendix B of the National Planning Policy for Waste, draft policy C8 of the Draft Oxfordshire Minerals and Waste Local Plan Core Strategy and draft policy 17 of the Draft West Oxfordshire Local Plan 2012.

40/14 CONSTRUCTION OF RESIDENTIAL CHILDREN'S HOME - NEW ASSESSMENT CENTRE BUILDING AND ASSOCIATED EXTERNAL RECREATION AREAS, CAR PARKING AND NEW VEHICULAR ENTRANCE OFF THE HIGHWAY. CHANGE OF USE FROM FARMLAND TO RESIDENTIAL CARE PROVISION AT GLEBE LAND, THAME - APPLICATION NO - R3.0086/14.

(Agenda No. 7)

The Committee considered (PN7) an application for the construction of a two-story residential children's home on an area of farmland near Thame.

Also in attendance to answer questions were Jeremy Flawn – planning consultant for OCC Property & Facilities; Daniel Ruaux – Service Manager (acting) Children Education & Families and Matthew Edwards – Corporate Parenting Manager Children Education & Families

Presenting the report Mary Thompson confirmed that Thame Town Council had now withdrawn its objection.

Responding to questions from:

Councillor Handley who had raised issues of concern regarding the siting of the home and its suitability with regard to issues of integration within the community she confirmed that there was a footpath link with Thame but the home itself would function as an assessment centre and not a mainstream home.

Councillor Purse – the adjoining development was a farmhouse and the site was not in the flood plain.

Councillor Tanner – information regarding alternative sites which had been considered had been available on the Council's website and also available to view at the meeting.

Responding to Councillor Bartholomew Mr Periam confirmed that land to the east of the application site had been identified in the Thame Plan but that this site was a green field site not designated in the Thame Plan for any development.

Responding to Councillor Phillips Mr Ruaux confirmed plans for four sites to provide a good geographical spread across the county and in addition to the one at Thame permission had been obtained for a site in Didcot with a third identified for Eynsham. It was hoped to site the fourth in Witney, although that was still undergoing a viability study.

Responding to Councillor Cherry Mr Flawn confirmed parking provision on site had been agreed with the highway authority.

Councillor Tanner had some reservations regarding this development in the open countryside particularly having just refused an application for development in the open countryside elsewhere on this agenda. He recognised there was a need for these facilities but was worried that this could set a difficult precedent and felt further

efforts should be made to find a brownfield site. He moved that the application be refused on those grounds. There was no seconder and the motion fell.

Councillor Greene then moved that the recommendation as printed in the officers report be approved. Seconding the motion Councillor Bartholomew pointed out that there were differences between this application and the previous one insofar as this site was on the borders of a village and contiguous to the village.

Councillor Purse still had some concerns although they had been reduced by Thame Town Council withdrawing its objection.

The motion was put to the Committee and –

RESOLVED: (by 10 votes to 1, Councillor Purse recorded as having abstained) that planning permission for application no. R3.0086/14 be granted subject to conditions to be determined by the Deputy Director for Environment and Economy (Strategy and Infrastructure Planning) to include the matters set out in Annex 1 to the report PN7 and to the submission of a satisfactory landscaping scheme.

41/14 PROGRESS REPORT MINERALS AND WASTE SITE MONITORING & ENFORCEMENT

(Agenda No. 8)

The Committee considered (PN8) an update on the regular monitoring of minerals and waste planning permissions and progress of enforcement cases for the period 1 April 2014 to 31 October 2014.

Noted that L.C. Hughes Scrap Yard, London Road should have read Blackthorn and not Bicester as printed.

Councillor Handley drew attention to problems at the B&E Skips operation at 115 Brize Norton Road, Minster Lovell (page 69) following further recent development and activity as early as 6 am. He asked if the number of visits could be increased and whether some of those could be unannounced. Also problems were being experienced with material on the approach road to Burford Quarry (page 69)

With regard to B&E Skips Mr Hodgkinson undertook to let Councillor Handley have details in relation to the conditions imposed on the site with regard to noise and noise monitoring and confirmed that officers did from time to time make unannounced visits. He would also check the condition regarding wheel washing at Burford Quarry.

With regard to Cornbury Park (page 69) Mr Hodgkinson confirmed it was a small agricultural quarry producing a small amount of stone for specific usage and as such was visited once annually.

Councillor Bartholomew - he confirmed there would be increased monitoring of the Dix Pit site (page 69).

Councillor Johnston raised the issue of Waterstock Golf Course (Annex 2, page 75) in the context of an email he had received from the owners. They were seeking confirmation regarding the exact location of the waste and the release of previous reports allegedly prepared by officers. He also advised that the owners had alleged that neither of them had been contacted by Council representatives for several months

Mr Hodgkinson advised that this matter was being dealt with as a freedom of information request and therefore any enquiries should be directed to the Head of Legal Services.

Mr Hodgkinson then showed some photographs regarding the current position at:

- the Controlled reclamation site at Dix Pit, Stanton Harcourt where there had been evidence of significant overtipping. Enforcement action had been taken and compliance with this would be reported to Committee in due course but he confirmed that in the meantime the situation would be monitored during the compliance period of two years to try and progress the matter.
- Ferris Hill Farm – unauthorised deposit of waste.

With regard to Castle Barn Quarry (Page 79) Mr Hodgkinson confirmed that the operators had started importing waste for crushing and then export, which was outside the permitted use. He was expecting an application to extend operations to come forward to the Committee.

Responding to Councillor Phillips he explained processes involved in the routine monitoring programme, including information on how to process a complaint, which was contained on the web. Monitoring reports were available on request but not as yet via the website although it was hoped that that would be achieved in the same way as for planning applications.

The Chairman confirmed that in her experience on Liaison Committees the information had been very useful and she thanked officers for the report and congratulated them, particularly on the number of cases now shown as closed.

RESOLVED: that the Schedule of Compliance Monitoring Visits at Annex 1 and the Schedule of Enforcement Cases at Annex 2 to the report PN8 be noted.

42/14 COMMONS ACT 2006: IN THE MATTER OF AN APPLICATION TO REGISTER THE OXPENS MEADOW, OXFORD IN OXFORDSHIRE AS A TOWN OR VILLAGE GREEN

(Agenda No. 9)

The Committee considered (PN9) an application made by the St Ebbes New Development Residents Association for registration of land at Oxpens Meadow in Oxford as a new town or village green under the Commons Act 2006. The landowner had objected to the application and further submissions were then made by the parties and Counsel's opinions obtained. However, before the matter could be comprehensively investigated a compromise had been reached involving the

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application land being registered as a Jubilee Field and the parties had by agreement requested that the application be withdrawn. As the Commons Registration Authority the Council needed to determine such applications through the Planning & Regulation Committee which had delegated authority.

RESOLVED: (on a motion by Councillor Greene, seconded by Councillor Johnston and carried unanimously) to REJECT the application for registration of the Oxpens Meadow, Oxford as described in the application by Mr Colin Bridger on behalf of the St Ebbes New Development Residents' Association dated 29 September 2008 as a new town or village green pursuant to the Commons Act 2006, by consent of the Applicant and the landowner of the application land.

..... in the Chair

Date of signing