

PLANNING & REGULATION COMMITTEE

MINUTES of the meeting held on Monday, 15 April 2019 commencing at 2.00 pm and finishing at 4.15 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 Alan Thompson
Councillor Richard Webber
Councillor Damian Haywood (In place of Councillor John Sanders)

Other Members in Attendance: Councillor Ian Corkin (for Agenda Item 6)
Councillor Hannah Banfield (for Agenda Item 7)

Officers:

Whole of meeting G. Warrington and J. Crouch (Law & Governance);

Part of meeting

Agenda Item	Officer Attending
6, 7 & 8	D. Periam and Mary Hudson (Planning & Place)
6	P. Harrison (Transport Development Control)
9	J. Taplin (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.

12/19 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

(Agenda No. 1)

<i>Apology for Absence</i>	<i>Temporary Appointment</i>
Councillor John Sanders	Councillor Damien Haywood

13/19 DECLARATIONS OF INTEREST - SEE GUIDANCE NOTE OPPOSITE

(Agenda No. 2)

<i>Member</i>	<i>Item</i>	<i>Interest</i>
Councillor Judy Roberts	9. Commons Act 2006: In the Matter of an Application to Register Harcourt Hill Field, Harcourt Hill, Oxford as a Town or Village Green	Local member. She confirmed that as she had not expressed an opinion on this matter in that capacity she therefore intended to participate in any discussion or voting.

14/19 MINUTES

(Agenda No. 3)

The minutes of the meeting held on 4 March 2019 were approved and signed.

15/19 PETITIONS AND PUBLIC ADDRESS

(Agenda No. 4)

<i>Speaker</i>	<i>Item</i>
County Councillor Ian Corkin (Local Member) Martin Layer (Applicant) & Gemma Crossley (Agent))) 5. Dewars Farm – Application) MW.0102/18)

County Councillor Hannah Banfield (Local Member) Andy Shepley & Sam Lankester (for the Applicant))) 6. Tarmac Asphalt Plant –) Application MW.0117/18)
Will Pleeth (OCC) Heidi McSweeney (Headteacher) Brendan Quinn (Transport Consultant) Richard Baker (Construction Manager, Kier Construction)))) 7. Cholsey Primary School –) Application R3.0105/18))

16/19 SECTION 73 APPLICATION FOR THE CONTINUATION OF DEVELOPMENT PERMITTED UNDER 15/01660/CM (MW.0123/15) (FOR THE WINNING AND WORKING OF LIMESTONE AND CLAY AT DEWARS FARM AS AN EXTENSION TO ARDLEY QUARRY) WITHOUT COMPLYING WITH CONDITIONS 1 AND 2, TO ALLOW THE QUARRY TO CONTINUE OPERATING BEYOND 2020, TO PERMIT WORKING UNTIL 2028 AND RESTORATION BY 2029. - APPLICATION NO. MW.0102/18
 (Agenda No. 6)

The Committee considered (PN6) an application to continue winning and working of limestone and clay at Dewars Farm without complying with conditions 1 and 2 to allow the quarry to continue operating beyond 2020, to permit working until 2028 and for restoration by 2029.

Mary Hudson presented the report together with an addenda sheet setting out a number of amendments to the detail in the report but no change to the printed recommendation.

Martin Layer spoke for the applicants. Outlining a brief history of quarrying at Ardley he then explained how, due to the recession when the current operation began, demand for and sales of aggregates had slumped. The consequence of that was that the date for completion and restoration originally set for 2020 with restoration by 2021 could not be met without leaving a considerable amount of unworked reserves of limestone in the ground. This application asked for additional time to recover those reserves and supply them into the local construction market where demand was currently high and as Dewars Farm Quarry produced crushed and graded limestone aggregates which were all bulky and heavy it seemed sensible to source as much material locally. That said Smiths were acutely aware of the concerns of local communities about lorry traffic at all their sites across the County and although there hadn't been any complaints from residents about the actual quarrying operation at Dewars Farm, lorries did feature regularly on the agenda of the joint liaison meetings with Middleton Stoney and Ardley parish councils. Those concerns were particularly true for residents on the cross roads at Middleton Stoney and along the B4030. However, the B4030 east through Middleton Stoney provided a shorter and faster alternative to the M40, A41 and congestion at Junction 9. Smiths maintained that

congestion at the crossroads at Middleton Stoney and the impacts this had for the residents along the B4030 was a strategic matter which was rightly being investigated by the County Council and could not be resolved by targeting a single operator through a routeing agreement, as the village would still face all the other heavy traffic continuing to travel to and from development sites. Smiths supported a weight restriction east of Middleton Stoney on the B4030 Bicester Road that restricted all hauliers and as such had offered their support to Middleton Stoney Parish Council. However, as this application was not seeking any changes to the current permitted development other than additional time any calls for restrictions on movements would be unnecessary and unreasonable.

He then responded to questions from:

Councillor Roberts – he confirmed that figures for arriving at an end date of 2028 had been reached after setting production at 250,000 tonnes pa. That time would reduce if demand increased.

Councillor Webber – he confirmed that the recession had affected demand with sales at times below 100,000 tonnes pa. This application counterbalanced that.

Councillor Haywood – he confirmed that lorry movements were split roughly 50/50 between a north and south direction.

Councillor Sames – any restriction on Dewars Farm traffic would account for only 80 loads (160 traffic movements) with remaining traffic unaffected. A weight limit on B4030 would be more useful.

Councillor Fitzgerald-O'Connor – the standard hours of operation applied to working on site.

Councillor Ian Corkin then spoke as local member. Thanking those members who had visited he outlined the many issues which faced Middleton Stoney The crossroads were very 19th century and suffered greatly from traffic movements serving local growth and development. He then showed some pictures showing the congestion which was particularly bad early morning and late afternoon. While accepting that the Dewars Farm operation was not solely responsible for the problems facing Middleton Stoney it was a significant contributor and he asked the Committee take the issues regarding public health, air quality and the built environment seriously and reject the application. If the Committee were minded to approve then it should do so with a routeing agreement attached.

He then responded to questions from:

Councillor Phillips – in the short-term resurfacing to reduce noise and phasing of the traffic lights could help mitigate against traffic issues. In the longer term a bypass was obviously the answer but that would invariably bring extra development.

Councillor Gawrysiak – work was being done to model where traffic was coming from and going to. Limiting movements to avoid certain times such as post 10 am could help but difficult to be precise about that pending the current assessment work. Also

limiting movements could help but whatever was agreed traffic would still need to use the crossroads.

Mr Periam added that restrictions earlier in the day could lead to more movements during the day. In any event a condition to that effect couldn't be attached without first speaking to the applicants.

Councillor Fox-Davies – it would be possible to compare Dewars Farm quarry traffic against other traffic after the latest survey and monitoring.

Councillor Matelot – 160 movements had a significant impact on both the local road network and quality of life for residents adding that the 2003 application had offered a routeing agreement.

Mr Periam confirmed that that had been the case but that had been withdrawn when permission had been won on appeal. The view now of county transport officers was that a routeing agreement was not justified.

Councillor Fitzgerald-O'Connor – some properties had undertaken noise mitigation measure but with limited effect as they were very close to the road.

Responding to Councillor Johnston Mr Periam confirmed that any attempt to attach a routeing agreement now would be unlikely to pass the test of reasonableness and would be difficult to defend at appeal.

To Councillor Webber he confirmed that the Committee needed to consider the application in front of it and could not call it back for review at a future date. Regarding any proposal to limit movements to certain times of the day that would again have to be considered under the tests of reasonableness and the applicants given time to consider it. That would require a deferral and would not in any event be officer advice to Committee.

To Councillor Johnson he confirmed a deferral could also result in an appeal on grounds of non-determination and any moves to work with Cherwell DC to monitor air pollution would need representations to be made to the Cabinet Member for Environment.

Councillor Sames felt there were significant serious issues for human health and impact on residents and therefore grounds to impose a routeing agreement and weight restriction order.

Mr Periam reiterated that officer advice was that because vehicle movements were not being increased that would be unlikely to be achievable.

RESOLVED: (on a motion by Councillor Reynolds, seconded by the Chairman and carried by 12 votes to 1) that:

- (a) planning permission for Application MW.0102/18 be approved subject to conditions to be determined by the Director for Planning and Place but to include matters set out in Annex 2 to the report PN6.

- (b) the Chairman write to the Cabinet Member for Environment requesting that Oxfordshire County Council work actively with Cherwell DC to carry out effective air pollution monitoring in Middleton Stoney.

17/19 APPLICATION TO CONTINUE THE DEVELOPMENT PERMITTED BY CHN.45/90 (PERMANENT CONSENT FOR COATED ROADSTONE) WITHOUT COMPLYING WITH CONDITIONS 2, 3, 4, 5, 8, 12, 13 AND 16 (TO REMOVE HOURS OF WORKING FOR ASPHALT PLANT TO ALLOW OPERATIONS AT ANY TIME OF DAY OR NIGHT AND TO UPDATE PLANS TO RELOCATE EXISTING OFFICE, CANTEEN AND WC) - APPLICATION NO. MW.0117/18

(Agenda No. 7)

The Committee considered (PN7) a Section 73 application to amend certain conditions on an existing consent at an asphalt plant located adjacent to the railway, north of Banbury. Aggregate was imported mainly by rail and used to produce asphalt which was then exported by road. Operations currently took place from 4am until 7pm, with overnight working only permitted with the prior approval of the Minerals Planning Authority. The applicant had applied to remove this restriction so that the plant could be operated through the night on any night, without needing to seek additional consent. They had provided a noise assessment to demonstrate that this would not cause unacceptable noise impacts and had proposed an additional noise barrier. It is proposed that overnight working would take place occasionally, rather than every night. It was also proposed to relocate the existing office and associated buildings within the site. The current consent dated from 2003 and therefore there were some further conditions which were no longer relevant and which the applicant had applied to be removed.

Presenting the report along with further information on the published addenda Mary Hudson reported 2 further objections from residents. She then responded to Members' questions:

Councillor Phillips – since 2004 there had been 8 requests for extended working with the last being in 2014 although there had been one last week but that had been to facilitate the company's assessment work. It would be reasonable to expect that there would be more requests.

Councillor Johnston – complaints had been received from the south of the site.

Councillor Gawrysiak – a new routeing agreement would be required with a more restrictive route for night traffic as required by Condition 6 and as set out in paragraph 72 of the report. Overnight traffic was required to access the motorway via Hennef Way.

Mr Shepley with Sam Lankester also attending then addressed the Committee on behalf of the applicant. Tarmac was the UK's leading sustainable building materials and construction solutions business and had operated at the Banbury site for over 30 years currently employing 14 people full-time, predominantly from the local area. As the plant had expanded and the need for asphalt in the local area increased a number of variations to the plant's operating hours had been made over the years, with the last granted in 2003 to permit operation of the plant between the hours of 4am – 7pm Monday to Saturday and 8am to 5pm on Sundays. Overnight working

was permitted outside of these hours, provided that prior written agreement had first been obtained from the minerals planning authority, each time such working was required. Tarmac took their responsibility to the local community very seriously and, since 2003, their records showed there had only been a single complaint in 2018 from a local resident to operations at the plant. That had been resolved quickly and successfully by Tarmac. He pointed out that the report by county officers stated no complaints had been received by the Minerals Planning Authority regarding operations on site. However, current restrictions on the hours of operation was becoming a significant issue in delivering materials for roadworks and other projects, which were often required to take place overnight to limit disruption on the local highway network and Tarmac were seeking additional flexibility to remedy that. HGV movements would inevitably take place on nights when the plant was operational, although the number of movements were likely to be significantly smaller compared to movements during the hours currently permitted. The applicant also intended to install noise attenuation barriers within the site to mitigate night time operations and to further improve community engagement had recently launched a website for residents, along with a community phone line, that could be used to report any issues in future. The existing vegetation bank at the entrance to the site would be retained with further planting provided to replace the minor loss of tree and scrub cover that would occur as a result of the relocation of the office and welfare facilities and alterations to the site access were proposed which would help improve circulation, visibility and highway safety. The increase in night-time working would also provide additional employment as 4 night-shift workers would be required. It was important to point out that night-time working would not occur at all times of the year and the applicant was happy to agree to a planning condition restricting that. Additional conditions had also been proposed regarding noise limits and train deliveries, and Tarmac were continuing to liaise with officers on the wording of those conditions. An additional night-time noise survey was carried out last week, with the asphalt plant operating, to assist with those discussions. He commended the officer recommendation to approve.

He and Mr Lankester then responded to questions from:

Councillor Johnston – he confirmed that trains would be unloaded by grab which would be within the sound barriers.

Councillor Phillips – the company were still analysing the results from the recent night time operation.

Councillor Fox-Davies – the report stipulated 180 nights per annum with conditions monitoring train delivery and noise enabling work to stop if exceeded. Responding to a supplementary question from Councillor Gawrysiak he appreciated 180 seemed a high figure but it gave flexibility to meet demand.

Councillor Haywood – there would be no additional movements resulting from this application.

Councillor Roberts – Mr Lankester accepted that as there had only been 8 requests for overnight working over a 10-year period a proposal now to increase that to 180 nights pa represented a large increase but it would allow the plant to operate more efficiently.

Speaking as local member Councillor Hannah Banfield referred to the level of local objection to this proposal including a 230 signature petition against. There were grave

concerns regarding the removal of existing conditions 3, 4 and 5 which would impact heavily on local residents as a result of an increase in noise. Noise was a constant problem which would only increase thereby affecting the health and happiness of local residents. A noise barrier would not stop noise pollution. She referred to air pollution citing Hennef Way as the second highest polluted road outside of London and the worst in Oxfordshire. This proposal would increase traffic levels even further and she and residents asked how this was compatible with the initiatives to address air pollution and promote public health. Cherwell District Council and Banbury Town Council had objected. Tarmac had stated this was needed in order to meet orders and offer greater operating flexibility but she asked the Committee to vote with its conscience and put the interests of residents first.

She then responded to questions from:

Councillor Johnston – she indicated on the screen plan those roads affected by operations at the site.

Councillor Fox-Davies who had queried her traffic movement figures and asked whether or not residents had taken other companies to task regarding pollution she stated that the Committee needed to consider how this would affect an area already suffering from high vehicle emission levels as confirmed by Cherwell DC and Oxfordshire CC.

Councillor Sames considered comments regarding the Dewars Farm application with regard to NPPF guidelines applied equally to this application and that in his view there were reasons to reject the application on the grounds of health and loss of amenity for local residents and he so moved. Seconding the motion Councillor Gawrysiak felt the proposed 180 limit for overnight working was too excessive but if that were more restrictive then the application might be more acceptable.

Councillor Roberts agreed and felt more evidence was required to justify such an increase other than flexibility for the applicant.

Councillor Johnston agreed but felt that was not sufficient grounds to vote against and it would be difficult to justify sanctioning one company when there were other vehicles other than those associated with this particular site contributing to the problems in this area. He felt the report needed to be clearer regarding issues of air pollution.

Responding to member concerns regarding the proposed 180 night limit Mrs Hudson confirmed that had been an officer suggestion.

Councillor Haywood and others felt a 40 night time limit would be more reasonable and defensible at appeal.

Mr Periam advised that a deferral would be advisable in order to come back to a future meeting with a revised proposal and further information from the trial working carried out by the company.

On that basis Councillor Sames with the agreement of his seconder withdrew his motion.

It was then **RESOLVED**: (on a motion by the Chairman, seconded by Councillor Phillips and carried by 12 votes to 0) to defer Application MW.0117/18 to enable further discussions with the applicant regarding an acceptable maximum annual limit for night-time working and to consider the results of the recent assessment of a night-time operation undertaken by Tarmac

18/19 NEW SINGLE STOREY FOUR-CLASSROOM TEACHING BLOCK, INCLUDING WITHDRAWAL ROOM, TOILETS, STORE ROOMS, CANOPY ENTRANCE LINK TO EXISTING SCHOOL BUILDING AND MINOR MODIFICATIONS TO HARD AND SOFT LANDSCAPING AT CHOLSEY PRIMARY SCHOOL - APPLICATION NO. R3.0105/18

(Agenda No. 8)

The Committee considered a planning application for a new single storey four classroom teaching block at Cholsey Primary School to be located on an existing hardstanding to the rear of the main school building to help facilitate the expansion of the school from 1.5 form entry to 2 form entry from September 2019.

Presenting the report and addenda for the application Mrs Hudson confirmed that there had been no objections to location or design but some regarding parking arrangements at the school.

Heidi McSweeney (Headteacher) spoke in support of the application. The school had been encouraged to take more pupils and so was desperate for this additional development. Alternative parking was available for drop off times and lots of pupils walked and scooted to school. However, as some development in the village was some 20/30 minutes away which required some parents to drive she felt the school travel plan could only encourage further change.

Brendan Quinn (Transport Consultant) stated the safety record in the area was good with no recorded accidents. Some staff parking was provided on the school site with additional parking available at St Mary's church. The Travel Plan should continue to encourage alternative travel to school and with 80-90% of the local catchment within 2 kilometres impact on local network should be low.

Kerry Emberson (OCC Highways Development Control) accepted that all schools to some extent had problems at drop off and pick up times and that expansion was needed but she felt obliged to highlight that there were issues here with parking on zig zag lines and in residential areas. There was an increase in staffing numbers but no parking provision for them.

Councillor Matelot stated that as a governor of a large primary school in a cul-de-sac she was aware that all schools suffered from such problems. In this instance the walk and cycle initiatives appeared to have been successful and Cholsey school needed to expand. She moved that the application be approved. Councillor Johnston seconded the motion which was put to the Committee and –

RESOLVED: (unanimously) that subject to the applicant first providing a Unilateral Undertaking for the payment of the School Travel monitoring fee of £1240, that planning permission for R3.0105/18 be approved subject to conditions to be determined by the Director of Planning and Place, to include the following:

- i) Detailed compliance with approved plans, including drainage strategy.
- ii) Permission to be implemented within three years.

- iii) Submission, approval and implementation of a Construction Traffic Management Plan
- iv) Submission, approval and implementation of details of additional cycle parking.
- v) Submission, approval and implementation of details of formalisation of staff parking within school site.
- vi) Submission, approval and implementation of details of off-site (church car park) parking arrangements for school pick up and drop off.
- vii) Submission, approval and implementation of details of school travel plan.

19/19 COMMONS ACT 2006: IN THE MATTER OF AN APPLICATION TO REGISTER HARCOURT HILL FIELD, HARCOURT HILL, OXFORD AS A TOWN OR VILLAGE GREEN

(Agenda No. 9)

The Committee considered (PN9) an application on behalf of the Harcourt Hill Residents' Association made to the County Council as commons registration authority under Section 15 of the Commons Act 2006 to register land known as Harcourt Hill field, Harcourt Hill ("the Application Land") as a town or village green.

Mrs Taplin presented the report and outlined the history to the application. Responding to questions from members she confirmed that information regarding the status of Oxford Preservation Trust and how they held the land was not information revealed by Land registry records nor was ownership by the Trust any guarantee that public access would be available.

Councillor Roberts advised that the area was not mentioned in the Neighbourhood Plan as green space

RESOLVED: (unanimously) that having received the opinion of the Inspector set out at Annex 3 to the report PN9 to refuse the application for registration as a new town or village green of the plot of land known as Harcourt Hill Field Oxford.

..... in the Chair

Date of signing