

PLANNING & REGULATION COMMITTEE

MINUTES of the meeting held on Monday, 27 January 2020 commencing at 2.00 pm and finishing at 3.25 pm

Present:

Voting Members: Councillor Jeannette Matelot – in the Chair

Councillor Stefan Gawrysiak (Deputy Chairman)
Councillor Mrs Anda Fitzgerald-O'Connor
Councillor Pete Handley
Councillor Damian Haywood
Councillor Bob Johnston
Councillor G.A. Reynolds
Councillor Judy Roberts
Councillor John Sanders
Councillor Alan Thompson

Other Members in Attendance: Councillor Judith Heathcoat (for Agenda Item 6)

Officers:

Whole of meeting G. Warrington & D. Mytton (Law & Governance); R. Wileman, D. Periam and Mrs M.Hudson (Planning & Place)

Part of meeting

Agenda Item **Officer Attending**
6. I. Marshall (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.

1/20 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

(Agenda No. 1)

<i>Apology for Absence</i>	<i>Temporary Appointment</i>
Councillor Dan Sames Councillor Mike Fox-Davies Councillor Richard Webber	Councillor Nicholas Field-Johnson - -

2/20 DECLARATIONS OF INTEREST - SEE GUIDANCE NOTE OPPOSITE

(Agenda No. 2)

Councillor John Sanders advised that he was the local member for Item 7 (Church Cowley St James CE Primary School) but confirmed that he had not expressed an opinion on the application. Therefore, he intended taking part in the discussion and voting on the application having regard to the officer report and information presented at the meeting.

3/20 MINUTES

(Agenda No. 3)

The minutes of the meeting were approved and signed by the Chairman.

48/19 – Progress Report on Minerals and Waste Site Monitoring Enforcement

Officers confirmed that the December report had in fact set out targets for 31 March 2020. As there might have been some misunderstanding at that meeting they confirmed that those targets were now expected to be met due to a considerable effort from the enforcement team particularly in the light of the problems they had faced over the year following the death of the head of the team. Members acknowledged that confirmation.

Councillor Handley took the opportunity to apologise if comments he'd made at the December meeting in respect of this report had caused offence. He assured officers that had not been his intention.

4/20 PETITIONS AND PUBLIC ADDRESS

(Agenda No. 4)

<i>Speaker</i>	<i>Item</i>
Glen Yarwood (Little Coxwell Parish Council) County Councillor Judith Heathcoat)) 6. Faringdon Quarry)

5/20 CHAIRMAN'S UPDATES

(Agenda No. 5)

Serving of the Prohibition Order for the Review of the Mineral Planning Permission (ROMP) at Thrupp Farm and Thrupp Lane, Radley

The Agent for the operators/owners had recently submitted information regarding the site advising that matters had moved on along the lines previously discussed with details of the Heads of Terms between Curtis and Tuckwell agreed. Tuckwell advised that they would shortly re-submit the application for the conveyor and plant that would allow the Radley minerals to be taken to the Tuckwell plant site for processing. This 'first stage' was necessary as it would inform the work that was needed in preparing the Environmental Statement.

Land and Mineral Management (LMM) had been instructed to make the submission which should be before the end of February. As the Heads of Terms between the Parties needed to be confidential they could not be released but LMM had been asked to send an email confirming they had been instructed.

Regarding the Environmental Statement for the Radley conditions the Agent had advised that, allowing for updating surveys and a 12-month water monitoring period, it was expected that that would take some 12 - 18 months to prepare, which suggested a submission by Summer 2021. Allowing a reasonable time for determination and site preparation would enable the workings to recommence in late 2022 or early 2023 which fitted well with the likely completion dates for Sutton Wick. He felt that this reflected the long-standing commitment of the company to resume mineral extraction at Radley following the rundown/exhaustion of the Sutton Wick Quarry.

Officers confirmed that no further information had been received to date from the owners/operators. Work on the notice was advanced which meant that it could be served within the next 2 weeks although it could be paused until March if members wished.

On the basis of the information presented Committee confirmed that officers proceed to serve the Order in accordance with its earlier decision.

6/20 PLANNING APPLICATION UNDER SECTION 73 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) TO VARY CONDITION 2 OF THE PRIOR APPROVAL LETTER (UNDER SCHEDULE 2 OF THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 2015 (AS AMENDED), PART 17 CLASS B) FOR THE INSTALLATION AND USE OF A CONCRETE BATCHING PLANT TO PRODUCE READY-MIXED CONCRETE FOR SALE (OCC REF MW.0068/19), TO AMEND HGV MOVEMENTS FROM 22 TO 44 PER DAY - LAND AT FARINGDON QUARRY, FERNHAM ROAD, FARINGDON, OXFORDSHIRE SN7 7LG - MW.0107/19

(Agenda No. 6)

The Committee had before it a report (PN6) which considered whether permission should be granted to vary condition 2 which related to permitted HGV movements in connection with planning permission MW.0068/19, for a concrete batching plant to produce ready-mixed concrete at Faringdon Quarry. This was a section 73 application to amend a Prior Approval letter issued on 7 October 2019.

Mr Periam presented the report together with the addenda sheet setting out a revised recommendation.

Glenn Yarwood for Little Coxwell parish council spoke against the application. Having listened to the issues raised by residents at its meeting on 9 September 2019 the Planning & Regulation Committee had approved an application for installation of a concrete mixing plant but had at that time also recognised the not insignificant issues raised around noise, dust and pollution and particularly the impact of large ready mix cement trucks on the village environment together with issues around safety to and from the A420. Recognising those issues the Committee, therefore, agreed to limit movements to 22 trucks per day (11 trucks in and 11 trucks out) as the limit of acceptability. The parish council found it unacceptable that the Committee should now be asked within 4 months of that decision to consider a doubling of truck movements to 44 (22 in and 22 out). How could this change in anyway be deemed as suddenly acceptable for this site and the Committee should uphold its earlier decision irrespective of what officers were now recommending as acceptable. Overturning its earlier decision now having applied a condition of acceptability made the planning approval process a farce. The applicant would also have you believe, that this did not represent an increase in truck movements from the originally approved quarry. The truck movements that this had been based on were much smaller payloads and significantly incorporated a small volume in materials but high volume of trucks for the import of other saleable product. The approved planning application from June 2013 from the transport document had stated:

- “2.2 For the period July 2008 to the end of March 2009 the quarry imported approximately 6,587 tonnes of materials and exported approximately 20,366 tonnes of materials.
- 2.3 The imported material was carried on approximately 2,147 loads (11 per day) and the exported material was carried on approximately 2,222 loads (11 per day). The daily figures quoted were based on 194 working days.”

The applicant was, therefore, utilising the notion of truck movements to increase its business and supply much larger than previously approved volumes. The current 22 truck movements per day at today's high payloads easily matched the original volumes approved for the extraction of the quarry. Also, the original truck movements were based on the previous site access that entered the A420 at a much safer location and also had no impact on the Little Coxwell community. Therefore, the current approved concrete mixing plant with the condition of 22 truck movements per day was already a 100% increase on truck movements encountered by our community. This application represented a 200% increase now – for what – an application for a single business that was trying to increase its profits for a product that had already been shown to have sufficient capacity within the existing supply chain. How could overriding the needs of a whole community over the financial needs of one company be right? On behalf of Little Coxwell he urged that the application be rejected.

He then responded to questions from:

Councillor Field-Johnson – if this application were not approved demand for material could be met elsewhere. A balance needed to be struck against the effect on the local community.

Councillor Gawrysiak – there would be an impact on nearby facilities which included houses and stables. There were also access concerns. These issues had been reported when considering the application for the concrete works. Locally this was considered as being unnecessary and purely for financial gain.

Councillor Haywood – while the routeing agreement proposed was welcomed he fully expected lorry drivers to look for ways to short cut that route.

Councillor Heathcoat then addressed the Committee as local member. The request for prior approval of the installation and use of a concrete batching plant to produce ready-mixed concrete for sale on land at Faringdon Quarry, Fernham Road, Faringdon MW.0068/19 had been before Committee on 9 September – yet the following day, just 24 hours later a subsequent application had been made. This application doubled the amount of HGV movements from this site and thus routeing/access and safety were paramount. Much of what I said on 9 September still applied but now more so! This site stood adjacent to the A420 which ran through my Division and was also adjacent to a bridal path. Production noise could startle and frighten horses with serious consequences to riders, joggers and walkers. The A420 had a very poor reputation as recognised by the County Council in LTP4 and in "Connecting Oxfordshire" papers of 2016 and had been identified for inclusion in the Major Road Networks proposals. These issues were of great concern to me and other councillors whose divisions straddled the A420 with traffic levels which included heavy commercial, commuter, agricultural and industrial use constantly increasing as a result of the expansion of Swindon and development in the Vale district. There were numerous junctions onto the A420 and these were, of course, where most road traffic collisions occurred. The many junctions onto the A420 had a history of serious accidents with fatalities at Buckland, Little Coxwell, Littleworth and on the Faringdon stretch of this road. Local drivers now turned left out of the villages of Littleworth and Little Coxwell to join the traffic as it was too dangerous to turn right and cross

oncoming fast moving traffic. They would then do a “U” turn at the Buckland fuel station and at the Great Coxwell turn to continue their journey towards Oxford. The danger for local traffic had long been recognised by Oxfordshire County Council and a traffic light system was to be installed at Great Coxwell funded from S106 monies to make this junction safer for drivers wishing to cross the A420 traffic flow. The A420's attraction to commercial and industrial traffic was also increasing because of the rail terminal located at South Marsden near junction 15 of the M4 – just off the A419. Commercial traffic did not follow advisory notices to use the A34 to the M4 but used the A420.

Little Coxwell was effectively a “closed village” with one junction onto the A420. The exit from the Fernham Road onto the A420 had traffic moving at 60mph plus as many ignored the speed limit with the junction on the crown of a hill so traffic was unsighted, until a driver was committed to turning onto the road. Despite what was reported by officers on 9 September that the junction of Fernham Road and the A420 was deemed acceptable with sufficient splays and sightlines this was absolutely not so and the junction definitely needed to be modified. There was no filter lane provision when joining the A420. This application would introduce larger, heavier and, therefore, potentially slower moving HGV's both onto and off the existing network. There was no central reservation for pedestrians walking daily to the schools on Fernham Road on the other side of the A420. HGV's coming from the site needed to be instructed to turn right out of the Grundon site on to the Fernham Road and then to turn left in a westerly direction, onto the A420 regardless of destination and required to turn at the Watchfield Roundabout. These heavy and slow-moving HGV's should not be allowed to enter the A420 by turning right towards Oxford although I would question the ability for enforcement of such a condition. Equally, an acceleration lane was required for HGV's so that they could pick up speed before joining the flow of traffic on the A420. I would hope that members of the Committee would take on board the concerns raised by those of us living locally by a road with a poor safety history with ever increasing traffic and the serious need for the Little Coxwell junction to be improved.

Responding to Councillor Johnston Mr Mytton confirmed that it was open to the Committee to impose a condition to change the number of vehicles as long as it didn't substantially alter the proposal.

To Councillor Roberts Mr Periam confirmed that with regard to the prior approval the Committee had been limited as to what it could condition because that could only be done on amenity grounds and not highway impact. However, with the S73 application to vary conditions the Committee had a wider remit and could now consider highway aspects.

Again to Councillor Roberts who had expressed concern regarding safety on the Oxford side of the junction as a result of traffic continuing on towards Swindon and overtaking vehicles in the deceleration lane Mr Marshall confirmed that it was not considered reasonable to seek provision for an acceleration lane and that the mitigation measures proposed were considered acceptable having regard to the scale of the site.

To Councillor Fitzgerald-O'Connor he confirmed that there had been 4 recorded accidents between January 2012 and November 2019 but records of near misses were not kept. No junction was completely safe but there were visibility splays in both directions and the highway authority were limited in what it could ask for.

To Councillor Handley who had suggested a roundabout could be a safer option he advised that any roundabout provision on a high speed classified road would not be appropriate as the roundabout arms would be unbalanced and the land take would be significant. The estimated cost of such a scheme would be in the region of £100,000 to £200,000 which was not considered appropriate for this scale of operation.

Councillor Gawrysiak referring to Councillor Heathcoat's submission that lorries accessing and egressing the site were bigger and therefore needed more time to build up enquired whether a slip road was an option onto A420 going left.

Mr Marshall confirmed that visibility left and right met national standards.

Councillor Gawrysiak appreciated the concerns expressed locally but as access was being taken onto a major A road he felt the county council as planning authority could not reasonably be expected to refuse the application particularly so having regard to the advice given by officers regarding the need to consider the harm and amenity impact, that the junction met visibility requirements and was safe or as safe as any junction could be. He considered the increase from 22 movements to 44 to be a small percentage and with a routeing agreement in place could be managed effectively with any breach dealt with through enforcement action. He moved the revised recommendation as set out on the addenda sheet.

Councillor Field-Johnson, however, was not convinced about the business case put forward by the applicant and felt that current vehicle numbers should be retained, the situation monitored and then, if justified, numbers increased incrementally as required.

The motion was put to the Committee and carried by 6 votes to 3 (with 2 recorded abstentions)

RESOLVED: subject to:

- (a) a routeing agreement being signed to require all ready mix concrete HGVs to turn right onto Fernham Road and then left onto the A420,
- (b) the amendment of condition 2 of the Prior Approval (MW.0068/19) as follows:

“The number of HGVs entering and leaving the site, in connection with the mobile batching plant and all other operations at the quarry, shall be limited to 44 per day (22 movements in/ 22 movements out”;

and
- (c) an additional condition that “No heavy goods vehicles under the control of the operator shall turn right on to the A420 from Fernham Road”

that application no. MW.0107/19 be approved along with any necessary minor changes to the wording of the conditions to ensure they were precise and enforceable.

7/20 PROPOSED RETENTION AND CONTINUED USE OF PREFABRICATED UNITS T1 AND T3 FOR A FURTHER TEMPORARY PERIOD OF FIVE YEARS - CHURCH COWLEY ST JAMES CE PRIMARY SCHOOL, BARTHOLOMEW ROAD, COWLEY, OXFORD - R3.0105/19

(Agenda No. 7)

The Committee considered a report (PN7) on whether permission should be given to allow for the retention and continued re-use of temporary, prefabricated units T1 and T3 at Church Cowley St James CE Primary School, Oxford for a further period of five years. This was a renewal of temporary permission for the buildings last granted on 17 December 2012.

Presenting the report together with additional information set out in the addenda Mrs Hudson confirmed that the buildings had been surveyed to confirm safety.

Members recognised the desirability for provision of permanent buildings at schools but with financial constraints temporary accommodation was unfortunately needed.

RESOLVED: (on a motion by Councillor Haywood, seconded by Councillor Sanders and carried unanimously) that Application R3.0105/19 be approved subject to conditions to be determined by the Director of Planning and Place, to include the following:

- i. Detailed compliance;
- ii. Temporary 5 year consent.

8/20 COMMONS ACT 2006: IN THE MATTER OF AN APPLICATION TO REGISTER LAND AT WILDING PARK ROAD, WALLINGFORD AS A TOWN OR VILLAGE GREEN

(Agenda No. 8)

The Committee considered a report (PN8) setting out the terms of an application to register land at Wilding Park Road, Wallingford as a Town or Village Green (TVG) under section 15 of the Commons Act 2006 which the County Council through its Planning & regulation Committee were required to process as Commons Registration Authority having applied the legislative tests contained in the Commons Act.

Mr Smith presented the report summarising the reasons put forward by Counsel in reaching a decision to reject the application and advised that the local member, Councillor Pete Sudbury had expressed disappointment that parties were not working together to protect this green space.

PN3

Having regard to the clear legal evidence Councillor Reynolds moved that the recommendation as set out in the officer's report be approved. Seconded by Councillor Johnston it was put to the Committee and –

RESOLVED: (10 votes to 0 with one recorded abstention) to reject the Application to register land at Wilding Park Road, Wallingford as a Town or Village Green, for the reasons outlined in Counsel's Opinion dated 29 November 2019 and included at Annex 3 to the report PN8.

..... in the Chair

Date of signing