

## PLANNING & REGULATION COMMITTEE

**MINUTES** of the meeting held on Monday, 14 September 2009 commencing at 2.00 pm and finishing at Time Not Specified

### **Present:**

**Voting Members:** Councillor Steve Hayward – in the Chair

Councillor Mrs Catherine Fulljames (Deputy Chairman)  
Councillor Alan Armitage  
Councillor Mrs Anda Fitzgerald-O'Connor  
Councillor Tim Hallchurch MBE  
Councillor Jenny Hannaby  
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  
Councillor Tony Crabbe

### **Officers:**

Whole of meeting:

S. Whitehead and R Goodlad (Corporate Core) and R. Dance (Environment & Economy)

Part of meeting:

#### **Agenda Item**

6, and 7

#### **Officer Attending**

Taufiq Islam and John Hamilton (Environment & Economy)

8.

Mary Thompson and John Hamilton (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 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.*

### **43/09 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS**

(Agenda No. 1)

Apologies for absence and temporary appointments were received as follows:

**Apology from**

Councillor Ray Jelf

**Temporary Appointment**

Councillor Tony Crabbe

**44/09 DECLARATIONS OF INTEREST - SEE GUIDANCE NOTE OPPOSITE**

(Agenda No. 2)

| <b>Item</b>   | <b>Councillor</b> | <b>Interest</b>   |
|---|-------------------|---|
| 5. Dean Pit Waste recycling Centre, Chadlington. Application R3.0125/09 | Tanner            | Personal. Chairman of the Oxfordshire Waste Partnership. He advised that he had not expressed an opinion on the application and therefore intended to participate in discussion and voting thereon.                         |
|   | Hannaby           | Personal. District Council representative on the Oxfordshire Waste partnership. She advised that he had not expressed an opinion on the application and therefore intended to participate in discussion and voting thereon. |
|   | Seale             | Personal. West Oxfordshire Conservative Association. He advised that he had not expressed an opinion on the application and therefore intended to participate in discussion and voting thereon.                             |
| 6. Dixpit, Stanton Harcourt. Application 09/0330/P/CM                   | Tanner            | Personal. Chairman of the Oxfordshire Waste Partnership. He advised that he had not expressed an opinion on the application and therefore intended to participate in discussion and voting thereon.                         |
|   | Hannaby           | Personal. District Council representative on the Oxfordshire  |

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|  |                         | Waste partnership. She advised that he had not expressed an opinion on the application and therefore intended to participate in discussion and voting thereon.  |
| 7. Worton Farm, Yarnton. Application 09/00585/CM | Tanner                  | Personal. Chairman of the Oxfordshire Waste Partnership. He advised that he had not expressed an opinion on the application and therefore intended to participate in discussion and voting thereon.                         |
|  | Hannaby                 | Personal. District Council representative on the Oxfordshire Waste partnership. She advised that he had not expressed an opinion on the application and therefore intended to participate in discussion and voting thereon. |
|  | Mrs Catherine Fulljames | Personal. Member of Cherwell District Council Planning Committee. She advised that he had not expressed an opinion on the application and therefore intended to participate in discussion and voting thereon.               |
|  | Hallchurch              | Personal. Alternate member of Cherwell District Council Planning Committee. He advised that he had not expressed an opinion on the application and therefore intended to participate in discussion and voting thereon.      |
|  | Reynolds                | Personal. Member of Cherwell District Council Planning Committee. He advised that he had not  |

|  |             |   |
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|  |             | expressed an opinion on the application and therefore intended to participate in discussion and voting thereon.   |
| 8. Upper Farm, Warborough. Application PO9/W0076-CM                | Tanner      | Personal. Chairman of the Oxfordshire Waste Partnership. He advised that he had not expressed an opinion on the application and therefore intended to participate in discussion and voting thereon.                         |
|  | Hannaby     | Personal. District Council representative on the Oxfordshire Waste partnership. She advised that he had not expressed an opinion on the application and therefore intended to participate in discussion and voting thereon. |
| 10. Commons Act 2006, Gillotts Field, Greys Road, Henley-on-Thames | Nimmo-Smith | Personal. Member of Henley Town Council. He advised that he had not expressed an opinion on the application and therefore intended to participate in discussion and voting thereon  |

**45/09 MINUTES**

(Agenda No. 3)

The Minutes of the meeting of the Committee held on 21 July 2009 were approved and signed, subject to the following correction:

Minute 38/09 – Delete ‘?’ from before the word ‘site’ on the middle of page 7.

**46/09 PETITIONS AND PUBLIC ADDRESS**

(Agenda No. 4)

The following requests to address the meeting had been agreed:-

**Request from**

**Agenda Item**

Adrian Tremlett

)

|  |                                       |
|--|---------------------------------------|
| Lord Chadlington                               | ) 5. Dean Pit Recycling Centre        |
| Suzi Coyne                                     | 6. Dix Pit, Stanton Harcourt          |
| Suzi Coyne                                     | 7. Worton Farm, Yarnton               |
| John Nagle                                     | )                                     |
| Nigel Moor & Andrew Brittain<br>(Applicants)   | ) 8. Upper Farm, Warborough<br>)      |
| Owen Edwards                                   | )                                     |
| Representative from Highway<br>Authority (tbc) | ) 9. Witney Meadows Country Park<br>) |

**47/09 EXTENSION OF TEMPORARY CONSENT FOR CONTINUED USE OF SITE AS A WASTE RECYCLING CENTRE UNTIL 30 SEPTEMBER 2014 AT DEAN PIT WASTE RECYCLING CENTRE, GROVE LANE, CHADLINGTON - APPLICATION R3.0125/09 -**  
(Agenda No. 5)

The Committee was advised that although as part of the process officers had taken the views of consultees, put up site notices and sought the views of neighbours, they had recently realised that the application had not been advertised as required in the local press. The Committee was advised to defer consideration to allow due process and the opportunity for comment following advertisement in the local press.

**RESOLVED:** to defer consideration of the application in the light of the requirement to advertise the application in the local paper.

**48/09 COMMONS ACT 2006: IN THE MATTER OF AN APPLICATION TO REGISTER THE WITNEY MEADOWS COUNTRY PARK, FARM MILL LANE, WITNEY AS A TOWN OR VILLAGE GREEN**  
(Agenda No. 9)

At this point it was agreed to vary the order of the agenda as it was being proposed to defer the following item.

The Committee were advised that the County Solicitor had advised that as a late objection to this application had been received from the Highway Authority consideration should be deferred in order to allow the detail of that objection to be considered.

The Committee were asked to consider whether or not to proceed in the light of that advice.

Mr Edwards, as the applicant, expressed the view that the objections were extremely late and queried whether delay to the Cogges Link road was a material consideration. The Committee was advised that reference to Cogges

Link road was background to the submission and that there were substantive issues to be considered.

It was noted that Mr Edwards had spoken only on the advice to defer and not in respect of the application.

**RESOLVED:** to defer consideration in order to allow consideration of the detail of a late objection from the Highway Authority.

The Chairman gave his apologies for the late deferral of the above items and for any inconvenience to those who had attended.

**49/09 INSTALLATION AND USE OF PROCESSING PLANT FOR MAKING RECYCLED AGGREGATE FROM CONSTRUCTION AND DEMOLITION WASTE, DIXPIT, STANTON HARCOURT. APPLICATION NO - 09/0330/P/CM**  
(Agenda No. 6)

The Committee considered (PN6) an application for the installation and use of a processing plant for making recycled aggregate from construction and demolition waste, at Dixpit, Stanton Harcourt.

Suzi Coyne on behalf of the applicant, spoke in support of the application and suggested that the Committee hold a site visit.

She responded to questions from:

Councillor Tanner – The applicant had considered all sites put forward in the Site Allocation Document but none were suitable. In addition the applicant had contacted land agents and no sites had come forward.

Councillor Hayward – The applicant had offered a routing agreement not to go through Sutton at peak times. Oxford trips would be scheduled around the routing agreement to avoid additional transport mileage. Mr Hamilton confirmed that the highway authority had no objections but had said that there should be a limit on vehicles. In policy terms the plant should be sited as close as possible to the source of waste and the market for goods produced.

Mr Hamilton advised the Committee of late submissions which were attached to the addenda.

Councillor Tanner spoke in support of the application feeling that it would be difficult to find a better site and that the message sent by the recommendation was that such sites were not wanted in Oxfordshire. It was pointed out by Councillor Armitage that other recommendations indicated otherwise.

**RESOLVED:** (on a motion by Councillor Mrs Catherine Fulljames, seconded by Councillor Armitage and carried 12 votes to 2) that

planning permission for application 09/0330/P/CM be refused for the following reasons:

1. The proposed development is contrary to OMWLP policy W4 because the site is no longer a mineral extraction/landfill site it having been restored and there is no established overriding need for the development at present in this open countryside location, and
2. In the absence of a satisfactory routeing agreement the proposed development is contrary to OMWLP policy SH2. Even if such an agreement were in place, no support for the proposal would be given by OMWLP policy W3 due to non-compliance with W3 (a) & (b) in that the routeing of vehicles via A415 at peak times of the day would place the site at an even greater distance from the main source and market of waste and recycled materials and the number and length of motorised journeys would not be minimised during the whole of the working day.

**50/09 EXTENSION TO WASTE RECYCLING SHED, ERECTION OF PORTACABINS AND SECURE STORE, DEMOLITION OF EXISTING WORKSHOP AND CONSTRUCTION OF NEW WORKSHOP WITH OFFICE AND EMPLOYEE WELFARE SPACE, ALTERATION OF BUNDING TO CREATE CAR PARKING AREA, AND CONTINUE USE OF LAND FOR SORTING, RECYCLING AND TRANSFER WASTE WITHOUT COMPLYING CONDITION 1 OF CHS 498/93 & 1138/93, CONDITION 3 OF 107/95 & 95/01245/CM, CONDITION 3 OF 95/01636/CM AND CONDITION 2 OF 06/01491/CM. APPLICATION NO - 09/00585/CM AT WORTON FARM, YARN**  
(Agenda No. 7)

The Committee considered (PN7) a planning application for a permanent waste recycling facility at Worton Farm, Yarnton.

Suzi Coyne, on behalf of the applicant, spoke in support of the application and expressed her pleasure that it was recommended for approval.

The Committee was advised that condition 9 set out in the report should be dealt with as an informative and that in condition 11 the words 'scrap sorting machine' should be replaced with 'the new processing plant'.

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**RESOLVED:** (on a motion by Councillor Hannaby, seconded by Councillor Tanner and carried by 15 votes to 0)

that subject to a legal agreement to secure a contribution of £15000 towards the provision of a pedestrian/cycle route that planning permission for application 09/00585/CM be approved subject to conditions to be determined by the Head of the Sustainable Development dealing with matters including those set out below.

Conditions to include:

1. Detailed compliance condition
2. Commencement date – with 3 years
3. Standard operating hours to be agreed
4. Existing vegetation to be retained and protected
5. Tree planting and boundary fencing scheme to be submitted and agreed.
6. Bund specifications (including height, angles and maintenance requirements) to be submitted and agreed.
7. Effective silencers on vehicles, plant and equipment to be implemented
8. External building materials to be agreed
9. Sweeping of access road and adjacent site to be carried out at regular intervals as required.
10. Noise control scheme for the new processing plant to be submitted and agreed before development commences
11. Site investigation scheme to deal with possible contamination to be submitted and agreed before development commences
12. A verification report relating to a remediation strategy and effectiveness of any remediation required in relation to any demolition and construction works that take place to be submitted, agreed and implemented.
13. Existing portacabins (two) used as staff canteen facilities to be removed once new workshop building is built and brought into use and other remains portacabins to be allowed for temporary period only.

Informatives:

If archaeological finds do occur during development the applicant is asked to notify the County Archaeologist in order that he may make a site visit or otherwise advice as necessary.

Site signage on A40 to be kept to a minimum

**51/09 APPLICATION FOR AN ANAEROBIC DIGESTION BIOGAS PLANT COMPOSING OF A SERVICE BUILDING, A TECHNICAL BUILDING AND FOUR TANKS PLUS HARDSTANDING AND CAR PARKING AREA TOGETHER WITH IMPROVEMENTS TO THE EXISTING SITE ACCESS FORMED BETWEEN THE A329 AND PAIN WAY, UPPER FARM, WARBOROUGH - APPLICATION PO9/W0076-CM**

(Agenda No. 8)

The Committee considered (PN8) an application for an anaerobic digestion biogas plant at an existing pig farm on the outskirts of Warborough.

John Nagle, spoke against the application on the grounds that there were insufficient justification for building in a rural location. He felt that the application was dismissive of safety and nuisance implications and that the arguments put forward did not provide special evidence. In referring to the amount of waste to be diverted from land fill he stated that pig slurry did not go to land fill. He raised concerns about congestion and traffic issues in the local area.

Mr Nagle responded to a question from Councillor Mrs Catherine Fulljames and confirmed that the position of the schools would mean that lorries would have to pass by.

Nigel Moor and Andrew Brittain, as the applicants, spoke in support of the application. They referred to the report in front of members and stated that the application was supported by Parish Councils. They referred to the latest policy advice and explained that food waste had to be mixed with other forms of waste for the process to work. The siting of the plant minimised transport as the pig slurry was close by and the by products would be used on the farm.

Mr Brittain and Mr Moor responded to questions from:

Councillor Hallchurch – The scheme was designed around the amount of pig slurry available.

Councillor Owen – If the production of pig farming were to be cease (due to disease or other cause) then this would stop the project but it was their commercial judgement that pig farming would continue.

Councillor Armitage – All of the heat produced would be used either for the pigs but also to dry grain.

Councillor Mrs Catherine Fulljames – With regard to odour the farm would continue as it was now and the process reduced the smell when the by product was being used on the land.

Mary Thompson responding to queries from the Councillors explained how access was to be controlled.

Councillor Lindsay-Gale as a local member supported the conclusions of officers. However she noted that the site lay at the join of several parishes and she had learnt that some had not been consulted. She asked that great care be taken in future where sites covered more than one area. Councillor Hallchurch added that a similar problem sometimes occurred with cross County boundary applications.

Responding to a request for assurances that with 24 hour working there would be robust noise limitation controls put in place, Mary Thompson stated that the generator working 24 hours per day was in an insulated pod within the building. The lorries were not working 24 hours per day.

The Committee asked that the reference to a suitable minimum tonnage of waste be tightened up in order to reflect what was considered a suitable amount.

**RESOLVED:** (on a motion by Councillor Armitage, seconded by Councillor Mrs Catherine Fulljames and carried 14 votes to 0) that:

- (a) subject to a legal agreement, to ensure that a suitable minimum tonnage of waste (that was to be specified) used in the plant is pig slurry from the adjacent pig unit the Head of Sustainable Development be authorised to grant planning permission for application P09/W0076/CM subject to conditions to be determined by the Head of Sustainable Development but to cover matters included in Annex 2 to the report PN8;
- (b) the Head of Sustainable Development be authorised to refuse the application if the legal agreement referred to in (a) above is not completed within 10 weeks of the date of this meeting on the grounds that it would not comply with PPG2 and SEP CO4 (in that there would not be very special circumstances for this development to be located in the Green Belt.)

**52/09 COMMONS ACT 2006: IN THE MATTER OF AN APPLICATION TO REGISTER THE GILLOTTS FIELD, GRAYS ROAD, HENLEY-ON-THAMES IN OXFORDSHIRE AS A TOWN OR VILLAGE GREEN**  
(Agenda No. 10)

The Committee considered (PN10) an application under the Commons Act 2006 in relation to an application to register Gillotts Field, Greys Road, Henley-on-Thames as a Town or Village Green.

The Committee noted that reference in the report and agenda to 'Grays Road' should read 'Greys Road' and that the recommendation be changed to reflect that the applicant was Michael William Kennedy.

In response to a question from Councillor Tanner the Committee was advised that once registered it was a town or village green in perpetuity for as long as

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the land was registered. There was a procedure to remove registration but that was not an easy process.

**RESOLVED:** (on a motion by Councillor Hallchurch, seconded by Councillor tanner and carried by 15 votes to 0) to approve the application for registration as a new town or village green pursuant to the Commons Act 2006 of the Gillotts Field, Greys Road, Henley-On-Thames in Oxfordshire as described in the application by Mr Michael William Kennedy on behalf of the Henley Town Council dated 29 May 2009 pursuant to section 15(8) Commons Act 2006.

..... in the Chair

Date of signing ..... 2009