

## PLANNING & REGULATION COMMITTEE

**MINUTES** of the meeting held on Monday, 19 October 2009 commencing at 10.00 am and finishing at 5.15 pm

### **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 Jenny Hannaby  
Councillor Ray Jelf  
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 Dr Peter Skolar (In place of Councillor Tim Hallchurch MBE)  
Councillor John Tanner

### **Officers:**

Whole of meeting R. Hanson (Corporate Core); C. Cousins, R. Dance, J. Duncalfe, J. Hamilton, A Divall, M. Thompson and (Environment & Economy)

Part of meeting S. Whitehead and G. Warrington (Corporate Core)

*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.*

**53/09 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS**

(Agenda No. 1)

Apologies for absence and temporary appointments were received as follows:

Apology from	Temporary Appointment
Councillor Timothy Hallchurch, MBE	Councillor Peter Skolar

**54/09 DECLARATIONS OF INTEREST - SEE GUIDANCE NOTE OPPOSITE**

(Agenda No. 2)

<b>Item</b>	<b>Councillor</b>	<b>Interest</b>
5. Planning Applications For Energy From Waste Incinerators - Covering Report	Hannaby	Personal. Member of Vale of White Horse District Council Planning Committee and as a member of the Oxfordshire Waste Partnership (OWP). She advised that she had not expressed an opinion on the application and therefore intended to participate in discussion and voting thereon.
	Mrs Catherine Fulljames	Personal and prejudicial. Member of Cherwell District Council but had taken no part in the planning decision. However she had accepted on the advice of legal officers that she had a personal and prejudicial interest by reason of proximity. She left the meeting during discussion of this item and took no part in the discussion or voting thereon.
	Reynolds	Personal. Member of Cherwell District Council, with portfolio

		responsibility for rubbish and OWP member. He advised that he had not expressed an opinion on the application and therefore intended to participate in discussion and voting thereon.
6. Dean Pit Waste recycling Centre, Chadlington. Application R3.0125/09	Seale	Personal. Local member and in respect of West Oxfordshire Conservative Association.
	Hayward	Personal. In respect of West Oxfordshire Conservative Association.
7. Site at East Quarry, Duns Tew - Application 09/01105/CM (Cherwell) and 09/0996/P/CM (West Oxfordshire)	Catherine Mrs Fulljames	Personal. Member of Cherwell District Council.
8. Clanfield CE Primary School, Main Street, Clanfield, Bampton, Oxfordshire OX18 2SP - Application R3.0109/09	Seale	Personal. Local member.
9. Bampton CofE Primary School, Bowling Green Close, Bampton - Application R3.0179/09	Seale	Personal. Local member.

**55/09 MINUTES**

(Agenda No. 3)

The Minutes of the meeting of the Committee held on 14 September 2009 were approved and signed,

**56/09 PETITIONS AND PUBLIC ADDRESS**

(Agenda No. 4)

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

Name	Item
Mark Stevenson	5. Covering Report
Professor Stephan Jefferis	)
John O'Neill	)
Brian Wilson	)
C R J Anstey	)
<i>Bucknell Parish Council (3)</i>	)
Mark Gammond	)
Hazel Watt	) 5(a) – Energy from Waste,
John Kightley	) Ardley
Patrick Woodrow	)
<i>Middleton Stoney PC (1)</i>	)
Mrs Catherine Allmond	)
<i>Ardley with Fewcott PC (3)</i>	)
Brian Steventon	)
Chris Thornton	)
Ian Corkin	)
Terry Joslin	)
Chris Herbert, Agent Viridor	)
County Councillor Norman Bolster	)
(Bicester	)
Roger Rance (Petition)	)
Angela Jones	)
Robin Draper	)
Edmund Rowley-Williams	)
David Mckenzie	) 5(b) – Energy from Waste,
Dr Nick Hards	)Sutton Courtenay
Dominic Jarman	)
Sue Dorrington	)
<i>Culham PC (1)</i>	)
Paul Gibbs	)
<i>Sutton Courtenay PC (2)</i>	)
David Hignell	)
Dr Rita Atkinson	)
County Councillor Stewart Lilly (Sutton	)
Courtenay & Harwell)	)
Adrian Tremlett – Chadlington PC	) 6. Dean Pit, Chadlington
Lord Chadlington	)
Simon Turner	)
Bryn Torrington	)
John Keeling	) 8. Clanfield CE Primary School
James Fitzpatrick	)
Jill Kewley	)
Mike Freeman	)

Jane Brown

**57/09 PLANNING APPLICATIONS FOR ENERGY FROM WASTE INCINERATORS - COVERING REPORT**

(Agenda No. 5)

The Chairman advised that all of the speakers for Item 5 would be taken at this point.

**Covering report**

Mark Stevenson, warned that in the absence of a framework the Council was in danger of making a decision prematurely. He drew attention to PPS10 and to the increasing levels of recycling.

**(a) Ardley Landfill Site, Ardley Fields farm, Ardley – Application 08/02472/CM**

Professor Stephan Jefferis spoke against the application expressing the view that there were flaws both in the technology and the process. He felt that it was the wrong technology, on the wrong scale in the wrong place. There was no use of heat at Ardley. He alleged that large incinerators were no longer being built in the US and that it would not promote recycling. The proposed plant was grossly oversized for the expected waste levels. He suggested that should it go ahead then a smaller facility was better and that there be no weekend traffic and restricted daytime hours on week days.

John O'Neill played a video to members setting out local opposition to the application on the grounds of increased traffic, increased emissions, a detrimental effect on the village, increased risk for children from the traffic and uncertainty over health implications. He added that the Committee had a responsibility to the electorate where 19 parishes were not in favour. Councillor Seale asked that members receive a list of the speakers included on the video.

Brian Wilson referred to the statement that he had submitted that listed concerns over the application. He emphasised the traffic concerns and that recycling rates were increasing reducing the amount of residual waste.

C. Anstey spoke against the application referred to the impact of emissions from the plant on farms and local residents. He felt that the testing would be inadequate and that not enough was known to rule out health risks.

Mark Gammond, Hazel Watt and John Kightley spoke on behalf of Bucknell Parish Council expressing strong objections on the grounds that it was an industrial building that would dominate the countryside; the decision would be premature as the Mineral & Waste Framework was not in place; the site was not satisfactory and it was negligent to choose a site that could not make use of the heat generated; there would be extra traffic miles and

emissions with the implication of the import of waste into the County; there was a great deal of feeling against the application and public concern should be considered as a material consideration; the concern was supported by Cherwell District Council and Parish Councils.

Patrick Woodrow, spoke on behalf of Middleton Stoney Parish Council, referring to the impact on air quality. He referred to the importance of the decision to be taken and asked members to think of the legacy that they would be leaving.

Mrs Catherine Allmond, objected strongly to the application. She felt the greatest concern was the transport implications, particularly for the B430. This was the only access road and she disputed the traffic figures set out in the report feeling that the Committee should be asking why an environmental impact report for traffic was not made available to them.

Ian Corkin, spoke on behalf of Ardley with Fewcott Parish Council, feeling that the decision was premature; that there had been a non-compliant site selection process as the company did not meet all requirements and that there were concerns over emissions and concern that the environmental assessment was inadequate particularly in terms of traffic and air quality.

Terry Joslin spoke in support of the application referring to the support of waste authorities for the technology and its widespread use across Europe. He referred to the very small levels of particulates. He also noted that other technologies could not deal with card, paper and plastic. He commented on the Scrutiny report that had been produced and that he had visited plants and that his conclusions were based on research.

Robert Ryan, on behalf of Viridor stated that they were confident of delivering an effective reliable energy from waste facility that would give a long term alternative. The company would be investing in the site to give a technologically advanced and future proofed solution. They were committed to the green economy and the facility would produce local jobs. They had sought to engage with local people and feedback had resulted in changes to the scheme. He pointed out that there had been no objections from any statutory bodies.

Responding to questions from members of the Committee, Mr Ryan stated that he did not believe that a biological or smaller facility would satisfy requirements over time. He was confident that there would inevitably be enough burnable waste. He confirmed the figures in Paragraph 48. He disputed comments in letters that the company was not competent and not using a most safe and proven technology. The site near Basingstoke had been built by the same contractors that would be used here. The footprint of the building had been used to reduce the height of the building. The height of the chimney was the result of detailed modelling. The committee was advised that the full traffic implications had been assessed using independent data, verified by the Highways Authority. This was set out for consideration in the report. Mr Ryan clarified the electricity generation from

the facility that would be used by the national grid. There would be significant heat generation but currently it would not be used.

Councillor Norman Bolster, spoke on behalf of local member Councillor Charles Shouler who was ill. He referred to the increased traffic on the B430. He felt that members of the public would perceive that the Committee was in a prejudiced position. The location was against PPS10 and if the Committee were minded to approve should insist on a 50mph limit between villages. The hours should be restricted to 8.00 am rather than 7.00 am and should not include Saturday afternoons.

Councillor Mrs Catherine Fulljames spoke against the application referring to the level of local opposition. She drew attention to the comments from Cherwell District Council and the Parish Councils. She asked members to consider the impact of the proposals on near by villages who would suffer large lorries passing through. Councillor Mrs Catherine Fulljames then left the meeting and took no part in the discussion or voting thereon.

#### **(b) Sutton Courtenay Recovery Park**

Roger Rance spoke against the application stating that the incinerator was not popular. He asked that the County Council look at other options. He did not believe that waste from other Counties should be brought into Oxfordshire. He submitted a petition against the application.

Angela Jones spoke against the application on the grounds that it was in contravention of regional plans. She felt that it needed to be considered alongside the zero waste initiatives and expressed concern about hazardous waste landfill. The proposals needed more scrutiny against the mineral waste framework and she was concerned at the proximity of the hazardous waste to the flood plain.

Robin Draper spoke against the application. He believed that neither America nor France was building new incinerators. He felt that the application was incomplete and that it was based on a brown field site when in fact the site was green field for planning purposes. The number of conditions set out in the report should give rise to some doubts. He felt the application was materially incomplete, for example, around flooding issues.

Edmund Rowley-Williams referred to the environmental impact of the application and stated that in his view screening was insufficient. In the longer term one power station was to be demolished.

David McKenzie explained his background as a chemical engineer. He believed that there were substantial grounds for rejection. Local people had long experience of pollution from power stations and landfill and 17,000 had signed petitions. There were a large number of objections on health grounds. He referred to judicial precedent to refuse on the need for greater detail. He was aware that a large number of cities were adopting alternative technologies.

Dr Nick Hards raised traffic concerns particularly when the application was considered along side other developments such as housing. He felt that there was a risk of contaminating the River Thames. The environmental statement showed that the application was not ready.

Dominic Jarman referred to the local nature area 'The Clumps' from where the tower would be visible. He believed that the application was against policies NE9, NE10 and NE11.

Sue Dorrington, expressed her concern at the cumulative effect of various facilities which she felt that not been thoroughly researched. Fine particulates could affect children and there was already a high incidence of bronchial infections. Local farmers and allotment holders were worried. Ash was already found on clothes and surfaces. Her village had flooded badly in the past and toxic flooding was a real concern. She was also concerned at the company's safety record. There was a lack of transparency about land fill extensions. She referred to the effect that the application was having on her and her neighbours who were finding it stressful and depressing.

Paul Gibbs, spoke against the application on behalf of Culham Parish Council. In particular he referred to the size of the development; the public perception of environmental and health risks; the cumulative effect of the various facilities and a continuing need was uncertain. He suggested that the hazardous waste element should be dealt with as a separate application.

David Hignell referred to his statement that members had received. He expressed concern at the officer's report, noting that there was little reference to the consultants report provided to the Council. He felt that the report dismissed the concerns about a massive development on a green field site and queried why if there were no health concerns there was such a tall chimney.

Dr Rita Atkinson referred to the work commissioned by the parish council and felt that the response in the addenda was insufficient. She felt that the decision was premature when detailed questions from the Environment Agency remained unanswered.

Councillor Stewart Lilly, spoke as a local member, expressing the concerns of local residents of Appleford. He referred to the differences between Cherwell District Council and Oxfordshire County Council planning policies with Cherwell DC refusing applications on the basis of out of scale. He referred to his experience in planning matters and raised highway issues. He queried the reliability of the technology, referring to technical problems faced by a site he had visited where machinery was not fixed in 18 months. He raised environmental problems faced by an adjacent site to the one he visited and referred to comments of local councillors there who had been dissatisfied with their decision to go ahead. He referred to other incinerators he had visited and felt that even the cleanest had environmental problems.

At 12.10 pm the Chairman proposed and it was agreed to adjourn the meeting for a short break. The meeting reconvened at 12.20 pm.

The Committee noted a report (PN5) setting out some common background between the two planning applications, set out in reports 5(a) and 5(b) for energy from waste incinerators by Viridor at Ardley and by Waste Recycling Group at Sutton Courtenay in terms of the reasons why the applications had been submitted now, the drivers behind the need to divert residual waste from landfill, the planning policy context and in terms of the regulatory process involved.

Responding to questions from Members Chris Cousins advised:

- 1) That the waste projections envisaged a very significant increase in recycling rates. Referring to the levels obtained in South Oxfordshire and the impact should their success be reflected across the County he referred to the high levels of recycling sustained in other European countries where incinerators were in use
- 2) He confirmed that Didcot A power station was due to close in 2015 and that currently there were no intention from the owners to build a nuclear power station there.
- 3) He clarified the position in respect of the consideration by the Committee of aspects affecting human health. He outlined the role of the Environment Agency who were a consultee on the planning application and would give detailed consideration to health matters through the environment permit. Their view was that a modern, well regulated incinerator posed no health threat. They were modelling the cumulative effect at Didcot.
- 4) He confirmed that there were sound policies in place including the South east Plan and local plans.

**(a) The Construction and Operation of an Energy from Waste (EfW) Facility together with Associated Office, Visitor Centre and Bottom Ash Recycling Facilities, New Access Road and Weighbridge Facilities and the Continuation of Non Hazardous Landfill Operations and Landfill Gas Utilisation with Consequent Amendments to the Phasing and Final Restoration Landform of the Landfill, Surface water Attenuation Features and Improvements to the Existing Household Recycling Facility at Ardley Landfill Site, Ardley Fields farm, Ardley – Application 08/02472/CM**

The Committee considered (PN5a) which related to the application for an Energy from Waste Facility at Ardley Landfill Site, Ardley Fields Farm, Ardley.

John Duncalfe drew attention to the information contained in the addenda and added that a further 17 letters/emails had been received since its preparation. One new point arising from those additional comments was that local residents were seeking advice as to whether house prices would be affected by the proposal particularly given public perception of health

concerns. The Committee were advised that house prices were not a material consideration.

Responding to questions from Members, Mr Duncalfe noted that the building had been placed on the quarry floor and to sink it lower could affect the aquifers. Appropriate conditions would prevent the use of Junction 9 in the event of problems on the M40. A weight restriction was not possible. The plant was not dependent on lorries keeping to a regular schedule as there would be a storage facility that would provide waste in the event of a hold up in the flow of lorries. The storage bins would be within the building. An appropriate transport assessment had been carried out.

The Highways Officer responding to questions about further measures that could be undertaken such as speed limits, double white lines, or priority signs confirmed that given the roads current classification and the applications scope and context the Highway Authority were unable to recommend any further road project to improve the position. He also confirmed that the figures in the report relating to vehicle movements were correct. The Chairman commented that the Committee could ask the Cabinet to consider a speed limit in Ardley village and double white lines.

Responding to further questions the planning officers advised that it was not unusual for an application to have various planning policies both in favour and against. In their view the policies in favour outweighed those against but it was for members of the Planning and Regulation Committee to come to their own judgement. They clarified the position with regard to waste from outside Oxfordshire and the amount of commercial/industrial waste from Oxfordshire. With regard to the start time vehicles would only be able to enter the site at 7.00 am. Any queuing would not be on the B430.

During discussion members made the following points:

- 1) Councillor Tanner referred to the waste hierarchy and felt that burning waste was not the best possible solution. He was concerned about the application on the grounds that it was an industrial building in open rural land. He was concerned about experiences elsewhere and that the technology was out dated. He referred to the implications of granting planning permission that would apply for all time and for anybody. He felt that the conditions could not deal with all the concerns.
- 2) A number of members expressed concerns over transport. The number of vehicles was a concern and the possibility of waste being transported in to the county with the implications of that on local residents and also in terms of sustainability.
- 3) Councillor Reynolds referred to the arguments from Cherwell District Council around prematurity and conflict with existing policies.
- 4) Councillor Seale whilst accepting the need for furnace disposal of waste expressed concern with this application on the grounds of its visual impact and the environmental impact on the area.

Councillor Hayward moved the officer recommendations, Councillor Jelf seconded and by a vote of 9 to 5 the motion was rejected.

At this point The Committee adjourned for lunch reconvening at 2.30 pm. Following a further brief adjournment the Committee reconvened at 2.50 pm.

**RESOLVED:** (on a motion by Councillor Tanner, seconded by Councillor John Sanders and carried 9 votes to 5) that the application 08/02472/CM be refused on the grounds that:

The development proposed would represent a large permanent building in the countryside which is contrary to policies C7, C8, C9 of the Cherwell Local Plan, and policies EN30, EN31, EN34, and D10a of the non statutory Cherwell Local Plan. The Council as Planning Authority is not persuaded that the need for a facility on this scale to divert waste from landfill is sufficient to outweigh the effects of the proposal on the countryside in this locality.

**5(b) Energy From Waste Incinerator (EfW) Infrastructure plus that for Combined Heat and Power (CHP), Incinerator Bottom Ash (IBA) Processing Plant with Outside Storage Area and Air Pollution Control Residue (APCR) Treatment and Disposal facilities, Visitor and Office Accommodation and Landscaping within Sutton Courtenay Recovery Park**

The Committee considered (PN5b) which related to the application for an Energy from Waste Facility at Sutton Courtenay Recovery Park.

John Hamilton referred to the site visit by members and drew attention to the addenda. He added that the Sutton Courtenay Parish Council's consultants report had been seen by the members of the Committee. A number of additional letters and emails had been received since the preparation of the addenda but the points raised were dealt with in the report and addenda.

Responding to questions from members John Hamilton confirmed that the site was a green field site. He clarified the process for dealing with the hazardous waste. A representative of the company confirmed that the hazardous waste would be transported in sealed containers to where it was treated, liquid would be added and only then would it be carried in open containers to the cells. John Hamilton confirmed that the site was on the edge of a flood plain. However the Environment Agency had no objections subject to a number of conditions.

During discussion the following points were made.

- 1) Concerns were raised about the storage of hazardous waste, close to houses and a public right of way. Some members felt that the hazardous waste could be dealt with by condition or by asking for a separate application.
- 2) Reference was made to policy NE11 of the Vale Local Plan relating to landscape enhancement of the area.

3) Concern was expressed that the application was for a permanent industrial development on open rural land. A judgement was needed as to whether the need outweighed the countryside policies.

4) The height and mass of the building and its visual impact was noted as a concern for some members whilst others felt that it was acceptable.

5) Councillor Hannaby expressed traffic concerns in that the A34 was an extremely congested road that historically had problems. She was also concerned at the proximity to the flood plain.

Councillor Hayward moved the officer recommendations, Councillor Jelf seconded and by a vote of 7 to 6 the motion was rejected.

At 3.40 pm the Committee adjourned, reconvening at 3.55 pm.

**RESOLVED:** (on a motion by Councillor Armitage, seconded by Councillor Hannaby and carried 7 votes to 5) that application SUT/APF/616/60-CM be refused on the grounds that:

The development proposed would represent a large permanent building in the countryside which is contrary to policies NE9, NE10, NE11 and GS2 of the Vale of White Horse Local Plan. The Council as Planning Authority is not persuaded that the need for a facility is sufficient to outweigh the effects of the proposal on the countryside in this locality.

**58/09 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, OXFORDSHIRE OX7 3JY - APPLICATION R3.0125/09**

(Agenda No. 6)

The Committee considered (PN6) an application to retain an existing Household Waste Recycling centre at Dean Pit, Chadlington for a further period of 5 years until 30 September 2014.

Adrian Tremlett (Chadlington Parish Council) referred to the impact of this site on local communities. It was generally accepted that waste operations such as this one were better sited near large centres of population whereas this site was in a rural area served by narrow single carriageway roads through small villages. The site accepted a large percentage of green waste which needed to be transferred for composting elsewhere. Furthermore as the site was in the AONB there was a responsibility to show that no alternative site was available and this had not been done. He asked the Committee to protect local interests and reject the application.

Lord Chadlington accepted the essential nature of such facilities but this site was not suitable. There had been a lot of opposition expressed to a further extension and advised that following restoration of the former landfill site this was now a Greenfield site. This was the fourth renewal, which suggested that the County Council should be looking for an alternative site but that did

not seem to be the case. He accepted that the site was well used but if no alternative sites were being considered that would always be the case. To extend the permission for a further 5 years flew in the face of current policies and he urged that an alternative site in a more convenient location with safer access outside the AONB should be found.

Responding to questions from members of the Committee Mr Pickard confirmed that no alternative sites had been considered and advised that he had not been aware that there had been that number of renewals. An extension was required as the current permission expired on 30 September. He further advised that it could take 2 to 3 years to find an alternative site.

Councillor Owen expressed concern that no alternative sites had been considered and over the number of extensions to this temporary permission. Although there had been no real objection to this facility 20 years ago that situation had now changed and the traffic impact was now so serious it presented a real safety risk and roads locally were deteriorating. He moved that the officer recommendation be approved subject to reducing the extension of the temporary consent to three years and not five and any further permission should not refer to the ongoing need for the facility.

The motion was seconded by Councillor Seale.

Councillor Owen with the agreement of his seconder then accepted an amendment by Councillor Sanders seconded by Councillor Hannaby that temporary consent be granted for two years and not three.

The substantive motion was then put to the Committee and it was –

**RESOLVED** (13 votes to 1) to approve Application Number R3.0125/09 for the extension of temporary consent for continued use of the Dean Pit, Chadlington Household Waste Recycling centre until 30 September 2011, subject to conditions to be determined by the Head of Sustainable Development to include the following matters:

1. That the development must be carried out strictly in accordance with the particulars contained in the application and the plans accompanying subject to conditions below.
2. Temporary permission – that at the expiration of a period ending on 30 September 2011 the use specified be discontinued. The site shall be restored to agricultural use by 30 September 2013.
3. Hours of use – the hours of use of the site shall be restricted to the following times:
  - Operating hours to be between the hours of 7.30am to 8.30pm (1 April – 30 September)
  - Public opening hours to be between the hours of 8.00am to 8.00pm (1 April – 30 September)
  - Operating hours to be between the hours of 7.30am to 5.30pm (1 October – 31 March)

- Public opening hours to be between the hours of 8.00am to 5.00pm (1 October – 31 March)  
No operations on Christmas Day, Boxing Day or New Year's Day.
- 4. That the details of the routes used by Heavy Goods Vehicles accessing the site shall be submitted to and approved by the Head of Sustainable Development in consultation with Transport Development Control within one month of the date of this permission.
- 5. Landscaping – that a scheme for replacement tree and shrub planting on the western boundary of the site shall be submitted to and approved by the Head of Sustainable Development within 1 month of the date of this permission.
- 6. Landscaping implementation – that all planting comprised in the approved details of landscaping shall be carried out in the first planting season following the date of this permission.

#### Informative

One year before expiry of the consent the local planning authority should notify the waste disposal authority that a further consent at this site was unlikely to be forthcoming in the absence of an acceptable household waste recycling facility strategy to underpin consideration of any application.

### **59/09 RETROSPECTIVE APPLICATION FOR BUILDING SUPPLIES COMPOUND AND IMPORTATION OF AGGREGATES FOR SALE FROM SITE AT EAST QUARRY, DUNS TEW - APPLICATION 09/01105/CM (CHERWELL) AND 09/0996/P/CM (WEST OXFORDSHIRE)**

(Agenda No. 7)

The Committee considered (PN7) a retrospective application which sought consent for a compound for the storage of building supplies and import of aggregate at Horsehay Quarry, Duns Tew and which were carried out in association with the permitted sand extraction at the quarry and which were proposed for the life of the quarry.

**RESOLVED:** (on a motion by Councillor Jelf, seconded by Councillor Nimmo-Smith and carried unanimously) that subject to compliance with the existing routeing arrangement that planning permission for application 09/01105/CM 09/0996/P/CM be granted subject to conditions to be determined by the Head of Sustainable Development but to include those matters set out below:

1. Detailed compliance is in complete accordance with plans and particulars
2. Detailed duration - development to commence within 3 years
3. Development to end at the same time as the quarry operations – 2018
4. A 15 metre stand-off area between the storage and processing activities and the geological features of interest to be agreed and implemented.

5. Stockpiles of imported aggregate not to exceed the height of the adjacent quarry sides.
6. Standard hours of operation

**60/09 ERECTION OF A SINGLE STORY PRE-SCHOOL AND FOUNDATION STAGE BUILDING TO PROVIDE: 2 CLASSROOMS; STORAGE; WC; QUIET ROOM; KITCHENETTE AND LOBBY ACCOMMODATION; CREATION OF NEW HARDPLAY AREA AND FOOTPATH AND FORMALISATION OF EXISTING PARKING AREAS TO PROVIDE 13 DEDICATED (INCLUDING ONE DISABLED) PARKING SPACES AT CLANFIELD CE PRIMARY SCHOOL, MAIN STREET, CLANFIELD, BAMPTON, OXFORDSHIRE OX18 2SP - APPLICATION R3.0109/09**

(Agenda No. 8)

The Committee considered (PN8) an application for the erection of a new single storey Pre-school and Foundation Stage building at Clanfield CE Primary School.

Simon Turner did not object to the proposals for co-location but the current proposal would have an adverse impact on the local area increasing the risk of flooding and had been rejected by the Parish Council on those grounds and proposed a building which was totally disproportionate and seemed to contravene existing planning policies.

Bryn Torrington endorsed those comments and referred to the increased traffic impact and congestion on Main Street. The proposal also seemed unjustified in view of comments from the Headteacher that numbers were falling.

John Keeling advised that the threat from flooding came from excess run-off and was not fluvial. The current proposal would exacerbate that threat. Proposed soakaways were not suitable. The local water table was too high and any further flooding events would mean water would inevitably flow into neighbouring properties. Photographs were tabled showing flood water in neighbouring gardens. He also referred to loss of privacy and light.

James Fitzpatrick lived on the north side of the development and again was not against co-location. However, he shared concerns regarding the size of the building and proposed materials. He referred to flooding which had occurred in 2007 and nearly again in 2008 which had been caused by excess water run off. Any further development would need an adequate drainage scheme - proposed soakaways would not achieve that level of drainage.

Replying to Councillor Seale Mr Torrington confirmed that congestion occurred for about 30 minutes at each end of the school day.

Mike Freeman (supported by Jill Kewley and Jill Brown) referred to the huge support for this proposal and the improved facilities which would be provided for children. Relocation would not materially affect traffic flow and would increase safety by reducing the need to cross between the two current facilities. It had been felt that the current location and materials were the best and amendments to the scheme had been included to minimise fears of flooding such as new playground which had been designed to retain excess water.

Responding to Councillor Hannaby, Jill Kewley confirmed that colocation would be a huge benefit. Work was underway to provide a green travel plan and the pre-school would be encouraged to adopt the walk to school scheme which the main school had adopted.

Responding to Councillor Seale Mr Freeman described the events of 2007 when the stream through the village had been clogged with weeds. Water had had come up through the floor and had not been run-off. Work had been undertaken to clear that problem and route flows were now directed correctly through Cuttle Brook.

Councillor Seale referred to the levels of water from new building developments in Carterton which had had a tremendous impact on the levels of water going through the village. However, a great deal of work had now been done to ensure the stream did its job and the Environment Agency had authorised the Parish Council to undertake future maintenance work in order to maintain that situation. He understood the concerns of neighbours but on balance did not feel that the proposed new building would have that much of an impact.

**RESOLVED:** (on a motion by Councillor Hannaby, seconded by Councillor Tanner and carried unanimously) to approve Application Number R3.0109/09 for the erection of a single storey pre-school and foundation stage building to provide: 2 classrooms; storage; WC; quiet room; kitchenette and lobby accommodation, creation of new hard play area and footpath and formalisation of existing parking areas to provide 13 dedicated (including one disabled) parking spaces subject to conditions to be determined by the Head of Sustainable Development to include the following matters:

1. That the development must be carried out strictly in accordance with the particulars contained in the application and the plans accompanying subject to conditions below.
2. Detailed duration – 3 years – that the development should commence within 3 years of the date of the permission.
3. Hours of use - The building should be used only for school and pre school purposes and only between the hours of 8 a.m. to 6 p.m. Monday to Friday.
4. Approval of sample external materials – that samples of the external materials proposed to be used should be submitted and agreed prior to the commencement of development.

5. Contractors access – that the hours of access (including for deliveries) for construction traffic should be agreed in consultation with the school before the start of works on the site.
6. Contractors compound - the location of any contractors compound should be submitted and agreed (and appropriately fenced off) prior to the commencement of development.
7. Reinstatement of playing field - on completion of the development the temporary contractor's access road and ancillary construction works should be removed and the playing field land reinstated to a playing field to a quality at least equivalent (or better) than the current quality.
8. Tree protection during construction works – that no development should take place until the trees on the site which were to be retained and which were adjacent to or within the development area, had been protected during building operations by means of a protective fence around the edge of the canopy of the trees.
9. Tree protection during construction works – no development should take place in the 3 metre strip of land between the school boundary and the proposed building.
10. Details of surfaced play areas – that the final details of the surfaced play area (including its location and details of permeable surface materials) should be submitted and agreed prior to the commencement of development. No surfaced play areas should be provided to the rear of the proposed building.
11. Sustainable drainage scheme – prior to the commencement of the development a comprehensive Sustainable Drainage Scheme (incorporating the use of SUDS) should be submitted and agreed in consultation with the Environment Agency,
12. Landscaping – the perimeter of the proposed building should be landscaped and planted with trees and shrubs in accordance with a comprehensive planting and landscaping scheme.
13. Landscaping implementation – that all planting, seeding or turfing comprised in the approved details of landscaping should be carried out in the first planting season following the occupation of the buildings or the completion of the development, whichever was sooner.
14. Wilderness area – that the final details and location of the replacement wilderness area should be submitted and agreed prior to the commencement of development.
15. Wilderness area - that no development should take place until the retained wilderness area on the site had been protected during building operations by means of a protective fence around the edge of the area.
16. Dry stone wall removal – that the section of dry stone wall to be removed should be removed by hand during March to September only, and should be checked over by an ecological consultant immediately prior to removal to ensure that no protected species were present.
17. Vegetation removal should not take place during the bird breeding season, which was March-August inclusive. If any trees and/or bushes needed to be removed during this time, they would need to be

checked over by an ecological consultant immediately prior to removal to ensure there were no nesting birds present. If nesting birds were present, the vegetation could not be removed until the birds had fledged.

18. Parking restrictions – before the first occupation of the building an assessment should be carried out to establish if further parking restrictions were required along the frontage of the site upon Main Street.
19. Update School Travel Plan – before the first occupation of the new building the schools existing Travel Plan should be updated to take account of the proposed increase in uses on the site.
20. Security lights – That the final details of the number and location of any security lights on the new building be submitted and agreed.

Informatives:

Archaeological Informative – If archaeological finds did occur during development, the County Archaeologist should be notified in order that he might visit the site and advise as necessary.

Ecology - If any protected species not initially surveyed for were found at any point, all work should cease immediately. Work should not recommence until a full survey had been carried out, a mitigation strategy prepared and licence obtained (if necessary) in discussion and agreement with Natural England.

**61/09 ERECTION OF A SINGLE STOREY BUILDING TO PROVIDE A CHILDREN'S CENTRE AND ERECTION OF A 2.5M HIGH FREE STANDING CANOPY; ASSOCIATED EXTERNAL WORKS INCLUDING ALTERATIONS TO THE EXISTING MAIN SCHOOL ENTRANCE, CREATION OF 4 PARKING SPACES, AN OUTDOOR PLAY AREA, LANDSCAPING AND FENCING AT BAMPTON COFE PRIMARY SCHOOL, BOWLING GREEN CLOSE, BAMPTON - APPLICATION R3.0179/09**

(Agenda No. 9)

The Committee considered (PN9) and application for the erection of a single storey building in the grounds of Bampton CE Primary School to provide a new Children's Centre.

RESOLVED: (on a motion by Councillor Seale, seconded by Councillor Hannaby and carried unanimously) planning permission for Application No. R3.0179/09 (for the erection of a single storey Children's Centre and free standing canopy along with associated works including alterations to the existing school entrance, four new parking spaces, and outdoor play area, landscaping and fencing) at Bampton CE Primary School be approved subject to conditions to be determined by the Head of Sustainable Development dealing with matters including those set out below:

1. Detailed compliance condition – development to be in accordance with approved plans and particulars.

2. Detailed duration – development to commence within 3 years.
3. Schedule of external materials to be used to be agreed.
4. Landscaping scheme (to include replacement trees) to be submitted and agreed.
5. Approved landscaping scheme to be implemented.
6. Measures to protect trees and hedgerow to be retained during construction works to be submitted, agreed and implemented.
7. Update existing School Travel Plan.
8. Existing cycle provision to be retained.
9. No vegetation to be removed during bird breeding season.
10. Trees to be removed to be soft felled and under supervision of Oxfordshire County Council's Protected Species Officer.
11. Construction work to cease if any protected species are found on site, and a mitigation strategy submitted and agreed with Natural England.

Archaeological Informative – If archaeological finds did occur during development, the County Archaeologist should be notified in order that he might visit the site and advise as necessary.

..... in the Chair

Date of signing ..... 2009