

## PLANNING & REGULATION COMMITTEE

**MINUTES** of the meeting held on Monday, 19 February 2018 commencing at 2.00 pm and finishing at 3.40 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 Mark Lygo  
Councillor Glynis Phillips  
Councillor G.A. Reynolds  
Councillor Judy Roberts  
Councillor Alan Thompson  
Councillor Richard Webber  
Councillor Liam Walker (In place of Councillor Dan Sames)

**Other Members in Attendance:** Councillor Ian Corkin (for Agenda Items 6 & 10)

**Officers:**

Whole of meeting G. Warrington & D. Mytton (Law & Governance); C. Kenneford & D. Periam (Planning & Place)

Part of meeting

<b>Agenda Item</b>	<b>Officer Attending</b>
6 & 7	M. Thompson (Planning & Place)
8	K. Broughton (Planning & Place) and S. Lawley (County Ecologist)
10	C. Hodgkinson (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.*

**7/18 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS**  
(Agenda No. 1)

<i>Apology for Absence</i>	<i>Temporary Appointment</i>
Councillor Dan Sames	Councillor Liam Walker

**8/18 DECLARATIONS OF INTEREST - SEE GUIDANCE NOTE OPPOSITE**  
(Agenda No. 2)

7. Appleford Depot - Application MW.0109/17

Councillor Richard Webber declared a non-pecuniary interest insofar as he chaired the Sutton Courtenay Local Liaison Committee. He advised that he had not expressed a view with regard to Application MW.0109/17 and therefore intended to take part in any discussion and voting.

**9/18 MINUTES**  
(Agenda No. 3)

The minutes of the meeting held on 8 January 2018 were approved and signed.

**10/18 PETITIONS AND PUBLIC ADDRESS**  
(Agenda No. 4)

<i>Speaker</i>	<i>Item</i>
Councillor Ian Corkin (Local Member)	6. Application to modify or discharge Section 106 Planning Obligations at Finemere Quarry, Finemere – Application MW.0110/17
Councillor Ian Corkin (Local Member)	10. Report on proposed planning enforcement action at Elm Farm Quarry, Stratton Audley

**11/18 APPLICATION TO MODIFY OR DISCHARGE SECTION 106 PLANNING OBLIGATIONS AT FINMERE QUARRY, FINMERE - APPLICATION NO. MW.0110/17**

(Agenda No. 6)

The Committee considered (PN6) an application to discharge obligations set out in existing Section 106 legal agreements linked to minerals and waste development at Finmere Quarry.

Mary Thompson presented the report together with the terms of a revised recommendation as set out in the published addenda. That revision followed an amendment to the application by the applicant withdrawing the requested modification and discharge of the provisions which related to the restoration bond. Therefore, the application now only related to the modification and discharge of the hinterland provisions.

Councillor Ian Corkin speaking as local member supported the revised recommendation which now met his earlier concerns regarding the restoration bond.

**RESOLVED:** (on a motion by Councillor Johnston, seconded by Councillor Lygo and carried unanimously) that amended application MW.0110/17 be approved and that the Director for Planning and Place be authorised to enter into a deed of variation to remove the obligations which related to hinterland restrictions on the source of waste to the site.

**12/18 CONTINUATION OF THE DEVELOPMENT PERMITTED BY P17/V0138 (MW.0005/17) (THE DEMOLITION OF EXISTING ASPHALT PLANT AND CONSTRUCTION AND OPERATION OF A REPLACEMENT ASPHALT PLANT WITH ANCILLARY PLANT AND MACHINERY, A NEW WEIGHBRIDGE AND PORTABLE OFFICE) WITHOUT ACCORDING WITH CONDITION 3, IN ORDER TO ALLOW EXTENDED HOURS OF OPERATION AT APPLEFORD DEPOT, APPLEFORD SIDINGS, APPLEFORD ROAD, SUTTON COURTENAY - APPLICATION NO. MW.0109/17**

(Agenda No. 7)

The Committee considered an application to amend a condition to an existing planning consent for an asphalt plant at Appleford Depot. That condition stipulated that operations should only take place between 6am and 6pm Mondays to Sundays and that anything outside of those hours must be subject to prior notification and approval from the Minerals Planning Authority. The amendment now applied for would allow 24 hour working on 180 days each calendar year thereby obviating the need to obtain advance approval. The applicant had stated that the current condition was not practical because of the requirement to work outside the core hours, often at short notice, in order to supply asphalt for overnight road works.

Mary Thompson presented the report together with details of a lighting plan submitted by the applicant since the report's publication. That had required an

additional condition to be added to the officer recommendation as set out in the published addenda.

Councillor Webber referred to high levels of development in this area which in addition to local operations also included Didcot B and Milton Park. All of this had a high cumulative impact on the area and with this particular application, seeking to increase a current 10% limit for work outside core hours to 6 months out of each year that could only increase and it seemed to local residents that operators were not taking these pressures into consideration. That was apparent by a lack of early and meaningful engagement with the local liaison committee which was being bypassed with regard to such applications with operators appearing to ride roughshod over the views of the local community. He felt it was imperative that there should be worthwhile dialogue with operators at the earliest opportunity regarding these applications. With regard to this application he accepted that there would be emergency situations when material was required but could see little justification for this level of increase.

Councillor Phillips expressed concern regarding potential noise levels and supported calls for greater involvement on the part of operators with the local community.

Ms Thompson confirmed that night time working had been going on for some years with no specific complaints received which related to this specific operation although complaints had been received regarding train movements in the area but that was a separate issue.

Mr Periam confirmed that engagement by operators at a local liaison committee could not be secured by condition but suggested an informative could be added to any permission to that effect.

Councillor Johnston agreed that operators needed to be reminded that realistic and early engagement with local communities was in their own interests.

Councillor Fox-Davies asked whether it was feasible to seek a figure between the current 10% and 180 days in order to mitigate any environmental impact.

Mr Periam advised that it wasn't possible on the information received to conclude that an increase to 180 days was unreasonable and therefore hard to justify why that figure should be restricted. There had been no previous limits and the 180 day request had been based on a need for greater flexibility in order to meet demand.

Mr Mytton advised that conditions could be imposed as long as they did not materially change the application but would need to be justified.

Replying to Councillor Thompson Ms Thompson confirmed that proposed conditions would require records to be kept and made available on request. Also it seemed reasonable to assume that more working at night would reduce daily movements.

Responding to Councillor Roberts Mr Periam confirmed that If complaints were received regarding noise then monitoring would be carried out. That would be done without giving the operator prior notice but it was unlikely that any monitoring would be carried out over a period of a week at any one time.

**RESOLVED:** (on a motion by Councillor Reynolds, seconded by Councillor Phillips and carried by 12 votes to 0, Councillor Webber recorded as having abstained) that amended application MW.0109/17 be approved subject to:

- (a) conditions set out in Annex 2 to the report PN7, as amended by Annex 1 also to that report;
- (b) an additional condition for the submission and approval of a detailed lighting plan;
- (c) an additional informative advising the applicant to ensure that future planning proposals at this site were discussed with the local liaison group at an early stage.

**13/18 CONTINUATION OF DEVELOPMENT WITHOUT COMPLYING WITH CONDITION 2 (MINERAL EXTRACTION CESSATION DATE) OF PLANNING PERMISSION NO. 16/02109/CM (MW.0125/16) IN ORDER TO EXTEND THE PERIOD PERMITTED FOR THE EXTRACTION OF MINERAL FROM 31ST DECEMBER 2017 TO 31ST DECEMBER 2018 AT SHIPTON-ON-CHERWELL QUARRY, BUNKERS HILL, KIDLINGTON - APPLICATION NO. MW.0001/18**

(Agenda No. 8)

The Committee considered (PN8) a planning application to allow a further period of time, up to 31 December 2018, for the extraction of the mineral at this site.

Presenting the report Mr Broughton also referred to a lengthy submission from Shipton-on-Cherwell parish council received following publication of the report and which had been addressed in the published addenda.

Responding to:

Councillor Phillips - he was not certain whether a Liaison Group existed or had existed but the applicant had indicated a willingness to be involved.

Councillor Fox-Davies – this was a complex site housing a number of different operations and the high number of conditions which related to the original application made back in 2008 needed to be incorporated once again.

Councillor Walker – it was conceivable that an application for a further extension could be made but the applicant expected to remove the material within a year. Vehicle movements were limited to 318 daily.

Councillor Walker then advised that, as a frequent user of the road through Bunkers Hill, he was aware that there was often a lot of mud on the road, bad drainage and numerous potholes and questioned whether adequate monitoring was being carried out.

Councillor Sibley – liaison groups were usually set up by the operator and chaired by the local county councillor. There were wheelwashing facilities on site.

**RESOLVED:** (on a motion by Councillor Phillips, seconded by Councillor Johnson and carried by 12 votes to 1, Councillor Walker recorded as voting against) that planning permission for application No. MW.0001/18 be approved subject to conditions to be determined by the Director of Planning and Place to include the Conditions set out in Annex 1 to the report PN8 and to an additional informative encouraging the applicant to use the Local Liaison Committee to promote local consultation and community involvement.

**14/18 7 NUMBER 6M HIGH EXTERNAL LIGHTING COLUMNS INSTALLED AROUND THE AREA OF NEW CAR PARKING AT WILLIAM FLETCHER SCHOOL, RUTTEN LANE, YARNTON - APPLICATION NO. R3.0065/17**  
(Agenda No. 9)

Application withdrawn.

**15/18 REPORT ON PROPOSED PLANNING ENFORCEMENT ACTION AT ELM FARM QUARRY, STRATTON AUDLEY**  
(Agenda No. 10)

The Committee considered (PN10) a report updating members on an enforcement strategy for Elm Farm Quarry, Stratton Audley.

Presenting the report together with further tabled information regarding costs Mr Hodgkinson then responded to questions from:

Councillor Reynolds – there had been some testing for leachate from the tip site in the late 90s but nothing found which affected this site.

Councillor Fitzgerald-O'Connor – no significant problems had been reported for the adjacent airfield.

Councillor Johnston – there had, as yet, been no engagement with other interested organisations. Negotiations were at an early stage with long term use yet to be established.

Councillor Corkin speaking as local member outlined the topography and features of this large site. Although on the outskirts of Stratton Audley it also had a significant bearing on a much wider area including Bicester. Access to the site was difficult and whilst the community would not wish to see over development the ecology of the site was important and he felt there would be considerable support for the development of a community project. That would need to be both cost effective and appropriate to the long-term ecology of the site. Supporting the recommendations he looked forward to seeing improvements to the site.

Mr Periam confirmed there would be a further report to Committee after survey work had been carried out.

Councillor Webber pointed out that these conditions occurred at a number of locations countywide with an inevitable cost involved in perpetuity.

Responding to Councillor Webber Mr Hodgkinson confirmed that it was hoped to provide some rights of way and public access but it was private land. He confirmed that officers had attempted to engage with new owners but with no luck. A decision regarding enforcement would need to be made within the year.

Referring to problems experienced at similar sites elsewhere in the county Councillor Johnston stressed the need for care regarding the type of access which might be granted.

**RESOLVED:** (on a motion by Councillor Johnston, seconded by Councillor Webber and carried unanimously) to:

- (a) note the report; and
- (b) endorse the carrying out of further ecological surveys to support the officers' consideration of the expediency of taking enforcement action and the steps to be specified as required in a planning enforcement notice to be served no later than 31 December 2018.

..... in the Chair

Date of signing .....