



Planning & Regulation Committee

Monday, 15 April 2013

ADDENDA

4. Petitions and Public Address

<i>Name</i>	<i>Item</i>
Andrew Fulljames (Middleton Stoney Parish Council) Grant Scott (Viridor) Ginny Dalrymple (Viridor))) 6. Ardley landfill Site, Ardley -) Applications MW.0139/12 and) MW.0040/13
Martin Knight (Local Resident) Hazel Edwards (Agent) Tom Hickman (Applicant) Councillor Jim Couchman (Local Member))) 7. Shipton Hill, Fulbrook – Application) MW.0072/12))
Sam Cook (Resident) Bob Hessian (Weston-on-the-Green Parish Council) Susan Daenke (Applicant) Norman Boardman (Applicant)))) 10. Weston-on-the-Green Village Green))

6. Details Pursuant to Condition 33 (Approval of External Materials Samples) of Planning Permission 08/02472/CM (MW.0044/08)

The applicant has amended application no. MW.0040/13 such that as well as the pre-patina finish roof material, it is also now proposed that the wall cladding is now proposed to be coloured goosewing grey (previously metallic silver). This follows discussion with representatives of the local Parish Councils at the Ardley Energy from Waste Liaison Committee who considered the metallic silver to be too shiny and reflective. A further consultation exercise has been carried out with

regard to these amendments.

The applicant also advises that the Liaison Committee raised concerns regarding the translucent danpalon material – particularly at roof level. Concerns were raised regarding the presence of translucent material making the central roof area of the building potentially prominent during hours of darkness as internal lighting could shine through. The applicant stresses that the internal lighting arrangements will be configured so that internal lights are hooded and directed away from the roofspace thus ensuring that light pollution is avoided.

The applicant goes on to state that this translucent material has been utilised to minimise internal lighting during daylight hours thus helping to minimise electricity consumption and maximise BREAAAM accreditation. It will also help provide a more sympathetic working environment by utilising natural light. The material also has excellent insulation properties to minimise heating requirements for the facility.

If, however, despite measures to direct and hood internal lighting, the roof level danpalon area causes unacceptable light spill during hours of darkness then the applicant will adopt further measures to ameliorate the issue.

Cherwell District Council has no objection to application no. MW.0040/13 (comments received prior to the amendment set out above).

Middleton Stoney Parish Council has commented with regard to application no. MW.0040/13 that there was significant debate at the Planning Inquiry in July 2010 as to the impact on visual amenity which this construction would have. In all of those debates an artist's image showing the size, shape and colouration of the completed building was included in the many landscape drawings/projections and used to support the applicant's argument that the building, when completed, would not be visually intrusive. It was expected therefore, not least by the Inspector, that the completed building would be no more visually intrusive than the image made it out to be.

The photo montages supplied with this submission seek to prove that the completed building will have little visual impact. It would seem to the Parish Council that the montages are, at best, disingenuous, and at worst, a fabrication.

The Parish Council understands that Condition 33 was applied specifically to ensure that **“the materials are in keeping with the landscape setting of the EfW plant”**. Regrettably, it seems that the applicant has made very little attempt so far to comply with the spirit of this Condition. There seems little understanding on the part of the applicant that this is a rural setting.

In conjunction with representatives of other parishes the Parish Council has considered once again the external materials samples and it seems that a consensus seems to be emerging that the roofing material should be in 'organic patina'. However, the vertical surfaces are also a source for some

concern since it is they that will be more prominently visible from ground level. It is stressed that this building is of industrial size, but not located in an industrial environment and yet continually the applicant has provided sample materials which are quite clearly more suitable for an industrial location. Again though the representatives of the parishes seem to be reaching a consensus that 'Goosewing Grey' should be used for the vertical cladding (comments received prior to the amendment set out above).

Ardley with Fewcott Parish Council has commented with regard to application no. MW.0040/13 that at the last community liaison meeting significant concern was raised with regard to the coloured translucent aspects that are being proposed to form part of the external cladding of the EFW plant. The Parish Council formally objects to the use of both the green and yellow translucent cladding within the roof section of the plant. There is no objection to the green translucent cladding being proposed for the lower areas. The roof section is used for access for maintenance of the plant and will be subject to regular use for which high intensity lighting will be necessary and could be in use at any time, 24 hours each day. Whilst it is appreciated that the lights will not be focussed directly on the cladding, given the light levels required for safe working there will be considerable light "creep" through the cladding. Taking account of the fact that this light will be at a height of circa 35 metres it will be intrusively visible for a very long distance against what is a dark, rural skyline.

The Parish Council therefore asks that the Committee rejects the translucent cladding in favour of solid/louvered cladding in line with other areas of the plant. It is not believed that this will be in any way detrimental to the working environment within the roof section as this area is used for inspections and maintenance and will need full internal lighting to be provided whenever access for work is required which again will be 24 hours per day.

7. Shipton Hill, Fulbrook

Additional Representations

The applicant's representative, Hazel Edwards has indicated that the First Schedule (part 2) of the committee report does not reflect the large items of plant that have been approved under the 2008 CLEUD and has also been used on this application site. The *24 tonne excavator* that was approved in the 2008 CLEUD is omitted in the list of this report and should be included.

She has also indicated that the First Schedule (part 2) of the committee report does not include *4 trailers* which were approved under the 2008 CLEUD and used on the application site. She also refers to the omission from the report recommendation of a chipper which is essential for making mulch.

She has claimed that a 360 degree excavator is an important tool on site in moving materials on the soil heaps, and is routinely used; this is an omission of

considerable concern to the applicant.

Officer Response

I agree with the comments of Hazel Edwards that the 24 tonne excavator, 4 trailers and the chipper should be included within First Schedule (part 2) as these items have been used on the application site. Therefore, it will change the recommendation of the report.

I do not agree with the proposed claim of using the 360 degree excavator as there is no reference to this item in the evidences submitted as a part of this application. Therefore, it is proposed not to include this item within First Schedule (part 2).

Amended Recommendation

Changes to the recommendation are underlined and shown in bold italics.

It is RECOMMENDED that the application for a Certificate of Lawful Existing Use or Development for the use of land for i) landscape contractor's yard including ground works contractor's yard with ancillary activities and ii) the importation, sorting, processing and storage of waste for a period exceeding ten years on the southern and central intermediate area of Hickman Brothers Landscapes Ltd site, Shipton Hill, Fulbrook be approved as set out below, with a Schedule of Limitations. The uses specified in the Second Schedule are not considered as lawful.

First Schedule (part 1):

1. The use as a landscape contractors' yard (including groundwork contractors' yard) of the land shown in plan A in the second schedule to this certificate, together with the following uses in so far as ancillary thereto:
 - i. plant and vehicle storage;
 - ii. operation of plant and equipment;
 - iii. for the importation, sorting, storage reuse/recycling of construction demolition and green waste and other landscape materials;
 - iv. the processing of green waste and demolition waste including hardcore and soils to produce aggregate, usable hardcore, fines, soils, mulch and compost;
 - v. screening waste to separate stone and concrete from soils;
 - vi. shredding wood and green waste.

First Schedule (part 2) - Subject to the following identified limitations:

- Imported waste and landscaping materials are predominantly – construction demolition waste, green waste, spent mushroom compost, soils, subsoil and aggregates, chipped bark, fencing, timber, incidental metal and plastic

items

- Waste is imported to the Land shown in plan A via the land shown in plan B1.
- The amount of waste stored on the land shown in plan A has averaged 10,000 tonnes per annum
- In conjunction with the land shown in plan B1, as at April 2012 the business operated with the following large items of plant:
 - **24 tonne excavator**, two 12 tonne excavators, one tractor loader, a crusher, a screener, a shredder and **a chipper**.
- In conjunction with the land shown in plan B1, no more than 6 lorries, **4 trailers** and 16 vans have been in consistent use over the 10 years period

Second Schedule: The Council is not satisfied that the following uses are lawful

- Retail sales
- Operation of plant and equipment over and above that ordinarily ancillary to a landscaping and groundwork contractors' yard.
- Hire of plant, vehicles and equipment over and above incidental hiring of items ordinarily used for landscape and groundwork contracting.
- The hiring of skips for removal of household wastes not connected with the landscape contracting business.

8. Request for prior approval of the installation and use of a Concrete Batching Plant to produce ready mixed concrete for sale – Upwood Quarry – Application No. MW.0017/13

Additional representations

The recommendation of this application is subject to no adverse comments being received from the Environmental Health Officer (EHO) regarding noise impact. The applicant has submitted the noise assessment requested by the EHO. It is the final view of the EHO that the operational noise from the proposed plant should not be a barrier to this development going forward. Therefore, he has no objection to this proposal. He has also asked to make the applicant aware that the operation of the proposed plant will require a permit from both the Environment Agency and the Vale of White Horse District Council. The permit would require the plant to be operated in accordance with conditions aimed at

minimising dust emissions so that dust does not adversely impact on local residents.

A letter has been received from a solicitor representing a group of residents living in the vicinity of Upwood Quarry (attached with this addendum). The letter points out a number of matters in the committee report - lack of information about occasions of externally sourced materials and level of traffic movements associated with it, no reference of consultation with Highway Authority, the principle source of the development is not minerals won at the quarry, application should be refused in the absence of noise report, lack of qualification of the County Council officer to judge the impacts of the dust emission from the development and absence of EHO comments regarding dust impact.

A letter received from CPRE Vale District. They are concerned about this proposal on the ground of noise, traffic and visual impacts. They have also requested that consideration of the application should be deferred pending full consultation with concerned parties.

Officer Response

It is recommended to approve this application as no adverse comments have been received from the Environmental Health Officer regarding noise impact.

The Environmental Health Officer has considered both the noise and dust impacts of the proposed development and confirmed that he has no objection to the proposal. If permitted the proposed plant would require a permit from both the Environment Agency and the District Council. Any potential dust impact could be controlled by the conditions of the permit. A consultation with Transport Development Control officer of OCC has confirmed that the development would not have any additional impact which would lead to a highways authority objection. The principle source of the development would be minerals extracted within the Upwood Quarry.

The concerns of the CPRE Vale District (noise, traffic, visual impact) have already been discussed in the report and no further assessment is necessary. Part 19 of the GPDO does not specify any requirements for consultation or publicity for this type of prior approval application. In this instance, however, four nearby Parish Councils and the District Planning Authority have been consulted. The view of the local County Councillor and five local residents have also been taken into account. Therefore, it would not be appropriate to defer considering this application.

Amended Recommendation

Changes to the recommendation are underlined and shown in bold italics.

It is ***RECOMMENDED*** that the prior approval is granted for the installation and use of a Concrete Batching Plant to produce ready-mixed concrete for sale under Part 19, Class B of the Town & Country Planning (General Permitted

Development) Order 1995 (as amended), and in accordance with the detailed proposals for the location, height, design and appearance of the plant, as contained within the application and listed in the Schedule of Approved Plans and Documents.

Schedule of Approved Plans and Documents

(i) Supporting statement by Land and Mineral Management Limited (dated 15/01/2013), (ii) Concrete Plant Location – drawing no. 490B -2 dated 17/01/2013 and (iii) GA of Transportable Plant – drawing no. BPL 8844 dated 15/10/2012 **iv) noise report by Advance Environmental dated 9 April 2013**

Annex letter to Item 8

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Calls may be recorded for training or regulatory purposes

Dear Sirs

**Upwood Quarry Oxford - Hills Quarry Products Limited
Town & Country Planning (General Permitted Development) Order 1995 Class B Part 19**

We are instructed by a group of residents living in the vicinity of Upwood Quarry in relation to the above request for prior approval by Land & Mineral Management Limited on behalf of Hills Quarry Products Limited for a concrete batching plant under Class B Part 19 Town and Country Planning (General Permitted Development) Order 1995. We note that the application is to be presented to the Council's Planning and Regulatory Committee on 15 April and request that this letter is presented to that Committee as a late objection.

We have seen the report of Mr Islam and would like to point out the following:

Paragraph 22 of Mr Islam's report states that there "may be occasions when a specialised mix would be required which would require some externally sourced materials". No information is given as to how often these occasions might be and the level of traffic involved.

Paragraph 23 talks about there being "very little change in traffic movements" which may be the case in terms of processing the materials but does not take into account additional traffic movements as a consequence of externally sourced material being brought in to the site.

We note that the only material produced in relation to this application for prior approval is contained in the supporting statement of Land and Mineral Management Limited dated 15 January 2013. There is nothing at all in this statement that relates to imported materials and the report does not make reference to any additional material that supports Mr Islam's assertion regarding either externally sourced material or the change in traffic movements. There is no reference in the report to any consultation with the Highways Authority. There is no clarity therefore, on whether the Highway Authority has any concerns about traffic movements in what is a rural area. For example, would there be a requirement for a routeing agreement in relation

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to lorry movements or are the additional movements entirely unconstrained? Whilst Mr Islam states that the proposal would be subject to the conditions already imposed on the permission for the quarry but he does not refer to any routeing or planning agreement.

We also point out that development under Part 19 is not permitted if (in this case) the principle purpose of the development is for a purpose other than the treatment etc of minerals won at the quarry. There will come a point where the importation of externally sourced material is sufficient so as to outweigh the principle purpose in which case it will require planning permission. As there appears to be no material in the public domain regarding the "occasions" when this will happen it appears that no judgement has been made as to whether in fact this proposal does require planning permission.

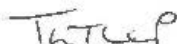
In our opinion, the material submitted by Land & Mineral Management Limited is extraordinarily scant. We do not believe that it is possible for Mr Islam to discharge his function properly in respect of considering the impact on amenity without further information. If there is further information available, it is not apparent to a member of the public and not referenced in material approved as part of the application. Just because this is not a planning application does not excuse the mineral planning authority from discharging its duties properly.

We also note the content of paragraph 25 which indicates that Mr Islam has requested a noise assessment report from the applicant but at the date of writing none had been received. In the absence of this report, the application should be refused as it is impossible for the authority to be satisfied in respect of the impact of noise on amenity as is required under Class B2.

Whilst we note that a request was made for a noise assessment, no such request has been made in respect of dust. Mr Islam's paragraph 24 appears to rely on his opinion on the impact of dust, the existing conditions, modern dust collection systems being incorporated into the proposed plant and the requirement for an Environmental Permit. We assume that Mr Islam does not hold appropriate qualifications to make this judgement and that no comment has been provided by the Council's Environmental Health Officer. Again we suggest that the application ought to be refused as it is not possible for the authority to be satisfied in respect of the impact of dust on amenity.

In conclusion, our clients strongly object to the proposal and request that it be approval not be given for the reasons set out above.

Yours faithfully



TLT LLP

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