

## PLANNING & REGULATION COMMITTEE

**MINUTES** of the meeting held on Monday, 28 May 2012 commencing at 2.00 pm and finishing at 4.10 pm

### **Present:**

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

Councillor Alan Armitage  
Councillor Tony Crabbe  
Councillor Mrs Anda Fitzgerald-O'Connor  
Councillor Patrick Greene  
Councillor Jenny Hannaby  
Councillor Ray Jelf  
Councillor Stewart Lilly  
Councillor Charles Mathew (In place of Councillor Mrs Catherine Fulljames)  
Councillor David Nimmo-Smith  
Councillor Neil Owen  
Councillor G.A. Reynolds  
Councillor John Sanders  
Councillor Lawrie Stratford  
Councillor John Tanner

### **Officers:**

Whole of meeting G. Warrington and J. Crouch (Law & Governance);  
Martin Tugwell (Environment & Economy)

Part of meeting

### **Agenda Item**

6 & 7

8 & 9

6,7,8 and 9

10

### **Officer Attending**

M. Thompson (Environment & Economy)

N. Woodcock (Environment & Economy)

D. Groves (Environment & Economy)

C. Hodgkinson, D. Flavin, C. Flavin and B. Stewart-Jones (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 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.*

**28/12 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS**

(Agenda No. 1)

*Apology*

*Temporary Appointment*

Councillor Mrs C Fulljames

Councillor Charles Mathew

**29/12 DECLARATIONS OF INTEREST - SEE GUIDANCE NOTE OPPOSITE**

(Agenda No. 2)

<i>Councillor</i>	<i>Item</i>	<i>Nature of Interest</i>
Councillor Lilly	6. Sutton Courtenay Landfill Site – Application APF/616/57-CM	Personal. Local County Councillor for Sutton Courtenay and Harwell. He advised that he had not expressed an opinion on the application in that capacity and therefore intended to participate in discussion and voting on the item.
Councillor Mathew	6. Sutton Courtenay Landfill Site – Application APF/616/57-CM	<p>Personal. He advised that he:</p> <ul style="list-style-type: none"> <li>• had had previous dealings with WRG (now (FCC) with regard to another site at Dix Pit;</li> <li>• was the County Council's representative on the North Wessex Downs AONB.</li> </ul> <p>However, he did not consider either affected his discretion to participate in discussion and voting on the item</p>

**30/12 MINUTES**

(Agenda No. 3)

The minutes of the meetings held on 16 April 2012 and 15 May 2012 were approved and signed.

**31/12 CHAIRMAN'S UPDATES**

(Agenda No. 4)

The Chairman referred to the recent retirements of John Duncalfe and John Hamilton. He would write and thank them for their hard work in support of the Committee.

Mr Tugwell advised as follows:

**Pinewoods Road, Longworth – Application No MW.0080/11**

No appeal lodged to date. The applicants had 6 months from the date of refusal.

**Thrupp Lane Quarry, Radley – Application No. MW.0001/12**

Cleud withdrawn and location for plant storage agreed. Permission would be issued following removal of plant.

**Planning Development Management Annual Review April 2011 - March 2012**

Paper tabled. Agreed to review paper and circulate to all members of the Council in amended form.

**Waterstock Golf Course**

Matter still before the High Court. Application made for a new Court hearing date before the same judge. No waste removed off site.

**Ashgrove Farm, Ardley**

The County Council continued to work closely with the Environment Agency and Cherwell District Council environmental health officers to ensure effective operation of the site and material kept to a minimum. Briefing session to be arranged for members on use of conditions.

**32/12 PETITIONS AND PUBLIC ADDRESS**

(Agenda No. 5)

<i>Speaker</i>	<i>Item</i>
David Hignell Dr Angela Jones Robin Draper Mike Graham	) ) 6. Sutton Courtenay Landfill Site – ) Application No APF/616/57-CM )
John Hawkins	9. Manor School, Lydalls Road, Didcot – Application R3.0048/12

**33/12 THE CONTINUATION OF DEVELOPMENT FOR THE ESTABLISHMENT OF RECYCLING FACILITIES ON LAND WEST OF CORRIDOR ROAD; EXTENSION OF THE DURATION OF THE EXISTING GREEN WASTE COMPOSTING FACILITY; THE STORAGE OF MATERIALS DERIVED FROM THE RECYCLING FACILITIES WITHIN THE GREEN WASTE COMPOSTING FACILITY WITHOUT COMPLYING WITH CONDITIONS 1, 6, 16, 18 AND 19 OF PLANNING PERMISSION AT SUTTON COURTENAY LANDFILL SITE APF/616/57-CM**

(Agenda No. 6)

The Committee considered an application (PN6) to continue development of a permitted recycling facility at Sutton Courtenay landfill site, without complying with a number of conditions, which would allow the materials recycling facility to be constructed and operated without the construction of the in-vessel composting facility, which currently formed part of the approved plans but was no longer needed.

Mr Hignell stated that Sutton Courtenay Parish Council had taken the view that material differences between the original proposal and what was now being proposed warranted a new application with a full consultation process rather than a Section 73 application. WRG had downplayed the size of this project. That was common practice for them and in keeping with the way they extended their activities through planning creep. The Vale of White Horse District Council had objected to both the EfW and MBT proposals on lowland vale policies but it appeared they had not been consulted on this proposal. Drainage in Sutton Courtenay village remained a problem and a site drainage scheme had yet to be approved. Dust, noise and flies remained a constant problem and one which the company seemed not to take seriously.

Dr Jones speaking for Appleford Parish Council stated that Appleford was a small village under immense pressure. They had been distracted by recent events regarding changes to the proposals for the digester facility and had consequently missed the opportunity to respond to this Section 73 application. The Parish Council considered that if this application had come in through the normal planning process it would have been recommended for refusal as there had been opposition from local planning authorities to other smaller schemes and it seemed illogical that a bigger building should not be treated in the same way. WRG had failed to comply with conditions to provide a detailed flood scheme and the County Council should take account of local plan policies and reject the application.

Robin Draper introduced an element of caution to the Committee insofar as the Section 73 application was concerned. The original permission had permitted establishment of recycling facilities on land to the west of Corridor Road and Condition 2 to that permission stipulated that the development should begin no later than three years from the date of that permission namely 17 December 2008. It was difficult to see how the word "development" could mean anything other than the MRF and IVC as the remainder of the permission was merely for the extension of the duration of the existing composting operation and for storage. He was of the view that it was legally incorrect to claim that a Section 73 was appropriate in this case due to the composting operation having started before the 3 year deadline and therefore a fresh application should have been submitted. The Committee had been misled regarding the size of the building. That brought it into conflict with local plan policies,

particularly as the EfW and MBT had been rejected on similar grounds. Consultation had also been inadequate. WRG had also failed to identify the source of waste and therefore questions remained regarding need for the facility. WRG in January had stated its intention to open discussion regarding its long term plans. That would have been welcomed but had not been forthcoming. The Committee had little option legally other than to refuse the application.

The three speakers then responded to questions from members of the Committee.

Councillor Tanner – Mr Hignell stated that in addition to the industrialisation of a Greenfield site the application was contrary to local plan policies designed to protect the coalescence of communities and restoration of land. There would be an unfortunate effect of creating unattractive development where there was no overriding need for it and no benefit to the greater good of the local area. WRG continued to disappoint in that regard.

Councillor Crabbe – Mr Hignell confirmed that despite a condition for a drainage scheme being imposed 3 years previously one had never been submitted. Surface water appeared within the parish boundaries and had affected footpaths.

Councillor Armitage – Mr Hignell confirmed that the parish council had known about the consultation when the proposal was submitted. Dr Jones confirmed Appleford Parish Council had first been aware of the consultation on 28 February. Mr Tugwell confirmed that the consultation had been published on 15 February and that that consultation had included the vale of White Horse District Council.

Councillor Mathew – Mr Draper confirmed that a Section 73 was inappropriate in this case as it allowed a substantial variation without a full consultation. The time condition on the original permission had expired last December and that this variation had time lapsed.

Mr Graham addressed the Committee on behalf of the applicants. Waste processing and its structure were never popular but it was necessary to fulfil a need. In this case there had been one permission dealing with 3 issues - a material recovery facility, in-vessel composting facility and a composting facility. Failure to secure the green waste contract had meant that the IVC facility was redundant. That had freed up some space to provide a more efficient structure for a recycling facility, which would help divert material from landfill. The operation involved screening waste that was already coming into the site and no additional waste would be brought in. By providing a bigger building the company would be able to accommodate new and evolving plant to ensure sustainability and enable more of the operation itself to be housed within the building thereby reducing nuisance. The company were not ambivalent to local concerns. In addition to the IVC building not going ahead there would be a reduction in the footprint of the MRF of 2,000 square metres. The building although larger would not be higher and now there would be only one building as opposed to two. If the IVC facility had gone ahead there would have been the need to introduce a new stream of waste of 70,000 tonnes per annum. That would no longer happen. With regard to site drainage the landfill operation was not part of this permission. However, a surface water drainage plan for this site would be submitted in accordance with the conditions attached to any permission if granted.

There was a need for this facility. Waste was already coming in to the site and this would offer an opportunity to deal with waste more effectively and divert some of that from landfill. The original permission had contained three elements 1 of which had now gone and another, for the green waste composting facility, implemented. It had been difficult to separate those elements, which explained why some felt the permission period had lapsed. However, the company had taken the view that implementation of the green waste element allowed for submission of a Section 73 application.

He then answered questions from members of the Committee.

Councillor Hayward – it was expected to recycle around 70,000 tonnes.

Councillor Owen – he confirmed only one building would be required. As the company had not secured the green waste contract there was no waste stream to warrant construction of that facility.

Councillor Fitzgerald-O'Connor – he confirmed an increase in the footprint of the building but it would not be any higher than originally proposed.

Councillor Crabbe – the facility would be processing waste brought to the landfill site which did not have permission to accept hazardous waste.

Councillor Greene – he confirmed that the type of building proposed was a steel portal frame which could be removed and resited along with along with the plant inside it. The intention was for it to be removed by 2019.

Councillor Mathew – the dimensions of the original building had been acceptable 3 years ago but the opportunity which now presented itself to increase the size of the building meant that it would be possible to store material and manouvere vehicles within the building. There had been a lot of changes to waste processing operations in Oxfordshire recently ie Ardley and the company needed to respond to that.

Councillor Lilly – a surface water scheme had been submitted to the Environment Agency and was currently with the Oxfordshire County Council.

Councillor Mathew understood that the North Wessex Downs AONB had not been consulted on this proposal in accordance with agreed protocols between them and the County Council. He sought assurances that no changes were proposed to the height of the building.

Mr Tugwell could not confirm whether the North Wessex Downs AONB had been consulted in this instance, although a response had been received from Natural England. He would ensure that for future planning applications the relevant AONB would be included in the consultation process. He confirmed that the proposed height of the building was 12 metres.

Councillor Lilly considered there was a case for deferral in order to ascertain whether there had been correct consultation. He also expressed some caution as to whether a

Section 73 application was appropriate in this case and felt there a number of questions remained unanswered.

Councillor Stratford felt the application had merit. It provided 1 building as opposed to 2 and would be able to house and contain all operational aspects and if adequately monitored and enforced then the application held up. He moved and Councillor Reynolds seconded the recommendation as set out in the report.

Councillor Sanders then moved an amendment to defer the application to allow further local consultation. The Chairman was minded not to accept the amendment.

Councillor Stratford then asked that the motion be put and it was –

**RESOLVED:** (by 11 votes to 4) that Application MW.0027/12 be approved subject to:

- (a) conditions carried forward from the original consent (APF/616/57-CM) but with the following amendments to Conditions 1, 6, 16,18 and 19:

Replacement Condition 1

The development shall be carried out strictly in accordance with the particulars of the development, plans and specifications contained in the application except as modified by conditions of this permission. The application comprises: Supporting Statement reference PEL/SC73/19471/001 dated October 2011, Site Location Plan CH6737-P01/C, Building Elevations CH6737-P02/C and landscaping drawings SC-RF-LR1 and SC-RF-LR2 dated December 2011.

Replacement Condition 6

No operations relating to the MRF or Green Waste Composting Facility including HGVs entering and leaving the site, other than air pumping and monitoring, shall be carried out on site except between the following times;

7:00 am to 18:00 pm Monday to Friday

7:00 am to 13:00 pm Saturdays

No operations shall take place Sunday or Bank Holidays

Replacement Condition 18

No development of the MRF shall commence until a scheme for the enhancement of screening vegetation has been submitted to the Waste Planning Authority and approved in writing. Any scheme that is approved shall be implemented in the first planting season following the date of this permission and shall be maintained for the life of the permission.

Replacement Condition 19

No development of the MRF shall commence until drainage details incorporating sustainable drainage principles, and an assessment of the

hydrological and hydrogeological context of the development, have been submitted to and approved in writing by the Waste Planning Authority. Any scheme approved shall be implemented before any waste is brought to the MRF.

Delete Condition 16

(b) the following new conditions and informative:

1. No construction of the MRF shall commence until a scheme for the surfacing of the road from the two accesses to the site to Corridor Road has been submitted to and approved in writing by the Waste Planning Authority, and those surfacing works have been completed in accordance with the approved scheme. The surfaced road shall be maintained in accordance with the approved scheme for the duration of the development.
2. No construction of the MRF shall commence until signs warning lorry drivers of pedestrians and cyclists on the road outside the two accesses to the site have been erected in accordance with details of location and design which have been submitted to and approved in writing by the Waste Planning Authority. These signs shall be maintained for the duration of the development.
3. No construction of the MRF shall take place until an internal layout scheme for the MRF has been submitted to and approved by the Waste Planning Authority. The development shall be carried out in accordance with that approved scheme.
4. No construction of the MRF shall take place until the bunds shown on approved plan CH6737-P01/C have been constructed to 3 metres in height and seeded with grass and until the landscape planting shown on the same approved plan has been implemented. The bunds and landscaping shall be maintained for the duration of the development.
5. No more than 40,000 tonnes per annum of green wastes and 70,000 tonnes per annum of other wastes shall be imported to the site.
6. The height of the building shall be restricted to a maximum height of 12 metres.

Informative: European Protected Species

- 34/12 FERRIS HILL FARM, HOOK NORTON**  
**VARIATION OF CONDITIONS 3 AND 5 OF PLANNING PERMISSION 07/00058/CM TO ALLOW LONGER OPERATING HOURS AND AN INCREASE IN THE MAXIMUM THROUGHPUT OF WASTE FROM 24,999 TONNES PER ANNUM TO 45,000 TONNES PER ANNUM (MW.0032/12)**  
**VARIATION OF CONDITION 16 OF PLANNING PERMISSION 07/00058/CM TO ALLOW AN ADDITIONAL 6 MONTHS UNTIL 31 OCTOBER 2012, FOR COMPLETION OF CONCRETE APRON (MW.0034/12)**  
(Agenda No. 7)

The Committee considered an application (MW.0034/12) to vary a condition in order to extend the time for the provision of a concrete apron in front of a recently constructed waste transfer building.

A second application MW.0032/12 to vary conditions to increase operating hours and annual throughput of waste had been withdrawn by the applicants.

**RESOLVED:** (on a motion by Councillor Jelf, seconded by Councillor Hannaby and carried nem con) that subject to a routeing agreement to prohibit the route to and from the north of the site on the Sibford Road in order to prevent traffic passing through the villages of Sibford Ferris and Sibford Gower that planning permission be approved for Application MW.0034/12 subject to conditions to be determined by the Deputy Director for Environment & Economy (Growth and Infrastructure) but to include conditions from the existing consent as amended (Condition 16) to provide until 31 October 2012 for the provision of the concrete area.

- 35/12 RETENTION AND CONTINUED USE OF TWO MODULAR BUILDING UNITS (REF T1 (CE01) CHILDREN'S CENTRE BASE OFFICE AND T2 A CLASSROOM) FOR A FURTHER PERIOD OF FIVE YEARS AT GREAT MILTON C OF E SCHOOL, THE GREEN, GREAT MILTON, OXFORD OX44 7NT - APPLICATION R3.0047/12**  
(Agenda No. 8)

The Committee considered an application by the school to renew planning permission for temporary buildings in order to continue provision of the children's centre services.

Ms Woodcock confirmed support from Councillor David Turner the local member.

Councillor Hannaby moved and Councillor Stratford seconded that the recommendation as set out in the report be approved.

Councillor Tanner moved an amendment that permission be granted for 3 years as opposed to five. Councillor Sanders seconded the motion which was then put to the Committee and lost by 12 votes to 2.

The original motion was then put to the Committee and –

**RESOLVED:** (nem con) that Application No. R3.0144/11 be approved subject to conditions to be determined by the Deputy Director for Environment & Economy (Growth & Infrastructure) to include the following matters:

1. The development must be carried out strictly in accordance with the plans and drawings submitted with the application.
2. Temporary buildings to be removed by 31 May 2017.

Travel Plan Informative: to encourage provision of a new travel plan for the children's centre and update existing school travel plan.

**36/12 INSTALLATION OF A MODULAR CLASSROOM BUILDING FOR A TEMPORARY PERIOD OF FIVE YEARS AT MANOR PRIMARY SCHOOL, LYDALLS CLOSE, DIDCOT, OXFORDSHIRE, OX11 7LB - APPLICATION R3.0048/12**  
(Agenda No. 9)

The Committee considered (PN9) an application to install a double modular classroom building for a temporary period of 5 years.

John Hawkins the headteacher was present to answer questions and responding to Councillor Armitage he confirmed that despite a growing population in Didcot he was not expecting numbers at the school to increase due to schools nearby being under capacity. Parking restrictions at the nearby Civic Hall had been lifted to allow parents to park.

**RESOLVED:** (on a motion by Councillor Crabbe, seconded by Councillor Greene and carried nem con) that Application No. R3.0048/112 be approved subject to conditions to be determined by the Deputy Director for Environment & Economy (Growth & Infrastructure) to include the following matters:

3. The development must be carried out strictly in accordance with the plans and drawings submitted with the application.
4. Temporary building to be removed by 31 January 2017.
5. Submission of final design details of temporary building (including material finish).
6. Prior submission of full drainage details (including soakage tests).

Informatives:

Encourage school to update school travel plan.

The school is required to notify the county archaeologist if any archaeological finds occur.

**37/12 MINERALS AND WASTE SITES MONITORING AND ENFORCEMENT**

(Agenda No. 10)

The Committee considered (PN10) a report on regular monitoring of minerals and waste planning permissions and progress of enforcement cases between 1 October 2011 to 31 March 2012.

Mr Hodgkinson confirmed an 83% rate for scheduled visits and whilst some visits were announced, such as site audit or specialist area visits, others were not. There was no covert evidence gathering and work was underway with other agencies to clarify the role of conditions and improve enforceability.

**RESOLVED:** that the Schedule of Compliance Monitoring Visits at Annex 1 to the report PN10 and the Schedule of Enforcement Cases at Annex 2 be noted.

..... in the Chair

Date of signing