

## PLANNING & REGULATION COMMITTEE

**MINUTES** of the meeting held on Monday, 3 December 2012 commencing at 2.00 pm and finishing at 3.50 pm

### Present:

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

Councillor Mrs Catherine Fulljames (Deputy Chairman)  
Councillor Alan Armitage  
Councillor Tony Crabbe  
Councillor Mrs Anda Fitzgerald-O'Connor  
Councillor Patrick Greene  
Councillor Jenny Hannaby  
Councillor Ray Jelf  
Councillor David Nimmo-Smith  
Councillor G.A. Reynolds  
Councillor John Sanders  
Councillor John Tanner  
Councillor Tim Hallchurch MBE (In place of Councillor Stewart Lilly)

### Officers:

Whole of meeting G. Warrington and J. Crouch (Law & Culture); P. Lerner and D. Groves (Environment & Economy)

Part of meeting

<b>Agenda Item</b>	<b>Officer Attending</b>
6	M. Thompson (Environment & Economy)
7 and 8	N. Fagan (Environment & Economy)
9	C. Hodgkinson (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.*

## 62/12 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

(Agenda No. 1)

<i>Apology</i>	<i>Temporary Appointment</i>
Councillor Stewart Lilly	Councillor Tim Hallchurch
Councillor Neil Owen	-
Councillor Lawrie Stratford	-

**63/12 MINUTES**  
(Agenda No. 3)

The Minutes of the meeting held on 22 October 2012 were approved and signed.

**64/12 PETITIONS AND PUBLIC ADDRESS**  
(Agenda No. 4)

<i>Speaker</i>	<i>Item</i>
Mark Baker (Vale CPRE)	)
Robin Draper (Resident, Sutton Courtenay)	)
Nicola Simonson (Resident, Culham)	) Application MW.0174/12
Nick Hards (Didcot Town Council)	)
Dr Angela Jones (Sutton Courtenay Parish Council)	)
Mike Graham (Agent for the Applicant)	)

**65/12 CHAIRMAN'S UPDATES**  
(Agenda No. 5)

Mr Lerner advised on the following matters:

**Radley ROMP (Review of Old Mineral Permission)**

The period for submission of representations to the Secretary of State was due to close on 10 December 2012.

**Shenington ROMP (Review of Old Mineral permission)**

Work proceeding.

**Soldiers of Oxfordshire Museum, Woodstock**

Officers had responded to a number of concerns raised by local residents. The possibility of an application for judicial review remained even though the planning application itself had been approved two years previously and work was now in progress.

**Waterstock Golf Course**

A meeting had been scheduled with the applicants for later in the week.

**66/12 VARIATION OF CONDITIONS 1,3 AND 22 OF PLANNING APPROVAL P12/V1497/CM FOR THE ESTABLISHMENT OF RECYCLING FACILITIES ON LAND WEST OF CORRIDOR ROAD TO EXTEND THE END DATE OF OPERATIONS FROM 31 DECEMBER 2019 TO 31 DECEMBER 2030, TO INCREASE THE ANNUAL MRF THROUGHPUT FROM 70,000 TPA AND FOR SOME ALTERATIONS TO APPROVED ELEVATIONS AT SUTTON COURTENAY LANDFILL SITE, SUTTON COURTENAY, OX14 4PW - APPLICATION NO MW.0174/12**

(Agenda No. 6)

The Committee considered (PN6) an application to continue development of a permitted recycling facility at Sutton Courtenay landfill site but with changes to a number of conditions to allow the materials recycling facility to operate until 2030 in line with the life of the adjacent landfill site and process 200,000 tonnes of waste per year and for changes to the elevations of the building, although no changes were being proposed to the footprint, height or dimensions.

Mr Lerner responded to concerns which had been expressed regarding the appropriateness of a Section 73 application in this case. His statement had been circulated with the tabled addenda.

Mark Baker considered the application flawed. Firstly it had originally presented proposals for the Ardley bulk transfer contract but was now dealing with proposals for increased throughput for sorting landfill waste, an entirely unrelated and undisclosed activity and one which had offered local people and consultees no proper opportunity to comment. It had not therefore followed due process. The application was procedurally invalid as Section 73 could not be used to approve new development and should be considered again as a full planning application, which provided a real basis and case to approve an increased throughput and life of the facility. He considered planning officers had put forward totally different justifications for these two major components and asked the Committee to decline to consider the application as presented as the applicant had made no case at all for the first element and an invalidated case for the second. Section 73 was not an appropriate means for dealing with such contentious matters and a planning application was needed which explained comprehensively proposals for trebling throughput and which put the life extension into the full context of the life of the site itself.

Robin Draper also considered this a faulty application and one which should not have been considered under Section 73. He referred to a detailed list of 8 applications submitted at this site over the past two years which in his view represented planning creep. Setting out material changes for an 18 year extension and a trebling of throughput warranted a new application. In May agreement had been given for a 70,000 tonne throughput for the MRF facility which FCC had accepted. They were now building a larger plant and were in breach of the May permission. There was no basis to grant an extension of time in this way and the Committee should not approve it. The Company had shown complete disdain for conditions. He also advised that the local County Councillor opposed the application.

Nicola Simonson spoke as a local resident and environmental consultant. With particular concerns regarding the extension of time. She considered this constituted a permanent facility in the countryside and not a temporary one. The site was still classified as Greenfield, which is why previous schemes such as the MBT facility had been rejected. The application was contrary to policies NE9, 10 and 11 in the local plan which sought to prevent development with impact on views and the site itself was particularly sensitive especially with the imminent closure and demolition of Didcot power station, which offered a unique opportunity to reclaim the lowland vale. Allowing this application represented a retrograde step.

Nick Hards referred to the significant visual impact this facility would have on planned housing development in Didcot. Traffic levels, which were set to increase dramatically as a result of that development, would not be helped by this proposal and it seemed incomprehensible with that development as a backdrop to be now seeking to increase operations together with an extension of time for the facility particularly when, at the May meeting of the Planning & Regulation Committee, the applicants had been content with the original proposal and yet here they were months later and despite assurances given at that meeting seeking significant changes to that proposal.

Dr Angela Jones endorsed all the comments made by the previous speakers and referred to the despair felt by Appleford Parish Council regarding this application. She had said in May that there were likely to be changes made and sure enough that had happened. The Parish Council felt bullied by FCC and the Committee should support local concerns and refuse the application.

The Chairman referred to an email which he had received from Councillor Stewart Lilly who had asked that the Committee seriously consider refusing the application. Oxfordshire county council were currently taking enforcement action against FCC at Sutton Courtenay for other planning conditions that were not only being ignored but totally flouted and it would be sheer folly to grant yet another conditional approval if they continued to ignore existing conditions already imposed on them.

Mike Graham on behalf of the applicants advised that FCC had addressed the level of criticism levelled at them in May by establishing a dedicated team to deal with these issues which had included a full and comprehensive list of every application required in order to complete the landfill operation by 2030. He advised that the company were seeking confirmation whether or not Ardley were able to accept treated waste. With regard to throughput he confirmed that they were not asking for a single additional tonne to be imported but would only be dealing with waste which was already coming to the site and were looking to treat waste in order to recover and divert recyclables from landfill and there would be no transport impact as there would be no additional waste being brought in. The company were seeking to tie the MRF operation into the life of the landfill. Waste disposal needed a strategy in order to get waste away from landfill but needed to get waste into the site in order to meet the end date and then restoration. However, if the MRF facility was decommissioned in 2019 then the Company would need to use recyclables to fill the site which was not possible under EU regulations. They were not looking to increase the size of the building and confirmed that the site was in fact brownfield (under the National Policy

Planning Framework) and would only revert to greenfield status after 2030. The landscape would be reclaimed by 2036. Some areas had already been restored and the company was doing its utmost to get the site completed but by its very nature waste would be always be a contentious issue. The company took cognisance of local concerns but in their view this was what was required to meet the completion date for landfill.

Mr Graham then responded to questions from:

Councillor Tanner – waste import was currently split between rail (350,000 tonnes) and road (250,000 tonnes) with treated waste coming from road imports.

Councillor Greene – rail imports would continue to 2030. With regard to the comments by Councillor Lilly concerning enforcement there had been breach of a pre-commencement condition which had arisen as the company had been told that all responses had been submitted. However, there had been a delay of two weeks getting a written response from the Environment Agency although they had been told verbally that all was well. In these cases it was normal practice to proceed on that basis but due to the sensitivity of the Sutton Courtenay site and with hindsight that had been ill. However he did not regard that as flouting and indeed following comments made at the May meeting the company were trying to improve liaison.

Councillor Hallchurch – he confirmed that there would be no increase in traffic as waste to be treated would come from levels currently imported into the site. He referred to the clarification of throughput documentation which he had tabled which illustrated that the current level was 70,000 tonnes but more could be processed and the hope that 60,000 tonnes could be diverted to Ardley as treated waste rather than build a waste transfer station.

Councillor Hannaby – the company did keep records and in May the Company had asked for capacity not to be conditioned to 70,000 tonnes as they felt more could be achieved.

Ms Thompson drew the Committee's attention to the tabled addenda sheet which set out comments from the Vale of White Horse District Council and a revised Annex 3. If approved this permission would not cover the waste transfer or clinical waste elements and therefore the information regarding traffic levels associated with those elements as set out in paragraph 18 did not apply to this application.

Responding to:

Councillor Armitage - she confirmed that any permission for this application would not include clinical waste.

Councillor Tanner – the original application had proposed the life of the MRF to 2019 which had tied in with the lifetime of the landfill operation at that time. However, that had been amended to 2030 with restoration in 2036 when the the site would revert to greenfield status.

Councillor Greene – the report dealt with the environmental impact of the facility.

Councillor Hannaby supported the aims of recycling but had sympathy for the plight of local residents. It had come as no surprise to her that having granted an extension of time for the landfill FCC were now seeking a similar extension for the MRF facility.

Councillor Fitzgerald-O'Connor felt that having weighed the impact of the development against the desirable aims of recycling the application should be approved and she so moved. Councillor Nimmo-Smith seconding.

Councillor Reynolds considered that as import levels were not set to increase there seemed to be no real planning reason to refuse.

Councillor Armitage however felt that the application went against local plan policies and it was not appropriate to say that good recycling should outweigh those policies.

Councillor Tanner agreed and felt MRFs encouraged landfill which we should be looking to reduce. He could see little justification to allow this proposal which if approved would continue to be blot on the landscape.

The motion was put to the Committee and –

**RESOLVED:** (by 8 votes to 3, Councillor Greene and Councillor Hannaby recorded as having abstained) that Application MW.0174/12 be approved subject to conditions attached to the original consent (APF/616/57-CM) but amended specifically in respect of conditions 1, 3 and 22 as detailed in the revised Annex 3 as attached to the addenda sheet and tabled at the meeting and to further updating of conditions 15, 16, 18, 19, 20 and 21 by the Deputy Director for Environment & Economy (Strategy & Infrastructure Planning) to reflect that schemes had now been approved and must be implemented.

**67/12 CONTINUATION OF PERMISSION WCH/5048/3-CM TO CONTINUE INFILLING OF A FORMER CHALK QUARRY WITH INERT WASTE FOR A FURTHER 3 YEARS - THE PROPOSALS INCLUDED SOME EXCAVATION OF CHALK FOR USE ONLY IN THE FINAL RESTORATION OF THE SITE) WITHOUT COMPLYING WITH THE REQUIREMENTS OF CONDITION 2 (THE DEVELOPMENT AND RESTORATION HEREBY GRANTED SHALL BE FOR A LIMITED PERIOD EXPIRING ON 31 DECEMBER 2010) TO ALLOW FOR AN EXTENSION TO THE END DATE OF THE PLANNING PERMISSION AND RESTORATION UNTIL 31 DECEMBER 2015 A**  
(Agenda No. 7)

The Committee considered (PN7) an application to extend the time allowed to restore a former chalk quarry to 31 December 2015 noting that the application site fell in the division of Shrivenham and not Greendown as published.

Councillor Fitzgerald-O'Connor expressed frustration at the length of time it had taken to complete this work and understood the frustration of local residents. However, she did not feel a refusal would help resolve the issue but is approved then pressure should be brought to bear on the applicant to stick to the terms of that approval.

**RESOLVED:** (on a motion by Councillor Mrs Fulljames, seconded by Councillor Greene and carried nem con) that Application MW.0014/11 be approved subject to conditions to be determined by the Deputy Director for Environment & Economy (Strategy & Infrastructure Planning) but including the amended Condition 2 as set out in paragraph 14 of the report PN7 and such other conditions including re-imposed conditions from the previous expired permission WCH/5048/3-CM as set out in summary as follows:

Heads of Conditions

1. Commencement within 3 years.
2. The development and restoration hereby granted should be for a limited period expiring on 31 December 2015. The site should be restored in accordance with approved plans 135CQA/3 and P2310 D4 B (see paragraph 14 of the report PN7).
3. All buildings, structures, plant, vehicles, machinery etc should be removed by 31 December 2015 and fully restored in accordance with details in Condition 2.
4. In accordance with application details (list plan nos. etc).
5. Chalk face retained in accordance with scheme to be submitted.
6. Operational hours limited to 0700-1800 Mondays to Fridays, 0700-1300 Saturdays.
7. Site access maintained & kept free of mud & other debris.
8. Access only from existing access onto B4507.
9. Erection of signage on exit restricting drivers using Silver Lane through West Challow & the B4001 through Childrey.
10. No waste other than restoration soils.
11. No export of any waste material from the site.
12. Aftercare in accordance with submitted scheme & monitoring of such aftercare including via annual meetings.
13. Replacement of any trees and shrubs in accordance with aftercare scheme.

**68/12 RENEWAL OF CONSENT AND CONTINUED USE OF TWO RELOCATABLE CLASSROOM UNITS REF T1 (E223) AND T3 (E237) FOR A FURTHER PERIOD OF 5 YEARS AT CHURCH COWLEY ST JAMES PRIMARY SCHOOL, BARTHOLOMEW ROAD, OXFORD, OX4 3QH - APPLICATION NO. R3.0158/12**

(Agenda No. 8)

The Committee considered (PN8) an application for the renewal of permission for two temporary classrooms buildings at Church Cowley St James Primary School in the light of an objection by the City Council.

Councillor Hannaby moved and Councillor Mrs Fulljames seconded that the recommendation as set out in the officer's report be approved.

Councillor Sanders highlighted the need for permanent buildings to be provided to deal issues of overcrowding rather than temporary classrooms.

Councillor Tanner considered that the City Council's policy as set out in the report had been misinterpreted and he proposed an amendment which Councillor Sanders seconded that permission be granted for 3 years only.

The amendment was put to the Committee and lost by 10 votes to 2.

The original motion was then put to the Committee and –

**RESOLVED:** (nem con) that planning permission be approved for Application R3.0158/12 subject to conditions to be determined by the Deputy Director (Strategy & Infrastructure Planning) but to include the following:

1. The development should be carried out solely in accordance with details submitted with the application.
2. Temporary buildings to be removed by 31 December 2017.

Informative:

The Planning Application Justification Statement submitted with this planning application indicated a forecast increase in the number of pupils. An increase in the number of pupils was likely to have implications for the local transport and highway network and in the light of this an up-to date School Travel Plan should be produced. The applicant was advised to contact Oxfordshire County Council's Travel Choices and School Travel Plans Team who would assist in updating the plan.

## **69/12 MINERALS AND WASTE SITES MONITORING AND ENFORCEMENT**

(Agenda No. 9)

The Committee considered (PN9) an update report on regular monitoring of minerals and waste planning permissions and progress of enforcement cases for the period 1 April 2012 to 31 October 2012.

Councillor Mrs Fulljames referred to the following issues:

Ardley Quarry - routeing agreements were being broken and she questioned why those vehicles could not be identified using CCTV cameras on site.

Ardley Composting Site – the Liaison Committee seemed to be getting to grips with this site and she thanked officers for their help.

Energy from waste, Ardley – could this be included in future reports as the site was under construction and problems were already being experienced with starting times for construction workers on site.

Finmere Quarry – there were ongoing problems although they were more to do with the Environment Agency but she asked officers to keep an eye on the situation.

..... Mr Hodgkinson undertook to include the Energy from Waste facility would be monitored as part of Ardley landfill and as construction proceeded monitoring would increase. CCTV was being used to monitor hours of work.

Councillor Armitage highlighted that there seemed to have been no visits for Waterstock.

Mr Hodgkinson confirmed that this site received enforcement visits and that there had been two this year. He undertook to update that list.

Responding to Councillor Hannaby regarding concerns concerning speeding vehicles and stacked skips at the Aasvogel Waste Transfer Station at Grove Business Park Mr Hodgkinson advised that the site had now changed hands but officers would keep an eye on the situation.

Councillor Fitzgerald-O'Connor referred to problems regarding mud on the road at Shellingford Quarry despite there being a wheelwash facility.

Mr Hodgkinson advised that a previous joint operation with police at this site had identified problems with sheeting and secured loads. That had led to some improvement but he would look again at the site.

With regard to the Sutton Courtenay site (page 70) Councillor Greene pointed out that the operator should be amended to read FCC.

**RESOLVED:** that the Schedule of Compliance Monitoring Visits in Annex 1 and the Schedule of Enforcement Cases in Annex 2 to the report PN9 be noted.

..... in the Chair

Date of signing