

PLANNING & REGULATION COMMITTEE

MINUTES of the meeting held on Monday, 13 April 2015 commencing at 2.00 pm and finishing at 3.20 pm

Present:

Voting Members: Councillor Mrs Catherine Fulljames – in the Chair

Councillor Neil Owen (Deputy Chairman)
Councillor David Bartholomew
Councillor Mark Cherry
Councillor Patrick Greene
Councillor Pete Handley
Councillor Bob Johnston
Councillor Stewart Lilly
Councillor Glynis Phillips
Councillor Anne Purse
Councillor G.A. Reynolds

Officers:

Whole of meeting G. Warrington and D Mytton (Law & Governance); C. Kenneford and D. Periam (Environment & Economy)

Part of meeting

Agenda Item **Officer Attending**
6 K. Broughton (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.

15/15 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

(Agenda No. 1)

<i>Apology</i>	<i>Temporary Appointment</i>
Councillor John Tanner	None notified

16/15 DECLARATIONS OF INTEREST - SEE GUIDANCE NOTE OPPOSITE

(Agenda No. 2)

With regard to Item 6 (Land at Greenacre, Stanton Road, Harcourt Hill) Councillor Johnston advised that although he was a member of the Vale of White Horse district planning committee and had visited the site in that capacity the matter had not yet been discussed by that committee and as he had not yet expressed a view on it intended to take part in any discussion and voting on the item.

With regard to Item 8 the Chairman informed the Committee that the Deputy Chairman would take the chair for the duration of Item 8.

17/15 MINUTES

(Agenda No. 3)

The minutes of the meeting held on 2 March 2015 were approved and signed.

There were no matters arising.

18/15 PETITIONS AND PUBLIC ADDRESS

(Agenda No. 4)

<i>Speaker</i>	<i>Item</i>
Lynne Horn (Applicant) County Councillor Janet Godden (Local Member)) Item 6 – Greenacre, Stanton) Road, Harcourt Hill -) Application)MW/0021/15

19/15 CHAIRMAN'S UPDATES

(Agenda No. 5)

The Marshes, Yarnton

Mr Periam advised that a decision by the County Council to refuse permission for the erection of waste recycling and transfer facility and access improvements at this site had been upheld by the Inspector on appeal. He had found that there were no special circumstances to allow the development to take place in the Green Belt at this particular site and dismissed the appeal.

Radley Romp

Mr Broughton advised that the 31 March 2015 date to re-serve the prohibition order had not been achieved although it was hoped that that might now happen before the next meeting. There were a number of permissions on this site and officers wanted to

ensure that the case was as robust as possible before re-serving. He would keep the local member informed.

20/15 SPREADING OF SUB AND TOPSOIL ARISING FROM CONSTRUCTION WORKS AT SITE OF GREENACRE, ONTO PART OF ADJACENT FIELD ON LAND AT GREENACRE, STANTON ROAD, HARCOURT HILL - APPLICATION MW/0021/15

(Agenda No. 6)

The Committee considered (PN6) an application to dispose of approximately 100m³ of subsoil and topsoil which had arisen from the digging of foundations for houses on an adjoining site by spreading it to a depth of approximately 10 cm and restoration to a wildflower meadow.

Introducing the report Mr Broughton highlighted a number of amendments; two of which had been highlighted on the addenda sheet and another in paragraph 14, line 1 where West Oxfordshire District Council should have read Vale of White Horse District Council.

He also referred to 2 late submissions. One from Lesley and Karim Sekkat and a second from Phillip Massey.

He then addressed a number of issues which had been raised including harm to the Green Belt from inappropriate development and the very special circumstances needed to be overcome in order to allow such development to take place. He had considered that those very special circumstances for a landfill development even on a small scale had not in this case been met.

He then responded to questions from:

Councillor Greene – the waste currently on site was the subject of enforcement action by the district council who were waiting on a decision with regard to this application before proceeding further.

Councillor Johnston – he was not certain of the size of the lorries which were intended to be used but suggested they would likely be the usual 15 tonne vehicles.

Councillor Bartholomew – he did not know the exact details of the enforcement action but it related to the existing bunds of spoil from the housing site. Councillor Johnston confirmed that the enforcement was unrelated to the matter currently before the Committee.

Councillor Handley – he confirmed that the application constituted development under the Town & Country Planning Act 1990.

Outlining the development Lynne Horn confirmed that the bund material had not come from the basement development neither had it been the intention to leave the material there. However, at a later date it had seemed reasonable to propose to spread the material in order to lessen disruption caused by its removal and also provide an opportunity to increase bio-diversity by planting a wildflower meadow.

The area of spread amounted to 10% of their field and any stones in the material would be used as part of the new build. She recognised the need to protect the sanctity of the green belt but did not consider this to be inappropriate development nor a departure from the development plan and being small scale did not feel it would adversely affect the real purpose of the green belt nor cause harm to it. She did not consider approval would set a bad precedent as each application was different and should, in any event, be considered on merit and as the development would be for her and immediate members of her family she felt that guaranteed stewardship of the site.

She then responded to questions from:

Councillor Cherry – vehicles would be required to dispose of the material in accordance with the detail of the application but there would be no movements required on the major road network.

Councillor Purse – confirmed they would undertake stewardship and monitor the site for at least 5 years in accordance with the terms of the application.

Councillor Phillips – as the land and terrain as it was retained a strong value they would be unlikely to pursue the wild meadow option if the application was refused. However, one of the advantages of spreading the waste was that it offered an opportunity to achieve some biodiversity so was something they were not discounting completely.

Mr Mytton advised that a question by Councillor Bartholomew regarding current enforcement was not relevant.

Councillor Godden considered the application did not conform to green belt policy and would set an unhealthy precedent. The waste was unsuitable for the proposed use and should have gone to landfill. It was clear that neighbouring residents would all prefer to see it removed and any perception that leaving the waste in situ would be of any benefit to them was misguided. There had been a long history in this locality in fighting against illegal deposit of waste and the County Council needed to be consistent and refuse permission in this case as well. Removal would only take a few months and a wildflower meadow could be created without this permission

She then responded to questions from:

Councillor Bartholomew – it was a fair point to make that as the applicants would be the ones enjoying the view over the proposed meadow they could be expected to safeguard its future vigorously but there was no certainty that the applicants would be living in or on all of the site. Mr Broughton advised that after-care would be something that the County Council would monitor.

Councillor Johnston considered it set a dangerous precedent. There was no compelling reason to allow this in the green belt and he referred to the saga of the Hinksey golf course. He was very much against it and confirmed it would be relatively easy to create a wildflower meadow by other means and he saw this as an attempt to subvert regulations for landfill. He had seen 24 tonne vehicles delivering to the site

without any trouble so therefore removal would be less onerous than suggested. He supported the recommendation and urged the Committee to do the same.

Councillor Bartholomew questioned whether permission would set a precedent. There was a de-minimis consideration here and therefore a reasonable case to treat this application as an exception. He could not see that there would be any negative after effect. .

Councillor Owen could see the benefits of the application but felt that ultimately the green belt should, when and where possible, be protected.

Councillor Phillips concurred that at first sight the application seemed like common sense but planning policy said otherwise and that needed to be supported.

Councillor Purse shared the concerns expressed regarding precedent and also the need for care when trying to establish a wildflower meadow.

Councillor Handley accepted that when an application was in the green belt special circumstances needed to be applied but he considered this a minor application and should therefore proceed.

Councillor Cherry was aware that this practice happened frequently in the building trade but as green belt the line taken by officers should be supported.

Mr Broughton confirmed in response to Councillor Lilly who had expressed some sympathy for the applicant that the application process had been instigated by the applicants themselves and to Councillor Greene that if the application was rejected then the matter of the existing bunds would be referred to the enforcement team.

RESOLVED: (on a motion by the Chairman, seconded by Councillor Johnston and amended further by him with her consent as the mover of the motion) that:

- (a) planning permission for application no. MW.0021/15 be refused for the following reasons:
 - i. The proposed development would be inappropriate development in the Green Belt for which Very Special Circumstances have not been shown. The proposal is therefore contrary to policy GS3 of the Vale of White Horse Local Plan, policy CP13 of the Vale of White Horse Local Plan Consultation Draft, policy W7 of the Oxfordshire Minerals and Waste Local Plan, policy W5 of the Oxfordshire Minerals and Waste Local Plan Core Strategy – Proposed Submission Document and paragraph 6 of the National Planning Policy for Waste.
 - ii. The proposal would result in disposal of waste on a green field site and other than at an existing landfill site. The proposal is therefore contrary to policies W5 and W6 of the Oxfordshire Minerals and Waste Local Plan Core Strategy – Proposed Submission Document , policy W7 of the

Oxfordshire Minerals and Waste Local Plan and paragraph 4 of the National Planning Policy for Waste.

- (b) the Deputy Director for Environmental Services (Strategy & Infrastructure Planning) be authorised to secure the removal of the existing bunds on the application site.

21/15 REVIEW OF DETAILED SCHEME APPROVED PURSUANT TO CONDITION 31 (EXTERNAL LIGHTING SCHEME) OF PLANNING PERMISSION 08/02472/CM (MW.0044/08)

(Agenda No. 8)

Condition 31 of planning permission no. 08/02472/CM (MW.0044/08) had required submission for approval of details of the external lighting at the Ardley Energy from Waste (EfW) site. The detailed scheme had been approved by the Planning & Regulation Committee on 12 May 2014 with part of that approval requiring that the scheme should be reviewed in November 2014. Further to that, a members' site visit had been carried out on the evening of 19 March 2015 in order to inform members' consideration of the review of the external lighting.

The purpose of the report now before the Committee (PN8) was to invite those members who had attended the site visit to report back and for the Committee to discuss and advise officers on what aspects, if any, of the external lighting scheme approved pursuant to condition 31 should be taken back to the site operator for review. The opportunity had also been taken to consider complaints regarding light spillage from within the EfW building and although that did not form part of the official review of the approved external lighting scheme any observations would be taken to the operator for their consideration.

Taking the chair for the duration of this item Councillor Owen thanked Viridor for their welcome and co-operation during the March site visit.

Introducing the report Mr Periam reminded the Committee that only the external lighting at the site could be the subject of review under condition 31 and that Viridor were under no obligation to address any issues which might be raised regarding light spillage from inside the facility.

Councillor Mrs Fulljames thanked those members who had been able to visit the site in March and although on that visit members had witnessed the external lights being turned down locally people had seen little difference. She referred to 3 submissions received from residents in Buckland, Middleton Stoney and Ardley and presented

photographic evidence of the intrusion into the local landscape during both daylight hours and at night. When the scheme had first been proposed it had been promised that a facility would be provided on the lines of the one at Colnbrook but the Ardley site was in a completely rural setting and had not been assimilated at all into the local setting. External lighting was not being dimmed or lowered at all and internal light spillage through the multi-coloured panels increased the illumination at night-time as seen from the photographs. That was unacceptable and Viridor should be asked to consider action to minimise that. She stressed that this was huge problem for residents and efforts were needed now to try and improve the situation.

Councillor Greene and Councillor Owen supported calls for Viridor to reduce the levels of external lighting and to find a solution to reduce light spillage at night.

Councillor Handley pointed out that planting to mitigate against the facility was still in its infancy and in say 10 years the situation could be expected to improve considerably.

Responding to Councillor Lilly Mr Periam confirmed that as far as he was aware no official complaints had been received during the facility's first winter of operation but that the matter had, of course, been discussed at the local liaison group.

Councillor Lilly added that additional lighting would be needed during the winter months and of course required as part and parcel of health and safety requirements but felt common sense should prevail.

Councillor Reynolds believed that his scepticism regarding photomontages had been borne out on the grounds that what the Committee had been shown in the past bore no resemblance to what existed now. Furthermore he felt that people hadn't complained because they felt nothing would be done. He supported calls for a reduction in the levels of external lighting and for Viridor to consider mitigating the effects of light spillage.

Councillor Johnston had been surprised at the level of brightness on the visit. Supporting calls to seek to reduce levels of external lighting and also to mitigate against light spillage from inside the facility he suspected that there would be times during the night that the only part of the facility that needed to be lit internally was the control room.

Councillor Purse concurred that what was there now bore no resemblance to earlier images. She accepted that light pollution existed in other areas but that was no reason to justify it elsewhere. There was also a valuable lesson to be learnt when dealing with such applications that external lighting should not be the only issue of concern but also light emanating from within a building and reflected light from its surface.

Councillor Bartholomew agreed that the Committee had been misled by the photomontages. A valuable lesson had been learned during this long process and he concurred with earlier calls for Viridor to review all aspects of lighting at the site.

RESOLVED:

- (a) with regard to Condition 31 – review of external lighting:
- i) That the staged switch-off of lighting approved pursuant to condition 31 of planning permission no. 08/02472/CM be implemented every evening/night;
 - ii) Viridor to introduce measures to secure a further reduction in levels of external lighting in compliance with the minimum required for health and safety at all times wherever possible.
- (b) that In the light of concerns expressed by members of the Committee both at the meeting and on the basis of a recent visit to the site and by local residents that Viridor be requested to consider introducing measures at the Ardley EfW including:
- (1) the reduction of internal lighting to the minimum required for health and safety at all times;
 - (2) the minimisation of light drift from within the building including the provision of curtaining to be drawn during all hours of darkness;
 - (3) measures to reduce the reflection of external light (including sunlight) back on to the surfaces of the building.

..... in the Chair

Date of signing