

PLANNING & REGULATION COMMITTEE

MINUTES of the meeting held on Monday, 27 February 2017 commencing at 2.00 pm and finishing at 2.55 pm

Present:

Voting Members: Councillor Mrs Catherine Fulljames – in the Chair

Councillor Neil Owen (Deputy Chairman)
Councillor Lynda Atkins
Councillor David Bartholomew
Councillor Mark Cherry
Councillor Patrick Greene
Councillor Bob Johnston
Councillor Stewart Lilly
Councillor James F. Mills
Councillor Glynis Phillips
Councillor Anne Purse
Councillor John Sanders

Officers:

Whole of meeting G. Warrington & D. Mytton (Directorate for Resources);
C. Kenneford & D. Periam (Directorate for Planning & Place)

Part of meeting

Agenda Item

6 & 7

8

Officer Attending

M. Case (Directorate for Planning & Place)

G. Crossley (Directorate for 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.

6/17 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

(Agenda No. 1)

An apology for absence was received from Councillor George Reynolds.

7/17 DECLARATIONS OF INTEREST - SEE GUIDANCE NOTE OPPOSITE

(Agenda No. 2)

Item 6 – B&E Waste Recycling and Transfer Facility, Minster Lovell – Application No. MW.0070/16

Councillor Mark Cherry advised that as part of his employment in the building industry he had in the past dealt with B&E Skips. However, he did not consider that to be significant enough to affect his impartiality and therefore intended to participate in any discussion and voting on that item.

8/17 MINUTES

(Agenda No. 3)

The minutes of the meeting held on 16 January 2017 were approved and signed.

9/17 PETITIONS AND PUBLIC ADDRESS

(Agenda No. 4)

| <i>Speaker</i> | <i>Item</i> |
|--------------------|--|
| Suzi Coyne (Agent) | 6. B & E Waste Recycling, Minster Lovell – Application MW/.0070/16 |

10/17 CHAIRMAN'S UPDATES

(Agenda No. 5)

- Minute 5/17 – Great Tew Ironstone Quarry – Application MW.0078/15 -The permission had now been issued and the enforcement notice withdrawn
- Additional meeting scheduled for 27 March 2017.

11/17 NEW BUILDING IN PLACE OF THE ONE APPROVED UNDER PERMISSION NO.: 08/0220/P/CM TO ACCOMMODATE EXISTING WASTE PROCESSING OPERATIONS AT B&E WASTE RECYCLING AND TRANSFER FACILITY, 115, BRIZE NORTON ROAD, MINSTER LOVELL, OXON, OX29 0SQ. - APPLICATION NO. MW.0070/16

(Agenda No. 6)

The Committee considered (PN6) an application for a rectangular building measuring 25 metres by 27 metres. The building would encompass an existing concreted area, currently used for waste processing and link the proposed processing building with

small covered lean-to area which in turn would link to the existing shed (3.8 metres by 5 metres). The proposed building would accommodate a new processing system.

Mr Case presented the report and notified an amendment to paragraph 4 insofar as the whole site covered 0.34 hectares and the building itself 675 metres. He then responded to questions from –

Councillor Bartholomew – planting to the south of the site could be conditioned.

Councillor Cherry – he confirmed the height of the existing shed at 7.2 metres while the proposed building would be 8.5 metres.

Councillor Greene – he confirmed that although the original proposal had been reduced from a proposed height of 10 metres the applicants had confirmed that there could be no further reduction without compromising the ability to house machinery.

Councillor Purse – he confirmed that the hedge referred to in the ecologist's report was the one proposed to be managed jointly between the applicant and neighbour to the north.

Suzi Coyne confirmed that B&E had been operating for over 50 years in the haulage business and for the last 20 years in the recycling business. Currently that operation was in the open which was not ideal and would be best under cover. The Environment Agency favoured operations under cover and this proposal would achieve that. There would be no increase in throughput or vehicle movements. The proposal had been designed to comply with other sites but because of objections it had taken some time to reach this final iteration which was the absolute minimum height to accommodate machinery. It was proposed that lorries would only tip at the western end of the site which although manageable was not ideal. There would be substantial health and safety benefits and controls such as noise and the building would be sited 65 and 83 metres from neighbouring properties. Although an urban area there were many other similar commercial units and she urged the Committee to approve the application.

She then responded to questions from –

Councillor Owen – the firm employed 30 staff.

Councillor Johnston – she confirmed the advantages to be gained from keeping material dry and confirmed what materials would be picked out. Plastic would be baled separately.

Councillor Phillips – tipping had to be carried out at the western end as there were more open views to the south. The proposed building would only be 0.7 metres above the approved building and even at the new proposed height it would not be possible for vehicles to extend fully.

Councillor Mrs Fulljames – the shadow over the neighbouring garden would be no greater than would arise from the previously approved building and would be 63 metres from the edge of the neighbouring property.

Responding to Councillor Sanders Mr Case could not confirm the height of other business units in the area but that there were some substantial units.

RESOLVED: (on a motion by Councillor Greene, seconded by Councillor Johnston and carried by 11 votes to 0 with one abstention) that Application MW.0070/16 (16/01686/CM) be approved subject to conditions to be determined by the Director of Planning and Place which included those set out in Annex 2 to the report PN6.

12/17 EXTENSION OF QUARRY WITH EXTRACTION OF SAND AND LIMESTONE WITH RESTORATION TO AGRICULTURE INCLUDING USING EXISTING QUARRY INFRASTRUCTURE AT BOWLING GREEN FARM, STANFORD ROAD, FARINGDON, OXON, SN7 8EZ APPLICATION NO. MW.0124?16

(Agenda No. 7)

The Committee considered (PN7) an application for the extraction of soft sand and limestone to the south-east of the existing Bowling Green Quarry extension (Chinham Farm). The proposed development would use the existing quarry entrance and access off the A417 and cover approximately 40.7 hectares of which 19 hectares will be subject to mineral extraction with the remaining 31.7 hectares used for the site access, quarry infrastructure (e.g. weighbridge and offices), soil storage and other non-operational uses such as landscaping including existing mounding on the adjacent workings and will have a phased scheme of eight working phases.

Mr Case presented the report. Responding to a question from Councillor Purse he confirmed that the late comments from BBOWT referred to in the addenda sheet had been discussed with the county ecologist who had confirmed that the long term management would allow sufficient time for hedgerows to establish. It was proposed to include the longest hedge as part of the 106 agreement but to condition others which would be planted early in the life of the development and although not part of the 106 specifically they would have 20 years to establish and benefit from care.

Responding to Councillor Johnston Mr Periam confirmed that only matters that could be agreed and seen as necessary could be included in the 106 agreement and confirmed there was a test of reasonableness in the NPPF.

Councillor Johnston then moved the recommendation as set out in the addenda sheet. Councillor Atkins seconding.

The motion was put to the Committee and –

RESOLVED: (unanimously) that subject to a legal agreement to secure a 20 year long term management plan for the development including the original Chinham Farm extension area already permitted under planning permission ST/8417/7-CM that planning permission for application MW.0124/16 be approved subject to conditions to be determined by the Director for Planning and Place including those set out below and other conditions brought forward from planning permission ST/8417/7-CM as necessary:

- i. The development should 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.
- ii. The development to which this permission relates should be begun not later than the expiration of three years beginning with the date of this permission. The date of commencement of development should be notified to the planning authority within 7 days of commencement.
- iii. The extraction element of the development hereby permitted should cease on or before 31 December 2037 and the site should be restored in accordance with the details submitted with the application and with approved plan CHIN001Rev.A, and any other plan approved under condition 16, by 31 December 2038.
- iv. No aggregates should be imported to the site for any purpose whatsoever.
- v. Notwithstanding the provisions of part 17 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, replacing or re-enacting that Order), no fixed plant or machinery, buildings, structures and erections, or private ways should be erected, extended, installed, rearranged, replaced, repaired or altered at the site without prior planning permission from the Mineral Planning Authority, other than for limestone and sand processing plant erected in accordance with the approved plans.
- vi. With the exception of the movement and loading of heavy goods vehicles, water pumping and works necessary in emergency situations, no operations authorised or required by this permission should be carried out, and plant should not be operated:
 - a) other than between 0800 and 1800 hours Mondays to Fridays and 0800 to 1300 hours on Saturdays;
 - b) at any time on Sundays or recognised public holidays or on Saturdays immediately following public holidays
- vii. Heavy goods vehicles should not enter or leave the site or be loaded except between the hours of 0700 and 1800 hours Mondays to Fridays; 0700 hours and 1300 hours on Saturdays and not at all on Sundays or recognised public holidays or on Saturdays immediately following public holidays.
- viii. All internal site haul roads should be maintained in a condition free from potholes while in use and should be removed when no longer required or during the course of site restoration, whichever was the sooner. Sections of haul road formed to a level higher than one metre below the final restoration level should be removed before overburden and soils were re-spread. All sections of haul road should be ripped before being covered with overburden and soils during restoration.
- ix. No heavy goods vehicles should leave the site unless their wheels were sufficiently clean to prevent mud being carried onto the highway. If, in the opinion of the Minerals and Waste Planning Authority, heavy goods vehicles leaving the site were bringing mud onto the highway and causing a traffic safety problem or an amenity dis-benefit, then, at the written request of the Minerals Planning Authority, facilities should be provided on the site to clean the wheels of the heavy goods vehicles.
- x. No clay should be excavated from the quarry other than for uses within the site.

- xi. No water should be discharged from the site which was sufficiently contaminated with clay or silt to cause clouding or sedimentation in adjoining ditches, ponds or watercourses.
- xii. Tanks containing fuel, oil or chemicals should not be located at the site other than on an impervious base surrounded by liquid tight bund walls capable of retaining at least 110 per cent of the tank(s) volume and any spillages from fill or draw pipes. No drainage outlet should be provided. All fill pipes, draw pipes and sight gauges should be enclosed within the bunded area and the vent pipe directed downwards into the bund.
- xiii. Notwithstanding other conditions of this permission dewatering pumps may operate continuously.
- xiv. No waste materials should be imported to the site for the purposes of sorting for sale, storage, or disposal at some other location.
- xv. Only clean, uncontaminated rock, subsoils and stones, brick rubble, crushed concrete, tiles and ceramic should be permitted as infill material at the site.
- xvi. Noise from operations on the site, including both fixed plant and mobile machinery, should not exceed 62.5 db (A) Leq as measured on the boundary adjacent to the back facades of Bowling Green Cottages and the operators should take such action, including the insulation of fixed plant, the silencing of vehicles and mobile machinery and the provision of acoustic screening, as might be necessary to ensure that these noise levels were not exceeded.
- xvii. No blasting should be carried out at any time.
- xviii. The only pumps and generators which were permitted to operate on the site were those that were acoustically sound-proofed such that the background noise outside the operating hours set out in condition 6 was not exceeded when measured at the boundary adjacent to the back facades of Bowling Green Cottages.
- xix. No reversing or other audible forms of warning reversing vehicles should be fixed to, or used on, any mobile plant except in accordance with details to be agreed in writing by the Minerals Planning Authority.
- xx. No working or deposit of waste should take place within 100 metres of Bowling Green Cottages.
- xxi. Sand processing plant should not be located on the site other than on the floor of the quarry near the base of the limestone deposit.
- xxii. Limestone processing plant should not be visible from Bowling Green Farm Cottages or from the A417.
- xxiii. In the event of the failure of any trees or shrubs planted or required to be retained on the site, such trees or shrubs should be replaced with live specimens of such species and at such time and in such number as might be specified by the Minerals Planning Authority in writing.
- xxiv. No topsoil storage should take place above 3 metres in height.
- xxv. No subsoil storage should take place above 5 metres in height.
- xxvi. No stockpile of overburden, limestone or soft sand should exceed 5 metres in height.
- xxvii. No work should be carried out within 2 metres of any retained hedgerow or within one and a half times the crown spread of any tree either underground or on the surface, including the trenching for services for drainage or storage of materials or subsoil and topsoil, location or operation of plant and machinery or siting of buildings.

- xxviii. No excavation should take place from faces occupied by sand martins between 1 March and 30 October in any year.
- xxix. All stripped topsoil and subsoil should be stored separately. Subsoils should be retained on site for use in site restoration.
- xxx. Soil handling, cultivation and moving of vehicles or machinery over the topsoil and subsoils material should not take place other than when the moisture content of the soils was 5% or more below the lower plastic limit of the soils.
- xxxi. Movement of topsoil, subsoil and other soil-forming materials should not be by any method other than loading shovel, hydraulic excavator and dump truck.
- xxxii. The whole site, including topsoil and subsoil heaps and those parts of the site where stripping had not been undertaken, should be kept free from weeds, and all necessary steps should be taken to destroy weeds at an early stage of growth to prevent seeding.
- xxxiii. To avoid compaction the upper one metre of the restored profile should be replaced using low ground pressure machinery.
- xxxiv. All the topsoil and subsoil used in restoration should be replaced evenly and sequentially across the site following the final contours of the reinstated land.
- xxxv. The areas labelled 'proposed Meadow Grassland' on the approved 'Proposed Restoration Scheme' (Drawing No. CHIN001Rev.A) should be placed with subsoil and no topsoil should be placed as the top layer. This area was not to be treated with lime or fertilisers.
- xxxvi. The final land levels after any settlement should not exceed those shown on approved plan CHIN001Rev.A.
- xxxvii. No waste skips or containers should be stored on site.
- xxxviii. No floodlighting should be erected on site without the prior written approval of the Minerals Planning Authority.
- xxxix. Prior to the commencement of the development a staged programme of archaeological investigation should be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work should include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which should be submitted to the Minerals Planning Authority/Waste Planning Authority.
- xl. Aftercare of the restored site should take place in accordance with a scheme to be submitted and approved in writing by the Mineral Planning Authority. The aftercare scheme should be submitted within 10 years of the date of this permission. The scheme should include provision for an annual meeting between the operator and the Mineral Planning Authority and any other party as might be agreed by the Mineral Planning Authority. Aftercare should start when restoration had been completed in accordance with conditions of this permission. The annual meeting should be held either in June or July each year. No later than 2 weeks following the annual meeting, any required revisions should be submitted for the approval of the Mineral Planning Authority in writing and any that were agreed should be implemented within the timescales agreed at the annual meeting.
- xli. The area covered by Planning Permission STA/8417/7-CM should be restored in accordance with approved Restoration Scheme plan CHIN001Rev.A. The area should be restored within 3 years of the commencement of permission, other than the land required to access phases 1 to 8 of the development hereby permitted and the noise attenuation bund around Bowling Green

Cottages. The area covered by STA/8417/7-CM to be maintained in good condition in accordance with approved plan CHIN001Rev.A. The land required to access phases 1 to 8 of the development hereby permitted and the noise attenuation bund around Bowling Green Cottages should be restored no later than one year from the date of completion of mineral extraction or 31 December 2038 whichever was earlier.

- xlii. The soil stockpile shown on the Topographical Survey (Drawing no. BOW/1250/28) to the north of the proposed Meadow Land should be removed with 2 years and 6 months of the commencement of the permission.
- xliii. The meadow to be restored using the following seed mix, using native seed from non-agricultural sources:
Emorsgate mixture EM4, EM5 or EM7 to be selected to suit subsoil type.
- xliv. The haul route to be fenced or clearly marked out to protect the meadow and pond areas on either side, or a fence to be erected between the pond and meadow area and the land to the east. Fences should be standard stock fence of post and rail or post and wire construction.
- xlv. No later than the end of the first planting season following the commencement of the development, the hedgerow planting along the northern and eastern boundary of the 'proposed agricultural land' should be planted in accordance with the approved Restoration Scheme plan CHIN001Rev.A. The hedgerows should be maintained and any plants which at any time during the development and aftercare period die, were removed or became seriously damaged or diseased should be replaced in the next planting season with others of a similar size and species.

13/17 I) INSTALLATION AND USE OF PIPE SYSTEM AND ASSOCIATED PUMPS TO TRANSPORT MINERALS FROM THE STONEHENGE FARM EXTENSION AREA TO THE PROCESSING PLANT AT LINCH HILL PERMITTED UNDER APPEAL REF: APP/U3100/A/09/2107573; AND II) VARIATION OF CONDITIONS ATTACHED TO CONSENT APP/U3100/A/09/2107573 FOR THE EXTRACTION OF SAND AND GRAVEL WITH ASSOCIATED PROCESSING PLANT, SILT PONDS, CONVEYORS AND ANCILLARY WORKS. RESTORATION TO WETLAND/REED BED AND FISHING, EXTRACTION OF BASAL CLAY TO FORM HYDROLOGICAL SEALS AND FOR THE PURPOSE OF RESTORATION ON SITE AT STONEHENGE FARM, NORTHMOOR, OXFORDSHIRE - APPLICATIONS MW.0132?16 & MW.0134/16

(Agenda No. 8)

The Committee had before it a report which covered two applications, one for a new pipeline to move mineral from the permitted Stonehenge Farm quarry instead of the permitted conveyor system and the other for associated variations of the conditions attached to the existing quarry permission including extending the time for the completion of mineral extraction to 31 December 2023 and restoration by 31 December 2024. The applications had been brought to committee because the local member had objected to the proposed extension of time.

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However a further late objection received from the Environment Agency had prompted the applicants to request a deferral of both applications in order for them to consider the detail and context of that objection.

RESOLVED: (unanimously) that Applications MW.0132/16 & MW.0134/16 be deferred to the next meeting.

..... in the Chair

Date of signing