

PLANNING & REGULATION COMMITTEE

MINUTES of the meeting held on Monday, 19 April 2021 commencing at 2.00 pm and finishing at 4.55 pm

Present:

Voting Members:

Councillor Stefan Gawrysiak – in the Chair

Councillor Mrs Anda Fitzgerald-O'Connor

Councillor Damian Haywood

Councillor Judith Heathcoat (in place of Councillor Dan Sames)

Councillor Bob Johnston

Councillor Charles Mathew (in place of Councillor Ted Fenton)

Councillor G.A. Reynolds

Councillor Judy Roberts

Councillor John Sanders

Councillor Alan Thompson

Councillor Richard Webber

Other Members in Attendance:

Councillor Hannah Banfield (for Agenda Items 6 & 7)

Councillor Pete Sudbury (for Agenda Item 8)

Officers:

Whole of meeting

G. Warrington & D. Mytton (Law & Governance); D. Periam (Law & Governance)

Part of meeting

Agenda Item

6 & 7

Officer Attending

M. Hudson (Planning & Place) & R. Bbosa (Highways)

The Committee considered the matters, reports and recommendations contained or referred to in the agenda for the meeting, together with a schedule of addenda 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.

7/21 ELECTION OF DEPUTY CHAIRMAN

Councillor George Reynolds was elected Deputy Chairman. There were no other nominations.

8/21 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

(Agenda No. 1)

<i>Apology for Absence</i>	<i>Temporary Appointment</i>
Councillor Ted Fenton Councillor Dan Sames	Councillor Charles Mathew Councillor Judith Heathcoat

9/21 DECLARATIONS OF INTEREST - SEE GUIDANCE NOTE OPPOSITE

(Agenda No. 2)

During discussion on Item 8 other sites in the Faringdon area had been referred to and Councillor Heathcoat declared that those sites were in her division.

10/21 MINUTES

(Agenda No. 3)

The minutes of the meeting held on 8 March 2021 were approved for publication.

11/21 PETITIONS AND PUBLIC ADDRESS

(Agenda No. 4)

<i>Speaker</i>	<i>Item</i>
County Councillor Hannah Banfield Malcolm Lawer (supported by Andy Shepley) for the applicants) 6 & 7 – Tarmac Asphalt & Concrete) Batching Plant, Hennef Way,) Banbury
County Councillor Dr Pete Sudbury Monika Gogol for the applicants) 8. New Barn Farm Quarry)

12/21 CHAIRMAN'S UPDATES

(Agenda No. 5)

There were no Chairman's updates.

The Chairman took the opportunity to thank the outgoing Chairman Councillor Jeannette Matelot for her work on the Committee and also members of the

Committee past and present who were standing down as Councillors at the May elections.

13/21 WIDENING AND UPGRADING OF EXISTING SITE ACCESS ONTO WATERWORKS ROAD (GRIMSBURY GREEN) AND HIGHWAY IMPROVEMENT WORKS TO WATERWORKS ROAD/GRIMSBURY GREEN AT TARMAC ASPHALT AND CONCRETE BATCHING PLANT, WATERWORKS ROAD, HENNEF WAY, BANBURY, OX16 3JJ - APPLICATION NO. MW.0011/21
(Agenda No. 6)

The Committee considered a report (PN6) setting out the detail of an application for permission to widen and upgrade the existing site access onto the public highway at Grimsbury Green, including the provision of a new footpath into the site at the eastern side of the access, re-surfacing, and alterations to drainage. The proposals also intended to segregate HGV movements from non-motorised users and to formalise the T-junction to prevent vehicle conflict and HGVs cutting the corner. Existing palisade fencing would be relocated to the new boundary at the eastern edge of the access, although the western edge would remain unfenced. Additionally, the application also proposed to fund the provision of a new 2m wide footway to the south of Grimsbury Green along with a central refuge crossing point.

Mary Hudson presented the report together with an addendum setting out further responses from the Lead Local Flood Authority (LLFA) and the Environment Agency. The responses referred to Application MW.0011/21 (Item 6) and Applications MW.0012/21, MW.0013/21 and MW.0014/21 (Item 7). Neither had raised objections and no changes were being recommended to the conditions. A further letter of representation had also been received which had not raised any additional concerns over and above those already raised and addressed in the report.

Responding to questions from members of the Committee she:

Confirmed that no routeing agreement would be required for this particular application.

The period for commencement of works was the standard 3 years and responding to concerns that improvements to the access should be completed before the development proposed in the 3 applications for consideration at Item 7, that could be tied in with those applications.

Confirmed that the applicants had chosen to present the applications in this way. The first application related to access and the applicants wanted that done regardless of the outcome of the applications at Item 7. Conditions could be attached to this application in respect of the others if the Committee so wished noting that members of the Committee had suggested that the local member needed to be fully involved in these issues going forward

Approval of Application MW.0011/21 would not bind the Committee to the 3 applications at Item 7.

Councillor Banfield then spoke as local member. Waterworks Road was a very busy road and so the improvement works at the access were welcome but also considered that that application had been submitted in order to distract attention away from the 3 applications at Item 7. She had grave concerns for the health of residents in her division who lived close to the site and others whose properties backed onto Hennef Way where readings were already double safe and legally recommended limits. If all 4 applications were granted then HGV movements would increase from a current daily total of 80 to 348 and all would have to drive through Waterworks Road and enter onto Hennef Way. Safe access to the site was important but was it right to consider this sort of increase in the number of vehicles along with the associated problems of extra noise and dust pollution. Current facilities at the tarmac site were, in her opinion, inadequate for this number of vehicles. She considered the highways report commissioned by Tarmac to be misleading and did not accept that the plant would be restored at the end of the 5 year period and that they would seek to retain that. She questioned HGV traffic figures quoted in the report which stated that figures would be lower than the daily total which was often generated from the site now and that the overall expected use of the site would be lower than the existing fall back capacity of the site. She called for a comprehensive air pollution assessment report to be carried out.

Malcolm Lawer for the applicants advised that as stated in the officer's report, Grimsbury Green (also known as Waterworks Road) was a popular local recreation route for pedestrians and cyclists but with no current separation between the highway and the Tarmac site. Whilst that access had operated perfectly well over the 30-year life of the site at various rates of output, with no reported accidents, Tarmac wished to secure the long-term sustainability of the area by undertaking a series of highway improvements. All works would be carried out at Tarmac's expense and subject to formal approval of the Highways Authority through a S.278 Agreement. Widening of the access to the site would improve driver visibility as they entered and exited the site with improved pedestrian and cyclist links on Grimsbury Green, as well as providing a separate pedestrian/cycle access into the site, which did not currently exist so improving general visibility and pedestrian/cycle safety in the area. Tarmac were also seeking permission for a series of works within the plant site, which were the subject of applications at Item 7 on the Committee Agenda and it needed to be stressed that the access widening and highway improvements were not required in order to make the on-site works acceptable from a highways point of view and there was no direct correlation between the two as had been confirmed by the highways authority. However, Tarmac had taken on board various comments made by the local community over the years, as the proposed on-site works had evolved, and were keen to provide this local and long-term community benefit, which would also assist with the efficient operation of the site. Whilst access widening works would involve removal of part of the landscaped bank situated on the frontage of the site, Tarmac intended to carry out various improvements to the bank including new planting, ecological enhancements and long-term management to ensure no physical loss of biodiversity. On behalf of Tarmac he commended the officer report and recommendation to approve.

He then responded to questions from:

Councillor Johnston – the company would be responsible for the necessary works.

Councillor Mathew – the road safety audit had been agreed with the highway authority.

Councillor Roberts – the proposed width of the cycleway at 1.2 metres while less than the OCC cycle design width of 1.5 metres had been agreed with the highway authority.

Rashid Bbosa confirmed that a pedestrian count had not been carried out due to the relatively low pedestrian movements that would be generated. The proposed width of the cycleway although constrained to 1.2 metres by the width of the highway was considered acceptable.

Councillor Haywood considered that irrespective of the applications at Item 7 this particular application would improve conditions at the access to the site and so moved the officer recommendation. Councillor Johnston seconded the motion which was then put to the Committee and **RESOLVED** (by 8 votes to 1 with 2 abstentions) that planning permission for application MW.0011/21 be approved subject to conditions to be determined by the Assistant Director for Strategic Infrastructure and Planning, to include those set out in Annex 1 to the report PN7.

14/21 TARMAC ASPHALT AND CONCRETE BATCHING PLANT, WATER WORKS ROAD, HENNEF WAY, BANBURY, OX16 3JJ

(Agenda No. 7)

MW.0012/21: Demolition of existing concrete batching plant and stock bays and provision of new permanent aggregate storage bay area and weighbridge and associated lorry turning area and widening of internal access road;

MW.0013/21: Provision of new relocated RMX concrete plant and associated works including reconfigured storage bay area, new weighbridge, expanded car parking area and new office/welfare facility; and

MW.0014/21: Provision of temporary stock-bay area and weighbridge to accommodate additional aggregate deliveries associated with construction of HS2.

The Committee considered a report (PN7) setting out three applications for the proposed redevelopment of Tarmac's existing site in Banbury which formed part of an operational rail head used for the processing, storage and distribution of aggregate, concrete, and asphalt to the local construction industry. The railhead as a whole contained an operational asphalt plant, concrete batching plant, aggregate storage bays, areas of hardstanding and car parking, office, and associated infrastructure with a total operation land-take of around 2.8ha.

Mary Hudson presented the report together with an addendum setting out further representations as reported under Item 6 on the agenda. She confirmed that HGV routes set out in the 1992 routeing agreement ensured that HGVs used only approved routes through Banbury and a new agreement would be used to ensure that HGVs associated with this site continued to use those routes.

Responding to questions she confirmed that the routes as set out in 1992 agreement were still acceptable and as a permitted route there would be no limit on vehicles travelling south.

County Councillor Banfield speaking as local member reiterated the same concerns as she had raised under Item 6 with regard to the health and welfare of residents living in her division. She again expressed misgivings regarding long-term plans for the site and fully expected the company to seek to retain the plant infrastructure after the application period had expired.

Councillor Johnston left the meeting at 3:20.

Malcolm Lawer for the applicants. Tarmac's site in Banbury had supported local infrastructure projects, as well as nationally significant projects, over the past 30 years, such as works to the M40 and more recently HS2. In order to support the construction of vital infrastructure in the most efficient and sustainable way possible it had become clear that the Banbury plant would be required to play an important role over the next 5 years and, therefore, investment was being made now to support this. Part of that investment involved HS2 which was looking to utilise and maximise the use of existing rail connections as part of the delivery process to minimise carbon emissions that would otherwise be generated if all deliveries were made by road. The existing rail siding at Banbury was a key element of that strategy. The applications before the Committee were looking to alter the current layout to make more effective and safe use of the site and increase the efficiency of rail offloading and HGV movements, as well as providing additional temporary storage for materials associated with HS2. Tarmac appreciated there was some local concern regarding the potential impact on their amenities due to the increase in activity on site but it was important to stress that the historic planning permissions covering the site meant that Tarmac could already increase HGV and train deliveries, within the currently permitted hours of operation, without the need for planning permission. The applications before you were to enable more efficient offloading of trains and movement of HGVs serving both HS2 and the asphalt and concrete plants, whilst also improving overall site safety. During the 5-year HS2 construction period, HGV movements would increase compared to the current average and at peak times it was expected that there would be in the region of 348 movements per day which was less than could theoretically take place if Tarmac were to maximise use of the site under current planning permissions. He stressed that delivery numbers would be significantly below that for the majority of the 5-year period, as demand rose and then fell in line with the HS2 construction programme and on completion of the HS2 phase, overall HGV movements at the Banbury site were likely to reduce back to current levels. Tarmac had undertaken discussions with the highway authority who had not objected subject to an agreement to restrict overall HGV movements at peak times to 40 in total (i.e. 20-in and 20-out). Tarmac were mindful of the concerns raised by residents in relation to noise and the existing rail-grab facility which probably represented the noisiest element on the site would under the proposed site reconfiguration be relocated further north and, therefore, noise generated should dissipate more readily within the site. The Noise Assessment prepared in support of these applications had concluded that noise levels at the nearest residential properties might increase by 2dB which was still below the general baseline noise

level, due to the presence of Hennef Way. In order to further reduce the impact of the rail-grab, Tarmac had proposed a restriction on its use so that it did not operate during the night-time period (i.e. between the hours of 8pm and 6.30am) both during the HS2 construction period and beyond. In terms of HGV movements and air pollution, all vehicles associated with HS2 would be to EURO 6 standard, which complied with the very latest in European emission standards. Hennef Way was also a designated HGV route. The applications were seeking to renew and update old technologies, improve safety and hopefully reduce any environmental impact the plant would have while at the same time supporting local and nationally significant infrastructure projects. During its 30 years operation there had been no major issues, very few formal complaints to the activities taking place and no recorded accidents on Grimsbury Green. Council policies supported the use of facilities such as Tarmac's Banbury site to enable efficient and sustainable distribution of aggregates around the County and these applications would secure significant investment in the site, which was initially geared towards delivery of construction materials to HS2, but beyond that would provide an improved site with sustained employment with 4 new local jobs created and ensure the long-term supply of construction materials to the local area.

Responding to questions he confirmed:

There had been no objection from the Environmental Health Officer with regard to air pollution from HGV traffic or with regard to the concrete works.

There was general support for the proposed increase in rail use although there were concerns expressed over traffic levels and the need to enforce routeing agreements and also the need to ensure adequate air quality monitoring.

RESOLVED: (on a motion by the Chairman, seconded by Councillor Sanders and carried by 8 votes to 2) that subject to the applicant first entering into a routeing agreement in respect of the following applications that:

- (a) application MW.0012/21 be approved subject to conditions to be determined by the Assistant Director for Strategic Infrastructure and Planning, to include those set out in Annex 1 to the report PN7.
- (b) application MW.0013/21 be approved subject to conditions to be determined by the Assistant Director for Strategic Infrastructure and Planning, to include those set out in Annex 2 to the report PN7.
- (c) application MW.0014/21 be approved subject to conditions to be determined by the Assistant Director for Strategic Infrastructure and Planning, to include those set out in Annex 2 to the report PN7, and
- (d) subject in all three cases to the following additional conditions:
 - (i) hours of HGV movements for each application Monday – Friday 7 am to 7pm and 7am – 1 pm Saturday;
 - (ii) 348 vehicle movements – 174 in and 174 out;
 - (iii) air quality monitoring to be undertaken in appropriate places.

15/21 THE USE OF THE LAND AT NEW BARN FARM QUARRY FOR THE IMPORTATION, HANDLING AND RE-SALE OF AGGREGATES AT NEW BARN FARM, CHOLSEY, WALLINGFORD, OXFORDSHIRE OX10 9HA - APPLICATION NO. MW.0114/20:

(Agenda No. 8)

The Committee considered (PN8) an application from Grundon Sand & Gravel Ltd for provision of a wider range of aggregate products from its operation at New Barn Farm to the local community. Planning permission was, therefore, being sought for the importation, handling and resale of 10,000tpa of aggregates within a small section of the Quarry. It was anticipated that 30% of the imported aggregates would be secondary and/or recycled and would largely comprise compost soil blend with the proportion of secondary and/or recycled aggregates expected to increase as more supplies became available.

Having presented the report Mr Periam confirmed that the configuration of the site access prevented any right turn out of the site.

Stuart Darby who had been due to speak had been unable to attend. A copy of his submission had been made available to members prior to the meeting in case of connectivity problems and so members of the Committee were aware of the grounds of Mr Darby's objection.

Councillor Pete Sudbury addressed the Committee and also spoke on behalf of Mr Stuart Darby. Outlining a number of main objections to this application he first advised that one of those concerns regarding potential loss of trade for other local suppliers seemed to have now been addressed following confirmation from local merchants that it was no longer an issue of concern for them. Other objections and concerns included what he referred to as the "bridgehead problem" where development could be allowed on the outside of the line of the Wallingford bypass in addition to the significant development already taking place inside the line of the road. That could lead to more traffic congestion and further erode the purpose of the bypass to keep traffic away from the centre of Wallingford. It was clear from the Grundon application that this proposal was aimed at creating a significant retail operation and any development allowed outside the line of the road meant that other applications including ones for residential development would be hard to resist. The coalescence of areas such as Brightwell and Wallingford was not the way forward and if that was allowed to happen then the bypass would become a through road with lower speed limits, more local traffic and more traffic encouraged to cut through Wallingford exacerbating current air quality issues in the town centre. As a major route from Didcot to the south and Henley the A4130 pre-Covid had already been congested at peak times and current levels of traffic were neither indicative or representative of what we might return to. Future residential development both locally and in Didcot meant this road should be regarded as a future pinch point and he did not accept that the extra traffic generated would be trivial as indicated by modelling assumptions but continue to be busiest at peak times and not spread out equally through the day. Access to the site was unsuitable for non-commercial traffic with the potential for accidents and tailbacks whereas the access to Highcroft had an extensive entrance, long slip roads, visibility improvements and lighting etc, yet the

quarry site had nothing like that allowing unaware members of public to just drive out into 60mph traffic on an unlit road? Regular users (ie HGV's) would be aware of the access requirements and limitations, but public traffic would not and so the access arrangements as presently built were unsuitable and dangerous. Furthermore because of the left-hand turn requirements on leaving the site, all traffic would have to travel along both carriageways of the bypass between Hithercroft and Winterbrook roundabouts at each visit, to enter or return depending on their final destination. He considered this an unnecessary development in the wrong place and should be refused.

The Committee noted the following written representation received from Brightwell cum Sotwell Parish Council objecting to the application. They pointed out that when planning permission had been granted it had been on the proviso that when the quarry was finished with extraction it would be turned into a lake for boating, wildlife and the like. There had never been any mention of a shop and we are very concerned that this might be the precursor for more development on the site which would be totally unacceptable. Also at the time the Parish Council had argued there was no need for a gravel pit at this site as there were plenty of alternative sites locally so the idea that gravel would be brought into this site from these other places seemed wrong. The parish council felt that traffic levels would increase and if there were to be any new building retail outlets in this area they should be sited on the other side of the road where an extension to the Hithercroft trading estate was already being built. They were also concerned that business would be taken away from the several established builders' merchants in the area.

Councillor Haywood left the meeting at 4:30.

Monika Gogol for the applicants advised that New barn Farm quarry had been operating for nearly a year to help meet the needs of the local construction industry. The site was permitted to extract 140,000 tonnes of sand and gravel per year and to be restored using 120,000 tonnes per year of imported soils and clays giving a total throughput of 260,000 tonnes per year. The quarry operated with dust and noise management schemes in place, both of which were monitored on a quarterly basis. Vehicles were routed to avoid travelling through Cholsey and Wallingford. The County Council monitored the site and had been to date satisfied that the site was compliant. The proposal was to import up to 10,000 tonnes per year for resale and involved the use of recycled aggregates and waste soils for blending with sand dug from the site to produce various products and a soil blend for landscaping. In addition small quantities of other aggregate would be imported for resale. Importation levels would be capped to ensure it remained ancillary to the main quarry operation and removed before restoration and so was a temporary use using part of the current gravel stocking area and the same machinery as the current operation which had been are considered satisfactory. County and District officers were satisfied that there would be no additional or potential impacts. Importation cap limits, vehicle numbers and the routing agreement meant that no vehicles would travel through Cholsey or Wallingford with County Highways officers satisfied that there would be no adverse impact. Grundon had been a local company for over 70 years and was the Districts' second largest private employer. The operation complimented and offered a different range of products to the usual builder's merchant range and they operated similar enterprises at other quarries in West Oxfordshire and North Hampshire. Whereas

builders' merchants supplied only 20kg small bags or 0.9 tonne bags this operation offered other quantities which could be loaded onto trailers without the resultant need for bags. The product range offered was also different with inquires for products already being received together with letters of support for the application. The NPPF encouraged a diverse economy and choice and competition and this application would ensure that customers could obtain the appropriate goods at the best price for them. She asked the Committee to accept their officer recommendation to approve.

She then confirmed that there would be no soil available for purchase on site as that material was needed for restoration.

With regard to monitoring and enforcement officers confirmed that the quarry was subject to monitoring visits and that would continue.

RESOLVED: (on a motion by the Chairman, seconded by Councillor Fitzgerald-O'Connor and carried by 4 votes to 2, with 3 abstentions. Two councillors had been unable to vote due to absence from part of the debate) that subject to a supplemental routeing agreement first being entered into that Application MW.0114/20 be approved subject to conditions to be determined by the Assistant Director for Strategic Infrastructure and Planning to include those set out in Annex 1 to the report PN8.

..... in the Chair

Date of signing