

PLANNING & REGULATION COMMITTEE

MINUTES of the meeting held on Monday, 14 January 2013 commencing at 2.00 pm and finishing at 3.38 pm

Present:

- Voting Members:**
- Councillor Steve Hayward – in the Chair
 - Councillor Mrs Catherine Fulljames (Deputy Chairman)
 - Councillor Tony Crabbe
 - Councillor Mrs Anda Fitzgerald-O'Connor
 - Councillor Patrick Greene
 - Councillor Jenny Hannaby
 - Councillor Ray Jelf
 - Councillor Stewart Lilly
 - Councillor David Nimmo-Smith
 - Councillor Neil Owen
 - Councillor G.A. Reynolds
 - Councillor John Sanders
 - Councillor Lawrie Stratford
 - Councillor John Tanner
 - Councillor Jean Fooks (In place of Councillor Alan Armitage)

Other Members in Attendance: Councillor Charles Mathew (for Agenda Item 6)

Officers:

Whole of meeting G. Warrington and D. Mytton (Law & Culture); C. Kenneford, D. Periam, N. Fagan and D. Groves (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.

1/13 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

(Agenda No. 1)

<i>Apology</i>	<i>Temporary Appointment</i>
Councillor Alan Armitage	Councillor Jean Fooks

2/13 MINUTES
(Agenda No. 3)

The Minutes of the meeting held on 3 December 2012 were approved and signed.

3/13 PETITIONS AND PUBLIC ADDRESS
(Agenda No. 4)

Speaker	Item
Phillip Basil Councillor Charles Mathew Suzi Coyne)) 6. Sheehans recycled Aggregates) Plant – MW.0184/12

4/13 CHAIRMAN'S UPDATES
(Agenda No. 5)

Waterstock Golf Course

The appeal by the Wyatt brothers against an order committing them to prison for contempt of court for failing to comply with waste removal planning orders had been dismissed and both had now commenced their respective sentences.

5/13 ERECTION OF WORKSHOP, OPEN STORAGE BAYS AND SECURITY FENCING, EXTENSION OF SITE AREA, RE-LOCATION OF SITE ENTRANCE, AND REVISIONS TO PLANNING PERMISSION NO: 09/0330/P/CM (APPEAL DECISION APP/U3100/A/10/2125146) TO PROVIDE FOR RE-LOCATION OF SITE OFFICE AND WEIGHBRIDGE, REVISED CONFIGURATION OF RECYCLING PLANT, AND SURFACE WATER DRAINAGE POND AT SHHEHANS RECYCLED AGGREGATES PLANT, DIX PIT, STANTON HARCOURT - APPLICATION NO MW.0184/12
(Agenda No. 6)

The Committee considered (PN6) an application which sought revisions to existing operations and permission for new development at this operational aggregate recycling facility.

Mr Basil who lived at Beard Mill the nearest property to the site referred to problems concerning lighting at the site. Contrary to the impression that the site was well screened from public view the reality was that it had a huge impact on the local environment. The appeal had been granted on condition that that impact was reduced but the reality again was that Sheehans had been in persistent breach of lighting conditions, specifically during much of November and December when lights had been left on all night, were much brighter than specified and sited on the tallest structure and therefore visible from miles. This produced night time pollution and he tabled photographs to that effect. Numerous complaints had been made with little effect although the intervention of County officers had resulted in some limited

respite. No landscaping had yet been undertaken on the northern boundary which was critical to shielding the site. He noted that the current application mentioned a current review of lighting and he requested that the Committee defer this application until a revised scheme had been submitted in a form which delivered on the promises made in their original application and dealt with existing light pollution issues.

Responding to Councillor Hannaby Mr Basil confirmed that the lights had been left on all night on many occasions although they had been switched off during the latter part of December and over the Christmas period. However, it was common for them to be on as early as 6.20 am, which was before the agreed time of 7.00 am.

Councillor Mathew supported the principle of recycling gravel but could not accept the siting of a facility here. The B4449 was at saturation point and could not take any more traffic and this application would do that. Various traffic surveys had indicated on average a vehicle every half minute and in one survey as frequently as every 10 seconds. This was unacceptable and he was concerned that this application would inevitably increase those levels and could be worse if Dix Pit became the Company's future operational headquarters. This was a rural B road through a hamlet and totally unsuitable for this sort of traffic which presented a considerable danger to other users including school children who had to cross this road to reach their school transport. Local residents considered that there had been a considerable increase in traffic over the last three years and he asked that the opportunity be taken now to negotiate a new routeing agreement requiring Sheehans' and their clients' traffic to leave the haul road in the direction of Hardwick and then to the A415 and A40. He also asked that consideration be given to the completion of a Sutton bypass and negotiation of a S106 payment towards that cost. Conditions imposed by the Inspector on appeal had been constantly contravened and he referred specifically to breaches concerning no access to B4449; no discharge of surface water into the Windrush and problems from light pollution. He urged the Committee to support local residents who had voiced their concerns.

Councillor Mathew then responded to:

Councillor Greene – he confirmed that he had not mentioned a specific figure for hgv movements or specific evidence of non compliance by Sheehans' vehicles but confirmed that other client vehicles also used that route.

Councillor Hannaby – surveys carried out had been for traffic through Sutton and had not been specific to Sheehans. However, their vehicles had been counted and although that information had been passed on to the relevant authorities he was not aware of any action being taken.

Councillor Owen – lorries should not travel through Sutton at rush hours. That condition was being contravened and he would prefer they took a different route. A high number of foreign lorries used this route 24 hours a day which caused huge problems and a start needed to be made somewhere.

Councillor Lilly – he confirmed that some action had been taken regarding enforcement of conditions e.g. the lighting of the site which had led to some improvement but not enough was being done to ensure that conditions were being

met. He confirmed that he had recorded movements by Sheehans' vehicles during precluded times as part of his own survey.

Councillor Fitzgerald-O'Connor – there were a number of children who needed to cross the road in Lower Sutton to reach school transport and during one survey at that particular time of day vehicles (all types) had been recorded on average every 10 seconds.

Councillor Sanders – at the moment there were still floods at the confluence of the rivers which he considered was being maintained by the industrial sites in the area.

Suzi Coyne responded to some of the points raised by previous speakers. With regard to traffic the worst case scenario would be 3 – 7 vehicles per hour, and backloading had been better and much lower than had been predicted. She was aware of one vehicle which had gone through Sutton and in that case the driver had been disciplined. She confirmed that the Company were able to check lorry movements using satellite tracking devices but where breaches occurred then the company needed to be informed. With regard to lighting, problems had arisen at the end of November when there had been a number of security issues which had necessitated lights being left on until midnight but she was not aware of lights being on all night. The lighting system had broken down on 30 November so consequently hadn't been on at all for a period of time and had again been turned off in mid December. A lighting expert was due on site on Wednesday 16 January in order to resolve the situation as soon as possible. However, that remained a separate matter to the current application and did not constitute grounds for deferral. The operation presented a very real alternative to mineral extraction producing more than conventional aggregate recycling including specialist Type 1 aggregate normally imported from Somerset or Leicestershire. Secondly, this plant increased the amount of waste that could be recycled therefore diverting it from landfill. The application had not been submitted purely in response to monitoring visits but because of the need for regularise new infrastructure such as the bays and workshop and the monitoring officer had acknowledged that the application was being prepared. The revised plant configuration had come about because the technology had developed allowing for a greater range of wastes to be processed. Higher security fencing than the 2 metre permitted development had been installed because of the increased security issue. The applicant had mistakenly thought that the siting of the site office and weighbridge had not been a critical matter but that situation was now being corrected as part of this application. She outlined the history attached to the surface water drainage pond which needed to be approved as part of the existing permission and sited on adjoining land because the former landfill site could not be disturbed. A scheme had been approved by the Environment Agency in November 2012 and work commenced in April 2012 in order to comply with the environmental permit. However, in May 2012 county council officers had not been prepared to approve the details because they considered planning permission was required and work was halted. She did not personally agree that a separate planning permission was required under section 72 of the Planning Act. However, it had been included as part of this application because the applicant wished to ensure all outstanding matters were being addressed. The effects of traffic had been considered in determination of the existing permission. This proposal did not entail any increase in traffic and she considered a request to prevent lorries accessing the site through Sutton would be unlawful and

not justifiable. She referred to a recent visit by the Prime Minister who was also the local MP who had expressed whole hearted support for the facility and the benefits of recycling and asked the Committee to approve the application.

Councillor Mathew objected to the statement made concerning the visit by the Prime Minister as it was irrelevant to the application and should not be considered as material to it.

The Chairman read out a statement from the County Solicitor and Monitoring Officer which addressed issues of concern about any reference to the Prime Minister's visit which, on the information he had been given, he considered was not relevant to the application and therefore should be ruled by the Chairman as irrelevant and not form part of the decision making process.

Mrs Coyne then responded to questions from:

Councillor Sanders – the drainage pond was no different to the flood plain in that it contained water to prevent discharge to the Windrush.

Councillor Greene – the lighting expert would consider issues relating to type of lighting in order to meet the required standards and that lights would remain switched off until those issues had been resolved.

Councillor Owen – systems to record vehicle movements and lighting were robust. The weighbridge recorded times of arrival and departure and lighting issues would be entered in the site diary.

Councillor Sanders – the company would discuss with the lighting expert the need for lights to be focused down and confirmed that satellite tracking was only geared to Sheehans' vehicles.

Councillor Fooks – the drainage pond capacity had been calculated in such a way as to prevent overflow. Increased bay storage was being sought in order to accommodate an increase in the types of material being produced because of improved processing and to prevent mixing products.

Councillor Reynolds – the applicant had been unaware that he needed to site the office element in a specific place and minor changes were now needed in order to comply with that requirement and fencing needed to be more secure. She considered that the pond did not need specific permission but it had been included anyway. These had not been blatant breaches but represented improvements to the current situation.

Councillor Hannaby – it was not intended to specifically use the maintenance shed as a permanent repair home but it was possible that from time to time that vehicles from other sites could be repaired there if there was spare capacity.

Councillor Lilly – the applicant would not consider routing vehicles via Hardwick.

Mr Fagan presented the report, referred to additional representations detailed in the tabled addenda sheet and addressed issues raised including an amendment to Condition 10 which should have read "No loaded vehicles.....".

Lorry movements - he confirmed that it would be more practical to control tonnage at the site.

Lighting – the applicants had acknowledged concerns expressed by Mr Basil and would be attempting to resolve issues of their security and impact on residents. He undertook to visit the site to see what had been done.

Routeing agreement – the Inquiry Inspector had acknowledged that at its worse the facility would only generate a 2.7% increase and a change to the existing agreement or tighter restriction was not considered warranted.

Surface water pond – the site was an old landfill site and the pond had been constructed with silt traps to take surface water flow and avoid leachate. The pond had been constructed to a specification sufficient to take that water and not overflow.

Maintenance shed – it was intended that if there was spare capacity at this facility then some maintenance work could be transferred to it.

Bridleway - the condition referring to the resurfacing of the bridleway could be amended to ensure that offending/dangerous material should be removed within 2 weeks of any permission.

Councillor Tanner considered this a successful recycling initiative. There seemed little option other than to approve the application but he felt better enforcement was vital. He moved that the officer recommendation be approved subject to an amendment to Conditions 10 as detailed above and to 23 to secure removal of offending/dangerous material within 2 weeks of this permission. The motion seconded by Councillor Jelf was put to the Committee and –

RESOLVED: (by 13 votes to 1, Councillor Mrs Fulljames recorded as having abstained) that subject to the completion of a routeing agreement in terms of the same restrictions as those in the existing agreement that planning permission MW. 0184/12 be approved subject to conditions to be determined by the Deputy Director for Environment & Economy (Strategy & Infrastructure Planning) but to include the matters listed below:

Heads of Conditions

1. Complete accordance with application.
2. Development to commence within 3 years of the date of permission.
3. Temporary permission expiring 31/12/2029.
4. Removal of all structures, buildings, roads, plant, vehicles & machinery and full restoration to a state suitable for agricultural use by 31/12/2030.
5. Reinstatement plan giving final levels etc to be submitted by 31/12/2028.
6. No operations including HGVs entering and leaving the site except between 07.00-18.00 hours Monday-Friday and 07.00-13.00 hours on Saturday.

7. No more than 100,000 tonnes of waste to be imported to the site in any calendar year and records of imports to be kept sufficient for monitoring.
8. Access roads should be maintained in a hardened state free of potholes.
9. No mud or dust should be deposited on the Dix Pit haul road or the public highway.
10. No loaded vehicles should leave the site unsheeted except those carrying material in excess of 500mm.
11. No vehicles should operate on site other than those with effective silencing of noise sources.
12. No reversing beepers other than those which use white noise should be fixed to or used on any vehicle operating on the site other than vehicles transporting material to and from the site.
13. No operations on site should exceed 50 dBA when measured at properties in Stanton Harcourt or at The Old Vicarage or Beard Mill, Cogges Lane, Stanton Harcourt.
14. Details of external lighting to be submitted within one month of this permission and in the interim no lighting of the site should take place outside of the working hours set out in Condition 6 above.
15. Landscaping scheme to be implemented as per submitted plans and in accordance with Details Pursuant approval dated 2 July 2012 [MW.0147/11] within 3 months of the date of this permission.
16. In the event of failure of any trees or shrubs they should be replaced within the following planting season (November-March) with others of the same size and species.
17. All development will only be carried out in accordance with the contamination and remediation strategy agreed under the Details Pursuant permission dated 2 July 2012 in respect of Conditions 20 & 21 of the previous permission granted on appeal.
18. No piling or foundations that require penetrative methods should take place.
19. Signs warning HGV drivers of horses on the bridleway and signs warning horse riders of HGVs as set out in the approved plans should be retained for the lifetime of this permission.
20. No stockpiling should take place within 3 metres of any planting at the periphery of the site.
21. Removal of plant and related infrastructure including stockpiles of materials or any activity associated with the use of plant unused for 24 months..
22. No stockpiling of materials in excess of 8 metres above the base of the site.
23. Resurfacing of bridleway within 3 months of the date of this permission and any pieces of timber containing nails or screws to be removed within two weeks of the date of this permission.
24. The northern access/exit point to the site should be permanently closed off within one month of the final restoration of the adjacent Con Rec site.
25. The spoil banked up between the western edge of the surface water drainage pond and the river Windrush should be permanently removed within 6 months of the date of this permission.

7	No more than 100 000 tonnes of waste to be imported to the site in any calendar year and no more than 100 000 tonnes of waste to be exported from the site in any calendar year and no more than 100 000 tonnes of waste to be imported to the site in any calendar year and no more than 100 000 tonnes of waste to be exported from the site in any calendar year
8	Access roads should be maintained in a hardened state free of potholes
9	No mud or dust should be deposited on the A14
10	No loaded vehicles should leave the site unsteered except those carrying material in excess of 500mm
11	No vehicles should operate on site other than those with effective silencing of noise sources
12	No reversing beeper other than those which use white noise should be fixed to or used on any vehicle operating on the site other than vehicles transporting material to and from the site
13	No operations on site should exceed 80 dBA when measured at properties in Stanton Harcourt or at The Old Vicarage or Beard Mill, Cogges Lane, Stanton Harcourt
14	Details of external lighting to be submitted within one month of the permission and in the interim no lighting of the site should take place outside of the working hours set out in Condition 8 above
15	Landscaping scheme to be implemented as per submitted plans and in accordance with Details Pursuant approval dated 2 July 2012 (MW.074711) within 3 months of the date of this permission
16	In the event of failure of any trees or shrubs they should be replaced within the following planting season (November-March) with others of the same size and species
17	All development will only be carried out in accordance with the contamination and remediation strategy agreed under the Details Pursuant permission dated 2 July 2012 in respect of Conditions 20 & 21 of the previous permission granted on appeal
18	No piling or foundations that require permissive methods should take place
19	Signs warning HGV drivers of horses on the highway and signs warning horse riders of HGVs as set out in the approved plans should be retained for the lifetime of this permission
20	No stockpiling should take place within 3 metres of any piling at the periphery of the site
21	Removal of plant and related infrastructure including stockpiles of materials or any activity associated with the use of plant (used for 24 months)
22	No stockpiling of materials in excess of 8 metres above the base of the site
23	Resurfacing of highway within 3 months of the date of this permission and any pieces of timber containing nails or screws to be removed within two weeks of the date of this permission
24	The northern access/exit point to the site should be permanently closed off within one month of the final restoration of the adjacent Con Roe site
25	The spoil banked up between the western edge of the surface water drainage pond and the river Windrush should be permanently removed within 6 months of the date of this permission

..... in the Chair
 Date of signing