

PLANNING & REGULATION COMMITTEE

MINUTES of the meeting held on Monday, 22 February 2016 commencing at 2.00 pm and finishing at 5.10 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 Bob Johnston
Councillor Stewart Lilly
Councillor James F. Mills
Councillor Glynis Phillips
Councillor Anne Purse
Councillor G.A. Reynolds
Councillor John Tanner

Other Members in Attendance: Councillor Charles Mathew (for Agenda Item 7)

Officers:

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

Part of meeting

Agenda Item	Officer Attending
6	M. Thompson (Environment & Economy)
8 & 9	M. Case (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.

4/16 **DECLARATIONS OF INTEREST - SEE GUIDANCE NOTE OPPOSITE** (Agenda No. 2)

With regard to Item 9 (Enstone Airfield, Enstone – Application No. MW.0160/15) Councillor Owen advised that as a member of West Oxfordshire Uplands Planning Committee he would take no part in the discussion or voting.

5/16 MINUTES
(Agenda No. 3)

The minutes of the meeting held on 11 January 2016 were approved and signed.

6/16 PETITIONS AND PUBLIC ADDRESS
(Agenda No. 4)

<i>Speaker</i>	<i>Item</i>
County Councillor Charles Mathew Dave Norminton and Matt Barlow (Hanson))) 7 – Dix Pit – Application No)MW.0053/15
Carl Middleditch (Agent) and Nigel Matthews (Applicant)	8 – Ferris Hill Farm – Application No MW.0132/15
Peter Butler (Resident, Church Enstone) David Einig (Applicant))) 9 – Enstone Airfield – Application)No. MW.0160/15

7/16 UPDATE REPORT - PROGRESSIVE EXTRACTION OF SAND AND GRAVEL, IMPORTATION OF WASTE MATERIAL WITH RESTORATION TO NATURE CONSERVATION AND AN AGRICULTURAL RESERVOIR ON LAND AT SUTTON WICK - APPLICATION NO. MW.048/05
(Agenda No. 6)

The Committee considered an update on an application for sand and gravel extraction at Camas Land Sutton Wick, which the Planning & Regulation Committee had approved on 18 May 2015. Permission had not yet been issued for this development but the developer had undertaken drainage works which involved soil removal to part of the site which meant that it would not be possible for the developer to comply with the proposed phased working plan and therefore, an alternative working plan had now been put forward for approval.

Presenting the report Miss Thompson advised that 2 further representations had been received. These had been detailed in the addenda sheet and neither had raised any objections.

Councillor Purse felt that opportunities for diversity as originally agreed could be compromised.

Referring to the growing number of retrospective applications Councillor Bartholomew questioned whether enough was being done to dissuade developers.

Miss Thompson advised that officers had been unhappy that work had been undertaken by the developer but in an effort to try and move the situation forward officers had recommended as set out in the report. Responding to Councillor Johnston she advised that an Environment Agency licence would have been required for the work undertaken and a retrospective application had also been submitted for that.

The work undertaken and which had led to the retrospective application had been regarded as insufficient to have affected any permission had it been issued. The ecologist had advised that the revised phasing was acceptable but if that advice had been otherwise then other options would have had to be considered. No mineral extraction had occurred.

Endorsing the earlier comment made by Councillor Bartholomew regarding retrospective applications Councillor Lilly suspected that in most cases, if not all, such action was premeditated. He understood some authorities had introduced a fine system to offset any costs and he wondered whether the County Council should consider adopting a similar charge.

RESOLVED: (on a motion by Councillor Greene, seconded by Councillor Mills and carried by 10 votes to 1, Councillor Bartholomew recorded as having abstained) that if at the end of the current consultation period no overriding objection had been received to the amended working plan, then that plan be approved instead of the previous working plan and that in all other respects permission be issued for application MW.048/05 as had been approved in accordance with the previous decision of the Planning & Regulation Committee on 18 May 2015.

8/16 UPDATE REPORT - REQUEST FOR TEMPORARY RELAXATION OF REQUIREMENTS OF ROUTEING AGREEMENT ASSOCIATED WITH PLANNING PERMISSION FOR ERECTION OF A MOBILE CONCRETE BATCHING PLANT WITH ASSOCIATED INFRASTRUCTURE, CONCRETE HARDSTANDING AND PORTABLE TOILET LAND AT DIX PIT ADJACENT TO WORKSHOPS, LINCH HILL, STANTON HARCOURT - APPLICATION NO. MW.0053/15

(Agenda No. 7)

In November 2015 the Planning & Regulation Committee had agreed that a deed of variation to the routeing agreement attached to a permission to erect a mobile concrete batching plant granted in July 2015 to allow up to 10 loaded concrete mixer lorries per day to travel from the plant through Sutton between 9.00 am and 3.00 pm to the Westgate Centre redevelopment until the completion of roadworks on the Cutteslowe and Wolvercote roundabouts. The variation had been agreed to address concerns that journey times from the site into central Oxford were being adversely affected by roadworks on the Wolvercote and Cutteslowe roundabouts, to the extent that some concrete had been out of specification on arrival and had had to be returned.

The Committee now considered a report (PN7) setting out identified breaches of the existing routing agreement which had taken place since the variation had been agreed along with a response from officers to seek to secure compliance.

Introducing the report Mr Periam confirmed the temporary nature of the variation which applied to outgoing lorries only. There had been a number of breaches in the intervening months but, as a civil matter and not a planning application, a High Court injunction would be required to address the matter and officers were of the opinion that this would not constitute a major breach.

Responding to Councillor Bartholomew who had raised the issue of stronger action Mr Periam advised that the Committee could decide to reverse its earlier decision with regard to the route variation but if it did then clear and defined reasons would be required for doing so.

He confirmed that delays in signing the deed of variation had allowed the opportunity to bring this further report to Committee.

Responding to Councillor Tanner he advised that he was aware of 13 breaches so far but there could be more and he was unable to put a precise figure as to what percentage that represented of the total vehicle movements to date.

Councillor Mathew referred to the three previous occasions when he had urged the Committee not to agree to the developments at this site including latterly the variations to routing. He felt that the evidence presented of 21 breaches the latest at 8.25 that morning, which had also been outside the agreed time exonerated him in voicing those concerns that conditions applied to the development would not be honoured. The situation was intolerable and the breaches totally unacceptable.

He responded to questions from:

Councillor Johnston – photographic evidence existed for the breaches he had referred to.

Councillor Greene – the only real alternative in his view was to rescind the variation.

Dave Norminton and Matt Barlow then addressed the Committee. Mr Norminton apologised for the 13 breaches which had occurred since the end of November but he was confident that the Company had now got to grips with the situation. There were other hauliers accessing the site who used Hanson's livery but who were not subject to the variation and it was possible that some of the breaches could be attributed to those vehicles.

Mr Barlow advised that the Company had taken these issues seriously and were doing as much as they could to prevent breaches. They had adopted a strict one strike policy with drivers ultimately dismissed if they continued to transgress. He confirmed vehicles were fitted with tracking systems and in fact a new and improved system was due to be introduced out in June this year and that since November 2015 there had been 1,840 movements out of the plant.

Councillor Mills questioned the Company's sincerity regarding these issues when they had taken so long to sign the variation itself as well as responding to numerous reminders from the County Council.

Mr Norminton agreed there had been delays in replying although immediate holding responses had been sent pending further internal consultations.

Councillor Bartholomew considered there were 3 reasons for breaches namely drivers ignoring the correct route, new drivers or drivers not knowing the area all of which needed to be addressed by better company training.

Mr Barlow confirmed their commitment to raising standards in road haulage and that the Company had improved management procedures to cope with that but there had been challenges due to the need to import drivers.

Having regard to the 1,840 movements and 13 breaches as stated by the Company Councillor Tanner asked what action did they intend to take to prevent further breaches.

Mr Barlow replied that they would continue to brief drivers and publish any breaches. However, the Company could only deal with these incidents retrospectively but they were happy to share that information publicly.

Responding to Councillor Johnston he confirmed that there was a financial incentive for drivers to complete deliveries as quickly as possible but if they were found to be breaking the agreement they would be sanctioned and lose a full day's pay.

Responding to suggestions that evidence of breaches as presented by Councillor Mathew should be investigated Mr Norminton advised that the company had acted on its own monitoring with regard to breaches which had occurred but they would be happy to try and investigate other cases. They could not guarantee that there would be no further breaches but they were confident that any further breaches would be kept to an absolute minimum. He confirmed that the documents relating to the deed of variation had now been signed and given a positive outcome today could be completed by the end of that week.

Responding to a question by the Chairman the company were happy to publicise contact details for the batching plant and extend the role of the local liaison committee.

Councillor Tanner pointed out that even if the number of breaches was quadrupled it still represented only a very small percentage of the total number of delivery journeys which had been estimated at 1,840 and in reality most were adhering to the route variation. Officer advice had been clear that there was not a strong legal case to rescind the earlier decision and the Committee should therefore approve the officer recommendation as set out in the report but express concern to Hansons over the breaches which had occurred and ask officers to increase monitoring. Councillor Greene seconded.

Councillor Lily suggested some sort of fines system be introduced.

Councillor Bartholomew felt that sanctions should be applied which would impact more on Hansons. It was clear that nobody could say confidently how many breaches there had been nor that that would continue to happen with some frequency.

Councillor Reynolds had supported the first decision for a variation but It was not easy to enforce and he felt that the breaches which had occurred had made the situation untenable. In his view the only solution seemed to be to rescind the variation and revert back to the original routes.

Mr Kenneford advised that there been a great deal of on-site monitoring and investigation into the CCTV photographic evidence but only 13 cases had been verified before Christmas and since then only 1. He felt the actions taken by Hansons were beginning to have a positive effect and while there could there be no guarantees that there would not be isolated incidents breaches were less frequent and the situation had improved. The existing agreement allowed vehicles to use the toll bridge option and he reiterated the view that a decision to rescind would be difficult to defend in the courts.

Councillor Tanner accepted an amendment to his motion that Hansons be told that the Committee would not wish to see any further breaches and with that addition his, as amended, was put to the Committee and **RESOLVED** (by 6 votes to 5) that the report be noted, officers asked to increase monitoring and Hansons informed that the Committee would not wish to see any further breaches.

9/16 PROPOSED EXTENSION TO WASTE TRANSFER APRON AND PROVISION OF A WASTE PICKING STATION AT FERRIS HILL FARM, SIBFORD ROAD, HOOK NORTON - APPLICATION NO. MW.0132/15
(Agenda No. 8)

The Committee considered (PN8) a report for a permanent extension to the existing waste transfer apron to allow for increased operating space

Having presented the report Mr Case responded to questions from:

Councillor Phillips - it was not intended to increase the amount of material but enable greater storage of baled material to be transported out by larger but fewer vehicles.

Councillor Purse – the building and apron were permitted. This application was for the picking station to enable process and separation of material.

Carl Middleditch (Agent) and Nigel Mathews (Applicant) addressed the Committee. Mr Middleditch advised that the site was well contained. Extensive planting with more to come and careful siting of the building had reduced visibility of the site from outside. The applicant's intention was to create a model recycling centre with 100% of material recycled. Improvements continued to be made with no complaints made and no recorded accidents. They accepted that county officers had produced a factual report but the applicant asked the Committee to reconsider condition 3

requiring the picking station to be coloured dark green or grey on the grounds that due to the nature of the material of the building that painting might not work and furthermore they felt it unnecessary as the building was not visible from outside the site. Also condition 8 needed to be amended to reflect the need that some waste would need to be removed from site.

Responding to questions from:

Councillor Johnston - Mr Middleditch confirmed that the amendment to condition 8 had been requested to allow waste to be tipped in the waste transfer station before it went into the trammel in the picking station. Mr Mathews adding that material needed to be checked as early as possible in the process and pre-sorted into segregated bins in order to remove any contaminants. Those were then stored and removed to designated sites when sufficient amounts had been gathered.

Officers confirmed that they could discuss with the applicants some appropriate wording for condition 8 in order to meet their and the planning authority's needs.

Councillor Reynolds agreed the site was well screened and although lighting from within the site could be seen landscaping and lighting conditions should help mitigate against that. The routeing agreement was in place and he could only recall one complaint being received some time ago. He felt condition 3 should remain but was happy for officers to discuss further amendment to condition 8. He so moved and Councillor Bartholomew seconded. The motion was put to the Committee and –

RESOLVED: (by 11 votes to 0) that Application MW.0132/15 (15/01829/CM) be granted subject to conditions to be determined by the Deputy Director for Environment and Economy (Strategy and Infrastructure Planning) to include the following:

- (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 be commenced within a period of three years from the date of the permission.
- (iii) The picking station should not be coloured in anything other than dark green or grey colour to match the existing Waste Transfer Station Building.
- (iv) No operations authorised or required by this permission should be carried out and plant should not be operated, other than during the following hours:
 - a) Between 0800 and 1700 hours Mondays to Fridays
 - b) Between 0800 and 1200 hours on Saturdays
 - c) No such operations should take place on Sundays and Public and Bank Holidays and Saturdays immediately following Public and Bank Holiday Fridays.
- (v) The maximum total of waste material imported via the main access should not exceed 24,999 tonnes per annum. This includes all waste processed within the blue line area on the approved Site Location Plan.
- (vi) No other means of access should be used.

- (vii) From the date of issuing permission the operator should maintain records of all waste entering the site for all operations within the blue line area and should be made available to the Waste Planning Authority within 14 days on request.
- (viii) Other than the chipping of wood or storage of material to be chipped and wood chippings, no sorting of waste should take place on the land except within the "Picking Station" on approved Site Layout Plan 2146/29A except for a short period of time.
- (ix) Stockpiles of wood and wood chippings should not exceed a height of 4 metres.
- (x) No crushing of materials or storage of clean hardcore and crushed materials should take within the area labelled "Proposed Extension to Waste Transfer Apron" on approved Site Layout Plan 2146/29A.
- (xi) All vehicles, plant and machinery operated within the site should be serviced and maintained in accordance with the manufacturer's instructions and, where silencers are specified by the manufacturer for any vehicles, plant or machinery; they should be installed and retained in use.
- (xii) No reversing beepers or other means of audible warning of reversing vehicles should be fixed to, or used on, any vehicle operating on the site, other than those which use white noise.
- (xiii) No floodlighting should be erected on site without prior approval of the Waste Planning Authority.
- (xiv) The concreted surface of the site and site access should be maintained in a good state of repair and kept clean and free from mud and other debris at all times until such time as the site was no longer required for these operations.
- (xv) No development should take place except in accordance with the dust suppression measures specified in the approved Dust Assessment (dated September 2015).
- (xvi) Between the hours of 08:00 and 17:00 Mondays to Fridays and 08:00 to 12:00 Saturdays, the noise levels arising from the development should not exceed normally 55dB(LAeq) (1 hour), freefield at Gate Hangs High Inn identified on approved Site Location Plan.
- (xvii) No works of site clearance or development should be carried out other than in accordance with the recommendations within Section 4 (Conclusions & Recommendations) of the approved Phase 1 Habitat Survey (Martin Ecology, December 2015). These include: amphibian/reptile precautionary method of working and watching brief by suitably-qualified ecologist; nesting bird check if works were to take place within the bird nesting season; excavations provided with escape routes for badgers; and, provision of log piles.
- (xviii) No works of site clearance or development should take place until a scheme was submitted to and approved in writing by the Waste Planning Authority. The scheme should outline how the operator would dispose of the material removed to construct the apron extension.
- (xix) No works of site clearance or development should take place until a detailed Biodiversity Mitigation and Enhancement Strategy had been submitted to and approved in writing by the Waste Planning Authority. The scheme should be based on the proposals within the Section 4 (Conclusions & Recommendations) of the approved Phase 1 Habitat Survey (Martin Ecology, December 2015) and detailed scheme of tree planting. The Strategy should include:
 - a) numbers and locations of logpiles;

- b) detailed seed mix to include species mix (species should be of local provenance and appropriate to the local area);
 - c) plant size, planting layout & spacing, and methods of establishment for both new planting and species mix, position, size and protection methods for existing planting;
 - d) management and maintenance of habitats including grassland, trees and pond; and
 - e) a programme for its implementation.
- (xx) No works of site clearance or development should take place until a Construction Traffic Management Plan had been submitted to and approved in writing by the Waste Planning Authority.
- (xxi) Any scheme that is approved should be implemented in the first planting season immediately following the approval in writing of that scheme. No work should take place other than in accordance with the approved strategy.
- (xxii) All fuel tanks should be sited on a concrete base surrounded by bund walls capable of retaining at least 110% of the tank volume and any spillages from draw or fill pipes.

10/16 PROPOSED IMPORTATION AND PROCESSING OF MATERIAL ON LAND AT ENSTONE SHOOTING RANGE, ENSTONE FOR PLACEMENT ON THE PERMITTED BUNDS AS PER PLANNING PERMISSION 14/1178/P/FP AT ENSTONE AIRFIELD, ENSTONE - APPLICATION NO. MW.0160/15

(Agenda No. 9)

The Committee considered (PN9) a proposal to allow importation and processing of waste soils and stone in order to construct the noise attenuation bunds (as permitted by West Oxfordshire District Council (WODC)).

In accordance with the terms of his interest as set out in Minute 4/16 Councillor Owen took no part in the discussion or voting on this item.

Presenting the report Mr Case also referred to the addenda sheet which set out clarification of vehicle movements, suggested amendments to conditions (vi) and (vii) and a revised recommendation that if the application was approved then that should be subject to further consultation with regard to the changes to vehicle movements.

Officers then responded to questions from:

Councillor Purse – the site was no longer used for motorcross but was used for shooting. In addition the district council permission was to address noise problems for the shooting range but did not allow for importation of waste. Any proposals to use the site for any other use would require a further application.

Councillor Phillips – the site was currently being used for shooting and there had been some complaints regarding that and in respect of the previous motorcross use. Also with regard to the timescale for construction of the bunds, which she had suggested seemed a bit excessive, the application had been made for 5 years in order to import, process and construct. It might not take 5 years and could be completed within a shorter timescale an application had been submitted for 5 years to

avoid further applications for extensions. The district council had approved the elevation and height of the bunds.

Councillor Reynolds – district councils were able to grant permission for bunds.

Councillor Johnston felt that with 26 tonne per vehicle it would be easy to achieve 176,000 tonnes pa and therefore the scheme could be completed within 2 years. He had concerns regarding overtipping and the operation would need to be carefully monitored to avoid that.

Mr Case confirmed that importation of material was by cubic meter and not tonnes and that the hgv movements were a limit. The monitoring and enforcement team would monitor the operation including bund construction.

Responding to Councillor Cherry Mr Periam confirmed that if the Committee so required a routeing agreement could be imposed.

Peter Butler a local resident referred to the environmental impact of lorries and traffic movements on local villages. He had estimated that 277,000 cubic meters of waste equated to 443,700 tonnes of material and with a maximum of 20% for re-export 531,840 tonnes of material required to build the bunds and with a limit of 80,000 per annum that equated to 6/7 years of blight. The number of vehicle movements had now risen from 10 in and 10 out to 20 in and 20 out. He had no complaints regarding the applicant who had been helpful throughout the process but he felt that a proposal agreeing 55,000 lorry movements over 5 years seemed rather a lot to allay complaints regarding noise from shooting activities. He asked at the very least for the application to be deferred to inform the local community of the revised proposals and to seek the views of the Enstone parish council.

He then responded to questions from:

Councillor Lilly – he felt the term blight was wholly justified when describing a scenario of lorries over 25 tonnes traversing through villages such as Church Enstone. The B430 was a very narrow road with an increased risk of accidents and the junction with the A44 made exiting from Church Enstone particularly dangerous. He confirmed that his advice was not given in a professional context but as a resident.

David Einig confirmed that permission had already been granted with approved levels of material on site. As a local person it was in his interests to maintain a good professional reputation which meant doing all he could to carry out the development correctly and to a high standard. All the vehicles were in his ownership and fitted with tracker devices. While endeavouring to fulfil the permission granted by the district council he would work with local people to mitigate its effects. He confirmed a travel plan was in place.

Councillor Tanner considered the application to be totally out of proportion and he had been surprised that the district council had granted permission. He felt the application for importation and processing of waste should be opposed and he so moved. The motion was seconded by Councillor Purse.

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However, following further advice he, with his seconder's agreement, withdrew his motion to enable further clarification regarding the merits of the proposed bunds.

RESOLVED: (on a motion by Councillor Phillips, seconded by Councillor Bartholomew, and carried by 9 votes to 0) that Application MW.0160/15 be deferred to allow a further 21 day consultation to allow consultees, including the parish council, to comment on the revised information.

..... in the Chair

Date of signing