

**For: PLANNING & REGULATION COMMITTEE – 10 SEPTEMBER 2018**

**By: DIRECTOR FOR PLANNING & PLACE**

**Development proposed:**

**Section 73 application for the variation of condition 26 and removal of conditions 27, 28 and 29 of planning permission 17/01172/CM (OCC reference: MW.0031/17) to enable the transportation of large stone block by HGV.**

**Divisions Affected:** Charlbury and Wychwood

**Contact Officer:** Naomi Woodcock **Tel:** 07554 103464

**Location:** Castle Barn Quarry, Fairgreen Farm, Sarsden

**Application No:** MW.0027/18 **District Ref:** 18/02008/CM

**Applicant:** Johnston Quarry Group

**District Council Area:** West Oxfordshire DC

**Date Received:** 29 March 2018

**Consultation Period:** 7 May 2018 - 25 May 2018

**Recommendation:**

The report recommends that the application be approved

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## **Part 1 –Facts and Background**

### **Location (see site plan Annex 1)**

1. The site lies within the Cotswolds Area of Outstanding Natural Beauty (AONB) approximately 4.8km (3 miles) south of Chipping Norton and 400m to the west of the A361. The nearest settlements are Sarsden (north-west) approximately 1km (0.6 miles), Churchill (north-west) and Chadlington (east) both approximately 2.5km (1.6miles) from the site.

### **The Site and its Setting (see site plan Annex 1)**

2. Access to the site is via a narrow road which runs a short distance west from the A361, then south to a private road. The private road which runs south-west towards Fairgreen Farm, passes both the restored and active quarry on either side.
3. The quarry site is surrounded by open agricultural land and the nearest residential dwelling is approximately 380 metres to the south-west of the site. The driveway to Fairgreen Farm runs along the west side of the active quarry.
4. A public right of way passes in an east to west direction approximately 50 metres to the south of the quarry site.
5. The existing permission has a routeing agreement attached to the permission which only allows HGV traffic to use the minor road off the A361 to the north-east of the development and drivers to only turn left out of the access road and not right south-east down a minor road to the A361. The prohibited minor road is too narrow for HGV access. The routeing agreement also prohibits HGV traffic through any of the villages surrounding the quarry. The permission was also subject to a legal agreement requiring a 20-year long term management plan and public access to a geological exposure. Both agreements would continue to apply to any subsequent Section 73 application granting varied planning permission to the existing permission.

### **Details of the Proposed Development**

6. Castle Barn Quarry is seasonal and usually operates between March or April to mid-November. Mineral working at the quarry is due to be completed by 31 December 2020.
7. This planning application seeks to amend condition 26 (maximum of 44 HGV movements (22 in 22 out) per day) and remove:
  - condition 27 (movement of large stone blocks by tractor and trailers only);
  - condition 28 (tractor and trailer movements limited to 14 movements (7 in 7 out) per day); and
  - condition 29 (time restrictions on tractor and trailer movements through the village of Sarsden)to allow transportation of large stone blocks by HGV.

8. The applicant explains that under the previous mineral operator all block stone was transported to the Lower Buildings in Sarsden for processing.
9. Transportation of the block stone was limited to tractor and trailer to reduce the impact on the agreed route through the village.
10. When the applicant took over operations in 2015/2016 it was decided that block stone should also be transported to Great Tew Quarry (which is also operated by the applicant) as well as the Lower Buildings in Sarsden. In addition, large stones are also delivered on an ad hoc (and infrequent) basis to alternative sites for processing, as per customer requirements.
11. The applicant has therefore identified a need to transport the large stone blocks by HGV as the current restriction (that permits movement by tractor and trailer only) is not practical or flexible to meet the varied demand.
12. The applicant explains that the large stone blocks would continue to be transported on a 44t Gross 2/3 Axle Trailer. The only difference would be that the trailer would be pulled by an HGV rather than a tractor.
13. The transportation of large stone blocks would be implemented in accordance with the approved routeing agreement, dated 11 November 2015, which incorporates a clockwise route from the site and away from Sarsden village. The route includes the A361 and an unnamed two-lane single carriageway (classified unnumbered) road through Lyneham.
14. No increase to vehicular movements are proposed as part of this application.
15. It is proposed that the wording of condition 26 be amended to the following:

*“HGV movements relating to crushed stone activities and the transportation of large stone blocks to and from the site shall not exceed a maximum of 58 per day, split as 44 movements relating to Supporting Statement Castle Barn Quarry March 2018 Page 7 of 12 David Jarvis Associates Limited DJA Reference: 2307-4-4-1-SS-T1-S5-P2 Supporting Statement 270318 crushed stone and 14 relating to large stone block. All movements shall be made only in accordance with the Plan A of the Routeing Agreement, dated 11 November 2015.”*
16. It is proposed that conditions 27, 28 & 29 which relate to the sole use of tractor and trailer for the transportation of large stone blocks would then be removed as they would become superfluous.
17. Annex 2 details the existing and proposed wording for conditions 26 – 29.

## **Part 2 – Other Viewpoints**

### **Third Party Representations**

18. No letters of objection have been received to this application.

## Consultation Responses

19. West Oxfordshire District Council – Object to the application. “There are serious concerns regarding the change in transportation and the impact this would have on the character of the area in terms of the intensification of the use of the site and therefore the resultant additional large goods vehicle movements on the local road network, which would be to the detriment of the amenity of the local area and residents”.
20. Churchill and Sarsden Parish Council - “The general view of the councillors is that they are not in favour of HGVs replacing tractor and trailers, but do feel that more information about the impact of either type of transport would be desirable when decision making. The impact of the vehicle which transport the stone on the roads is considerable – eroding the road edges to create deep gullies, damage to stone setts at the junction with the A361. Any increase in HGVs in this area is not considered good for the community”.
21. Chadlington Parish Council – No comments received.
22. Lyneham Parish Meeting – No comments received.
23. Cotswold AONB Conservation Board – No comments received.
24. Oxford Geology Trust – No comments received.
25. Ministry of Defence – No comments received.
26. Transport Development Control – Initially commented that the proposals would result in the large stone blocks being transported to the “Lower Buildings” for processing by HGV rather than tractor and trailer, via a clockwise route from the site as opposed to the anti-clockwise route through Sarsden. The new route incorporates the A361 and the unnamed two-lane single carriageway (classified unnumbered) road through Lyneham. This road appears to be adequate to cater for the limited number of HGVs, and the maximum permitted number of movements (14 per day) cannot be viewed as causing severe harm. There will be no change to the total number of movements. The application documents do not include a plan of the new route. There needs to be a new route plan to supersede Plan No. 1 as approved by applications 04/0361/P/CM and 17/01172/CM (MW.0031/17).

Upon further contemplation of the routeing agreement, Transport Development Control added the application proposals are acceptable from a highway safety and traffic movement point of view. I think that linking this application to the existing routeing agreement is adequate.

### **Part 3 - Relevant Planning Documents**

#### **Relevant Development Plan and other policies**

27. Planning applications should be decided in accordance with the Development Plan unless material considerations indicate otherwise.
28. The Development Plan for this area comprises:
- i. Oxfordshire Minerals and Waste Core Strategy (OMWCS) 2017.
  - ii. The West Oxfordshire Local Plan (WOLP 2011) (saved policies)
29. There are a number of saved policies from the Oxfordshire Minerals and Waste Local Plan 1996 (OMWLP) that still form part of the Development Plan. However, none of these are relevant to the determination of this application as they all relate to specific areas and none of them relate to this area.
30. Other documents that need to be considered in determining this development include:
- i. National Planning Policy Framework (NPPF) was revised in July 2018. This is a material consideration in taking planning decisions.
  - ii. The West Oxfordshire Draft Local Plan 2031 (WODLP) is also a material consideration to which limited weight should be given as it is at an advanced stage but not yet adopted.

#### **Relevant Policies**

31. The relevant policies are:

##### Oxfordshire Minerals and Waste Core Strategy 2017 (OMWCS)

- C5 (Local Environment, amenity and economy)
- C8 (Landscape)
- C10 (Transport)

##### West Oxfordshire Local Plan 2011 (WOLP)

- NE1 (Safeguarding the Countryside)
- NE4 (Cotswolds Area of Outstanding Natural Beauty)

##### West Oxfordshire Draft Local Plan 2031 (WODLP)

- EH1a (Cotswolds Area of Outstanding Natural Beauty)
- EH1 (Landscape Character)

### **Part 4 – Analysis and Conclusions**

#### **Comments of the Director for Planning and Place**

32. The key policy issues to consider in determining this application are:
- i. Impact on the Natural Environment
  - ii. Impact on the Built Environment.

Impact on the Natural Environment

*Cotswolds Area of Outstanding Natural Beauty (AONB)*

33. Policies C8 of the OMWCS, NE4 of the WOLP, EH1a of WODLP and paragraph 172 of the NPPF taken together seek to conserve and enhance the natural beauty of the AONB and give regard to the economic wellbeing of the area.
34. NPPF paragraph 172, WOLP policy NE3, WODLP policy EH1a and OMWCS policy C8 state that major development should not be permitted in the AONB other than in exceptional circumstances. This proposal is not considered to be major development in that context as it is a change to a permitted development. It would introduce 14 additional HGV movements to the AONB. However, the numbers are not considered significant and there is no increase in overall vehicle movements.
35. Policy C8 of the OMWCS also supports small scale development in the AONB which meets local needs.
36. In my view the proposed development would conserve the natural beauty of the AONB as no changes are proposed to the visual quality, topography, flora and fauna, historical or cultural aspects of the AONB.
37. Transportation of large stone block by HGVs is a small scale practical and flexible alternative solution which would enable Castle Barn Quarry to continue to contribute to the economic wellbeing of the area by meeting local demand at the Lower Buildings in Sarsden, Great Tew Quarry, and as per customer requirements.
38. I am therefore of the view that the planning proposal accords with policies C8 of the OMWCS, NE4 of the WOLP, EH1a of the WODLP and paragraph 172 of the NPPF.

*Countryside*

39. Policy NE1 of the WOLP ensures that development proposals maintain or enhance the value of the countryside for its own sake.
40. Policy EH1 of the WODLP conserves the quality, character and distinctiveness of West Oxfordshire's countryside.
41. West Oxfordshire District Council comment that the development proposal would change the character of the area in terms of the intensification of the use of the site.
42. I do not agree that the proposal would lead to the intensification of the site as the application merely seeks to hook the trailer which transports the large stone blocks to a HGV rather than to a tractor, as currently permitted. There would be no increase in overall vehicle movements or increase in the tonnage exported.

43. Given that no additional physical development is proposed in the countryside, I consider that the proposal would maintain and conserve the quality, character, distinctiveness and value of the countryside, especially its beauty, natural resources, ecology, agricultural culture and outdoor recreation.
44. I am therefore of the view that the application accords with policies NE1 of the WOLP and EH1 of the WODLP.

#### Impact on the Built Environment

##### *Residential Amenity*

45. Policy C5 of the OMWCS seeks to ensure that mineral developments do not have an unacceptable adverse impact on residential amenity.
46. West Oxfordshire District Council comment that the application would be detrimental to the amenity of residents. However, they do not specify in what way.
47. In my view the transportation of stone block by HGV rather than by tractor should not give rise to any unacceptable adverse impacts in terms of visual intrusion, light pollution or any additional noise, traffic, mud on road or air quality as:
- vehicles would be directed away from Sarsden village;
  - 14 HGV movements per day through the main road in Lyneham is not considered to be significant, particularly given that the quarry is seasonal and operations are due to cease in 2020; and
  - the wheel wash condition which is attached to the existing planning permission would also be imposed on any subsequent S.73 permission.
48. In addition, there have been no objections from local residents.
49. Condition 29 of the existing permission prohibits the transportation of large stone block through the village of Sarsden during school peak periods. However, as there are no primary schools in the village of Lyneham I see no reason for a similar condition to be attached should planning permission be granted to this application.
50. I therefore consider that, subject to the routeing agreement, the proposed change to conditions would not have an unacceptable adverse impact on residential amenity, and that the application accords with policy C5 of the OMWCS.

##### *Local Road Network*

51. Policy C10 of the OMWCS seeks to ensure that minerals which are transported by road use roads which are suitable for lorries.

52. West Oxfordshire District Council raise concerns about the resultant additional large goods vehicle movements on the road network.
53. Churchill and Sarsden Parish Council raise concerns about the impact that the HGVs may have on the road, in particular eroding the road edges and damaging stone setts.
54. Transport Development Control are of the view that the roads which would be used can suitably facilitate 14 additional lorry movements per day.
55. I agree with West Oxfordshire District Council that the proposal would lead to an increase in HGV movements on the road network. However, I do not consider this to be significant, particularly given that there would be commensurately 14 less tractor and trailer movements on the road network per day through Sarsden.
56. Given that the transportation of large stone blocks would be carried out in accordance with the approved routeing agreement and that Transport Development Control consider that the roads used would be suitable for the proposed number of HGV movements, I am of the view that the planning application accords with policy C10 of the OMWCS.

### **Conclusions**

57. This application seeks to transport large stone blocks by HGV rather than by tractor. The proposal would conserve the natural beauty of the Cotswolds AONB, and maintain and conserve the quality, character, distinctiveness and value of the countryside. There would be no unacceptable adverse impact on residential amenity, and the roads used by the HGVs are considered suitable for lorries.
58. As such the proposed development accords with the Development Plan policies, emerging policies and national government policy and guidance and is considered acceptable on its planning merits.

### **RECOMMENDATION**

- 59 It is RECOMMENDED that planning permission for Application MW.0027/18 be approved subject to conditions to be determined by the Director for Planning and Place but to include matters set out in Annex 3 to this report.**

**SUE HALLIWELL**  
**Director for Planning & Place**

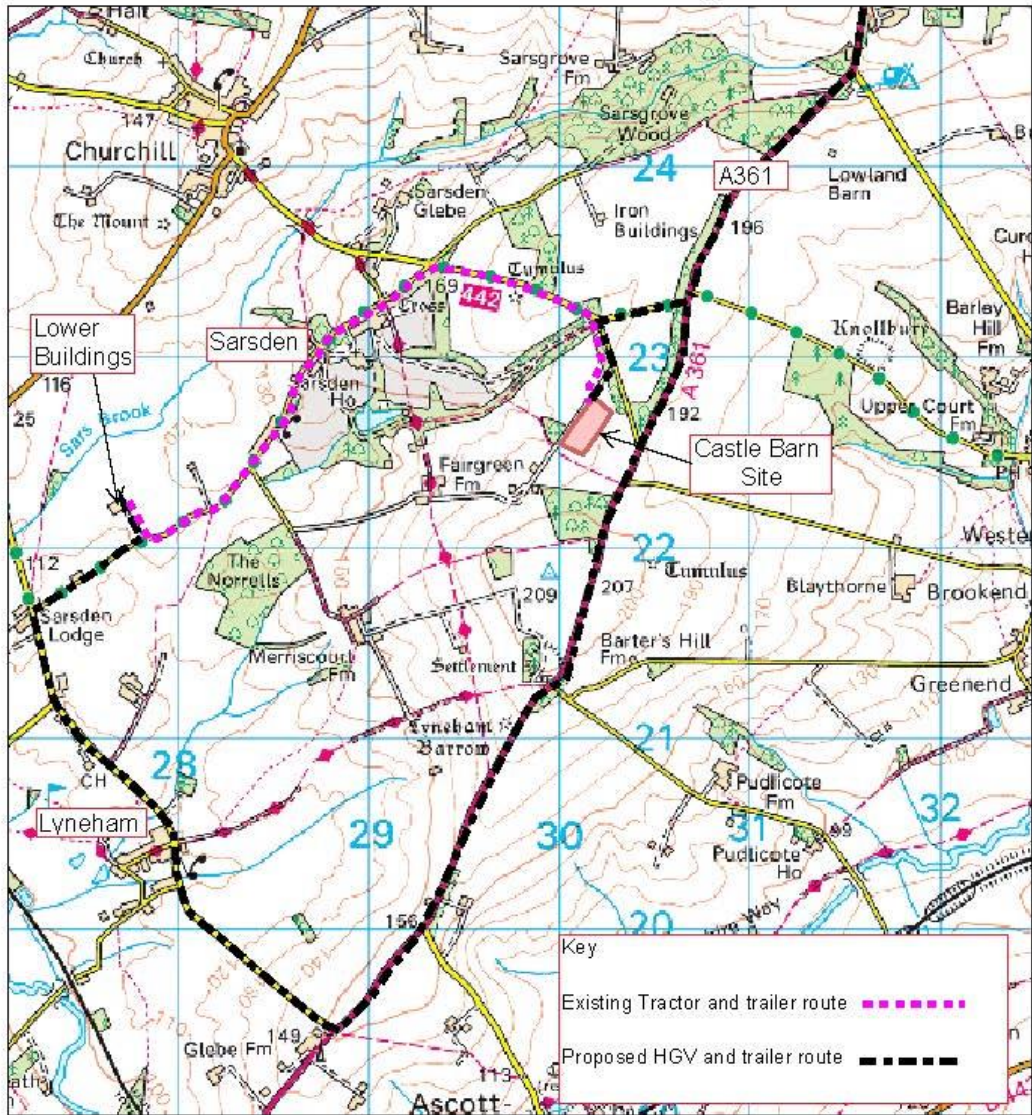
August 2018





Annex 1 - Location Plan

Application Number MW.0027/18



Scale 1:29,919

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## **Annex 2 – Proposed changes to conditions**

Condition 26 current wording:

HGV movements related to crushed stone activities to and from the site shall not exceed a maximum of 44 per day (22 in, 22 out).

Condition 26 proposed wording:

HGV movements relating to crushed stone activities and the transportation of large stone blocks to and from the site shall not exceed a maximum of 58 per day, split as 44 movements relating to Supporting Statement Castle Barn Quarry March 2018 Page 7 of 12 David Jarvis Associates Limited DJA Reference: 2307-4-4-1-SS-T1-S5-P2 Supporting Statement 270318 crushed stone and 14 relating to large stone block. All movements shall be made only in accordance with the Plan A of the Routeing Agreement, dated 11 November 2015.

**It is recommended that condition 26 is amended as proposed, with any necessary minor changes to the wording to ensure it is precise and enforceable.**

Condition 27 current wording:

Large stone blocks shall not be moved except by tractors and trailers. Tractors and trailers transporting large stone blocks to the Lower Buildings shall not enter or leave the site except along the roadways marked in red on approved Plan No. 1 (Tractor and Trailer Route Plan).

Condition 28 current wording:

Other than with the prior approval in writing of the Mineral Planning Authority tractor and trailer movements shall be limited to no more than 14 movements (7 in, 7 out) in any one day.

Condition 29 current wording:

Notwithstanding the operating hours specified in condition 7, tractor and trailer movements shall not take place through the village of Sarsden between the following times:

- a) 8.15 am and 8.45 am Mondays to Fridays during school term time
- b) 3.15 pm and 3.45 pm – Monday to Friday during school term time.

**It is recommended that existing conditions 27, 28 and 29 are removed as proposed.**

**Annex 3 – Conditions**

1. Winning and working of minerals to cease on or before the 31st December 2020 and restoration of the site to be no later than 30th June 2021.
2. The development shall 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.
3. The site shall be used only for the winning and working of minerals suitable for use as walling stone or building blocks for carving and for crushed stone as aggregate.
4. Noise from the operations shall not exceed 55dB (A) LAeq 1 hour.
5. No fixed plant or machinery, buildings, structures and erections, or private ways shall be erected, extended, installed, rearranged, replaced, repaired or altered at the site without planning permission from the Mineral Planning Authority.
6. No extraction shall take place below 171.5 metres above Ordnance datum.
7. Site operations, other than water pumping or environmental monitoring, limited to:-
  - a) 0700 and 1800 hours Mondays to Fridays;
  - b) 0700 hours to 1300 hours on Saturdays
  - c) No such operations shall take place on Sundays or recognised public holidays or Saturdays immediately following public holidays.
8. No aggregates or waste shall be imported to the site.
9. Wheel cleaning of lorries.
10. Implementation of the approved wheel washing scheme.
11. Location of site access and maintenance of the surfacing of the site access.
12. Discharge of contaminated water.
13. Storage and maintenance of tanks containing oil or fuel.
14. No floodlighting without the prior approval of the Mineral Planning Authority.

15. No reversing beepers or other means of audible warning of reversing vehicles to be used on vehicles operating on the site, other than those which use white noise.
16. No works to be carried out within 2 metres of the existing hedgerows shown on approved plan 2307/S73/2 Rev. 2 (S73 Restoration Proposals).
17. Retention and maintenance of the hedgerow on the western boundary.
18. The sequence of working to be in accordance with the approved Working Scheme (Drawing No. 2307/S73/8).
19. No stockpiling of minerals shall take place unless and until the topsoil and subsoil have been stripped from the area to be used for stockpiles.
20. Removal and storage of topsoil, subsoil and overburden, stripped from the areas to be excavated, for use in site restoration. Replacement, grading and covering up of overburden to be in accordance with the approved 'S73 Restoration Proposals Plan' (2307/S73/2 Rev. B).
21. Stockpiles of materials to be in accordance with the approved Working Scheme. Stockpiles to be in position for longer than 12 months shall be seeded with grass.
22. Soil handling shall not take place other than between the months of June to August inclusive, and only when the soil is generally dry.
23. Implementation and maintenance of the approved scheme of landscaping/restoration.
24. Implementation of the approved Aftercare Scheme.
25. Crushing (including stocking and loading to be in accordance with approved 'S73 Site Working Plan).
26. HGV movements relating to crushed stone activities and the transportation of large stone blocks to and from the site shall not exceed a maximum of 58 per day, split as 44 movements relating to Supporting Statement Castle Barn Quarry March 2018 Page 7 of 12 David Jarvis Associates Limited DJA Reference: 2307-4-4-1-SS-T1-S5-P2 Supporting Statement 270318 crushed stone and 14 relating to large stone block. All movements shall be made only in accordance with the Plan A of the Routeing Agreement, dated 11 November 2015.
27. No activities to be carried out in the old quarry area to the south west of the working area. No trees shall be felled or lopped or soil disturbed in the vicinity of those trees.
28. No loaded lorries shall leave the site unsheeted except those only carrying stone in excess of 500mm in diameter.

29. Development to be carried out in accordance with the approved Dust Management Plan (dated March 2015).
30. No activities, except the temporary stockpiling of stone, shall take place in the area outlined in green on approved Working Scheme.
31. No blasting shall be carried out except between the following times
  - a) 0900-1600 hours Mondays to Fridays;
  - b) 0900-1200 on Saturdays.
32. No blasting shall take place on Sundays or recognised public holidays or on Saturdays immediately following public holidays.
33. For temporary operations such as soil stripping, bund formation, other mitigation measures and restoration the LAeq level at any noise sensitive properties shall not exceed 70 dB(A), expressed in the same manner as above. Temporary operations which exceed the normal day to day criterion shall be limited to a total eight weeks in any twelve month period to any individual noise sensitive property.
34. Ground vibration from blasting shall not exceed a peak particle velocity of 6mm/second at the 95% confidence level, or near, the foundations of any vibration sensitive building or residential premises as shown on FIG 01. The measurement to be the maximum of three mutually perpendicular directions taken at the ground surface.
35. Maintenance and availability of monthly production records.
36. Maintenance and availability of daily HGV movement records.

## **Annex 4 – European Protected Species**

### **European Protected Species (to include in Committee/Delegated reports as an Annex, not on Decision Notices)**

The Local Planning Authority in exercising any of their functions, have a legal duty to have regard to the requirements of the Conservation of Species & Habitats Regulations 2017 which identifies 4 main offences for development affecting European Protected Species (EPS).

1. Deliberate capture or killing or injuring of an EPS
2. Deliberate taking or destroying of EPS eggs
3. Deliberate disturbance of a EPS including in particular any disturbance which is likely
  - a) to impair their ability –
    - i) to survive, to breed or reproduce, or to rear or nurture their young, or
    - ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate; or
  - b) to affect significantly the local distribution or abundance of the species to which they belong.
4. Damage or destruction of an EPS breeding site or resting place.

Our records and/ or the habitat on and around the proposed development site and/or ecological survey results indicate that European Protected Species are unlikely to be present. Therefore, no further consideration of the Conservation of Species & Habitats Regulations is necessary.

### **The recommendation.**

European Protected Species are unlikely to be present. Therefore, no further consideration of the Conservation of Species & Habitats Regulations is necessary.

## **Annex 5 – Compliance with National Planning Policy Framework**

In accordance with paragraph 38 of the NPPF Oxfordshire County Council takes a positive and creative approach and to this end seeks to work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. We seek to approve applications for sustainable development where possible.

We work with applicants in a positive and creative manner by;

- offering a pre-application advice service, and
- updating applicants and agents of any issues that may arise in the processing of their application and where possible suggesting solutions. In this instance we kept the agent abreast of all consultation responses received, and advised that the application would be determined by the Planning & Regulation Committee rather than under delegated powers due to the objection raised by West Oxfordshire District Council.