

PLANNING & REGULATION COMMITTEE

MINUTES of the meeting held on Monday, 9 March 2020 commencing at 2.00 pm and finishing at 3.05 pm

Present:

Voting Members: Councillor Jeannette Matelot – in the Chair
Councillor Stefan Gawrysiak (Deputy Chairman)
Councillor Ted Fenton (In place of Councillor Dan Sames)
Councillor Pete Handley
Councillor Damian Haywood
Councillor Ian Hudspeth (In place of Councillor Mike Fox-Davies)
Councillor Bob Johnston
Councillor G.A. Reynolds
Councillor Judy Roberts
Councillor John Sanders
Councillor Lawrie Stratford (In place of Councillor Anda Fitzgerald-O'Connor)
Councillor Alan Thompson
Councillor Richard Webber

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

Officers:

Whole of meeting G. Warrington & Mrs J. Crouch (Law & Governance); D. Periam, K. Broughton and Ms E. Bolster

The Committee considered the matters, reports and recommendations contained or referred to in the agenda for the meeting, and decided as set out below. Except as insofar as otherwise specified, the reasons for the decisions are contained in the agenda and reports, copies of which are attached to the signed Minutes.

9/20 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

(Agenda No. 1)

<i>Apology for Absence</i>	<i>Temporary Appointment</i>
Councillor Anda Fitzgerald-O'Connor Councillor Dan Sames Councillor Mike Fox-Davies	Councillor Lawrie Stratford Councillor Ted Fenton Councillor Ian Hudspeth

10/20 DECLARATIONS OF INTEREST - SEE GUIDANCE NOTE OPPOSITE

(Agenda No. 2)

None declared.

11/20 MINUTES

(Agenda No. 3)

The minutes of the meeting held on 27 January 2020 were approved and signed.

Minute 5/20 – Chairman’s Updates (Thrupp Farm and Thrupp Lane, Radley)

Officers confirmed no further information had been received from the operators/owners’ agent.

12/20 PETITIONS AND PUBLIC ADDRESS

(Agenda No. 4)

<i>Speaker</i>	<i>Item</i>
Susan Hughes – Agent for the Applicant Councillor Charles Mathew (Local Member)) 6. Controlled Reclamation Site) Landfill Site, Dix Pit – Application) MW.0126/19)

13/20 CHAIRMAN'S UPDATES

(Agenda No. 5)

The Committee offered its congratulations to Mary Hudson (Planning Officer) on the birth of her son Elijah.

14/20 SECTION 73 APPLICATION FOR THE CONTINUATION OF DEVELOPMENT OF PLANNING PERMISSION NO. 16/04159/CM (MW.0141/16) (ENGINEERING OPERATIONS FOR THE RESTORATION OF FORMER LANDFILL AND TEMPORARY PROVISION OF AN AREA FOR TOPSOIL RECYCLING) WITHOUT COMPLYING WITH CONDITIONS, 1, 2, 3, 4 AND 13, IN ORDER TO REVISE LEVELS OF THE APPROVED LANDFORM TO REFLECT FINAL CONTOURS; TO PROVIDE FOR ADDITIONAL TIME TO COMPLETE FINAL PLANTING AND GRASS SEEDING TO COMPLETE FINAL RESTORATION AND LANDSCAPING OF THE SITE; AND FOR CONSEQUENTIAL AMENDMENT TO THE AFTERCARE DETAILS. APPLICATION NO. MW.0126/19

(Agenda No. 6)

The Committee considered (PN6) an application to vary conditions 1, 3 and 4 and delete conditions 2 and 13 in order to regularise the land form that has been created contrary to the approved land form under planning permission MW.0126/19 prior to the previously approved seeding and final planting being completed.

The matter had been reported to Committee at the request of the Councillor Charles Mathew the local member who was concerned regarding the request for a second revised landform when the first had not been implemented as previously approved. That had also been a revision of the original restoration as previously approved. The matter had also been the subject of recent enforcement action which had been quashed on the ground that the notice had not been served correctly on all owners/occupiers.

Emma Bolster presented the report and responded to questions from members.

Councillor Hudspeth – the site could be seen from the road but planting helped mitigate against that.

Susan Hughes spoke on behalf of the applicants explaining that the crux of this application was a disagreement over restoration levels in the southwest corner of the landfill site representing an area less than 4% of the whole site. The difference between the existing contours and those approved in this small area was negligible and although the contours were higher, they could not be gauged by eye and required a topographical survey to identify the difference. Crucially, that difference did not cause any adverse landscape or visual effects and the resultant landform was as acceptable as the previously approved landform. In view of this your landscape specialist had raised no objection and there had been no other objections, except from Councillor Mathew who was concerned that the application was a change to what had been previously approved. However, the fact that the application was different to earlier restoration schemes was not a justifiable reason for refusal and there could be a variety of acceptable restoration solutions, not just one. The planning system acknowledged that and provided a number of options to enable applications to amend planning permissions. These rights are unfettered and unrestricted in legislation, with no limit as to the number of times an application to vary a proposal could be sought.

We all had opinions as to the whys and wherefores of how we got to this point but I agree with the conclusion in the report that closure was needed and granting this application was the best option available to achieve that and allow final seeding and planting to be undertaken whereas refusal would only lead to further delay, earthworks, unnecessary lorry movements and pollution, disagreements over site levels and a no better overall restoration. She clarified a question raised at the recent member site visit that materials used to restore the site had been approved by the Council so were not part of this application which related only to the acceptability of contours in the south west corner of the landfill. I urge you to accept the officer recommendation.

She then responded to questions from:

Councillor Johnston – levels were recorded against weight of loads. This had been a settlement issue with movement to achieve levels. Various surveys had then been undertaken. Some planting could still be achieved during this current planting season.

Councillor Roberts – material had been brought in from various development sites.

Councillor Gawrysiak – slightly more material in then required so it had been felt that could be deposited in the south west corner with least impact. Other areas were in fact lower so there would be a net effect.

However, Councillor Gawrysiak then pointed out that a 3m higher level equated to a lot of material.

Ms Hughes replied that the applicants had felt it had achieved a better profile but it was up to the Committee to decide on a course of action.

Councillor Stratford was not confident that this permission would be adhered to or resolve the problem.

Ms Hughes replied that importation of material was over and complete and this was now the final part of restoration and reseeding. This application could have been submitted in December but the decision had been taken instead to go for enforcement which had delayed the process.

Councillor Webber – she confirmed that officers were happy with levels at the site except for the south west corner as had been pointed out in the report.

Councillor Reynolds referred to the point made by the applicant about the whys and wherefores of the planning system. Accepting they were loaded in favour of the applicant we should, however as a planning authority expect conditions to be adhered to and he was concerned at the consistent use of S73 applications. Was it the Company's intention to stick to conditions?

Ms Hughes replied that the planning system allowed for variation but she assured members that levels would be monitored and no more material deposited to be followed by seeding and restoration.

Councillor Roberts – Ms Hughes confirmed this was a retrospective application as work had not complied with the previous approval.

Councillor Mathew then addressed the Committee. He advised that he represented the division which included Dix Pit and that he had lived in Stanton Harcourt for 40 years. This site should have been restored and finished in 2006 yet we are still here in 2020 discussing these issues with those lost years of restored growth. There had been 375,000 tonnes of overfilled material representing 19,000 lorry loads. A further permission in 2015 for completion in 2017 had not been complied with. Levels were 2 – 3 metres above what they should be and planting had not been done. Recent enforcement action had failed and this application was now submitted to regularise the overtipping. My concern is that conditions needed to be honoured and accepting this application sent out an unfortunate message. The integrity of the planning decision process needed to be maintained with effective enforcement to maintain public confidence in planning permissions as set out in the National Planning Policy Framework. I urge you to reject the application.

He then responded to questions from:

Councillor Stratford – he was not the right person to ask whether the developer would now deliver on this application.

Councillor Handley recognised the clear frustration over the years but asked if Councillor Mathew felt extra landscaping would help?

Councillor Mathew accepted the point insofar as removal of waste would involve lorry movements on local roads and possible smell problems from the site but the bigger picture he felt was to uphold the integrity of OCC planning.

Councillor Fenton was unhappy about the retrospective nature of the application but the material was there and removal could present a worse scenario and cause more harm. He asked again if better and enhanced landscaping help?

Councillor Mathew replied that was a decision for the Committee to make.

Councillor Handley recognised the dilemma here insofar as reducing the pile of material would create problems. However, he felt some example should be made and the applicants required to at least provide enhanced planting.

Councillor Johnston considered the company did not have a good record and had, no doubt, made a considerable amount of money out of this tipping. That should not have happened and they should be required to make some form of reparation by providing and planting as a minimum a belt of beech trees in the autumn.

Councillor Roberts expressed some concern over Condition 9 as the top soil she had seen on the visit did not look to be of good quality and unlikely to support any reseeded. There appeared to be a distinct lack of biodiversity and additional planting mitigation was needed.

There was clear support from members of the Committee for additional mitigation measures.

Councillor Stratford however did not have confidence in the applicants to carry out the work required or any additional mitigation measures.

Councillor Haywood was unhappy at the suggestion by the agent that the decision to proceed with enforcement was the reason why we here today when in fact it had been because of a catalogue of planning violations by the applicant over a number of years.

Mr Periam confirmed there should be no further earthworks only planting to be achieved by March 2021.

RESOLVED: (on a motion by Councillor Johnston, seconded by Councillor Gawrysiak and carried by 12 votes to 0, Councillor Stratford recorded as abstaining) to approve Application No. MW.0126/19 subject to conditions to be determined by the Director of Planning and Place including those set out in Annex 2 to the report PN6 and the following condition:

No later than three months from the date of this permission a detailed scheme for enhanced planting (to include a belt of beech trees) in addition to that shown on approved drawing no. 187CRLR/12 rev D shall be submitted to and approved in writing by the Waste Planning Authority. The approved scheme shall be implemented no later than 31 March 2021.

..... in the Chair

Date of signing