

**For: PLANNING AND REGULATION COMMITTEE – 27 FEBRUARY 2017**

**By: DIRECTOR FOR PLANNING AND PLACE**

**Development Proposed:**

**New building in place of the one approved under permission no.: 08/0220/P/CM to accommodate existing waste processing operations.**

**Division Affected:** Hanborough & Minster Lovell  
**Contact Officer:** Matthew Case **Tel:** 07584 262456  
**Location:** B&E Waste Recycling and Transfer Facility, 115,  
Brize Norton Road, Minster Lovell, Oxon, OX29  
0SQ  
**Application No:** MW.0070/16 **District Ref:** 16/01686/CM  
**Applicant:** B&E Transport (Witney) Ltd.  
**District Council Area:** West Oxfordshire District Council  
**Date Received:** 27-Apr-2016  
**Consultation Period:** 19th May 2016 to 10th Jun 2016  
6<sup>th</sup> January 2017 to 27<sup>th</sup> January 2017

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**Part 1 – Facts and Background**

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

1. The site is located off the Brize Norton Road to the south of the historic village centre of Minster Lovell in the allotment estate of Charterville. The site lies to the rear of a residential property. The site is located approximately 2.4km west of Witney. The site itself is only located approximately 400 metres north of the A40 slip road via Brize Norton Road.
2. The site is located approximately 1.2km to the south-east of the Cotswolds Area of Outstanding Natural Beauty (AONB).
3. Additional residential properties lie to the north, south and west, many of which have a similar mixed use. The properties to the east are accessed

via the public road of Bushy Ground which has a mixture of both industrial and residential use.

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

4. The site is a rectangular piece of land covering approximately 0.34 hectare, only covering the proposed building. The rest of the site is covered by an existing permission. The site is accessed off Brize Norton Road (B4477) The access road runs eastwards to the proposed replacement building, passing the existing weighbridge and site office.
5. As mentioned the site is located within Charterville Allotments, which were originally a group of about 90 smallholdings laid out in 1847 each with its own cottage, to provide a means for families from industrial towns to support themselves. Over time due to the poor quality soil, many of the properties have established mixed uses with a combination of both residential and industrial.
6. Planning permission was granted in January 2009 for extension of the recycling facility to accommodate new plant, building, vehicle parking/skip storage area and weighbridge. The application was only partly implemented. The building element was not constructed due to the downturn in the economy.

### **Planning History**

7. The site was originally granted planning permission in January 1995 for a construction of storage/transfer shed for proposed waste transfer station (1270/94). The permission was later superseded by a planning permission (08/0220/P/CM) in January 2009 for an "extension of existing waste recycling facility to accommodate new plant, building, vehicle parking/skip storage area and weighbridge".

### **Details of the Development**

8. The applicant wishes to build a rectangular building measuring 25 metres by 27 metres, which would encompass the existing concreted area, currently used for waste processing. It is also proposed to link the proposed processing building with small covered lean-to area linking to the existing shed (3.8 metres by 5 metres).
9. The proposed building would accommodate a new processing system with trommel, conveyors and picking stations. The proposed building will also include pre-sort recycling areas. The applicant states in the supporting statement 'by enclosing all the waste processing operations in this manner, it is anticipated that any potential dust and noise emissions would be significantly mitigated'.

10. Due to the limited space, the building will have openings on the western and eastern elevations, enabling the HGV access to the vehicle parking and skip storage area to the rear of the site. The southern elevation would also be open allowing access to storage skips for processed materials which can be stored outside.
11. It was originally proposed that the building would have a double pitched roof rising to 10 metres at the ridge from 8.5 metres at the eaves. The height of the building would allow HGVs to tip waste within the building and provide the necessary clearance for the arm of the machine loading the processing plant. The height would protect against damage to both the roof of the building and the plant itself.
12. The building will be constructed in steel frame with plastisol colour-coated steel cladding. The roof is proposed to be juniper green with olive green for the walls. The dark colours have been proposed to reduce visual impact and will have a matt finish to help blend in with the surrounding landscape. The applicant doesn't wish to increase throughput, with no changes to the existing lorry movements associated with the site.
13. Following initial consultation on the application 3 objections were received from local residents citing concerns with the height of the proposed building. The application was revised with the following amendments:
14. The eaves on the southern elevation of the building have been reduced to 6 metres in height. In addition the applicant is now proposing there will be a break in the roof profile; with the eastern end of the building being 8 metres at the ridge reducing to 6.8 metres at the eaves of the northern wall and the western end being 8.5 metres at the ridge reducing to 7.3 metres at the eaves of the northern wall. The applicant states the building heights have been reduced as far as possible to meet the applicant's operational needs.
15. Due to the proposed revised building height, the applicant is now proposing a revised layout of the proposed processing plant. The plant is no longer proposed to be entirely in line with the northern elevation, but would follow a dog leg arrangement, so that the feed hopper is at the highest part of the lowered section of the building. The eastern door has been offset and reduced in width to 5 metres. This will still provide sufficient access for vehicles accessing the vehicle parking area beyond,
16. There have been further amendments to the planting, the applicant now proposes to keep the existing hedgerow along the northern boundary, which will be maintained with support of the applicant's neighbours to the north, who wish to retain the hedgerow to reduce the visual impact on their property. In addition, the applicant proposes to plant along the southern boundary of the building on the adjoining land. The adjoining land is under the same ownership.

## Part 2 – Other Viewpoints

### Representations

#### First Round of Consultation

17. Received 7 letters of objection to this application from local residents and local businesses. The main concerns identified as following:

- (i) Concerns the building will amplify noise on the southern elevation to properties to the south.
- (ii) Landscape impact on the historic village
- (iii) Open southern elevation will also intensify the dust impact on properties to the south.
- (iv) Environmental Health impacts from hazardous waste temporarily stored on the site.
- (v) The scale of the building in terms of height, length and width is excessive in relation to the surrounding area.
- (vi) Arboricultural concerns regarding trees to the north of the property.
- (vii) Concerns new building will cause an increase in traffic movements.
- (viii) Increase in the number of flies due to the warm conditions within the building.
- (ix) Concerns that the development will cause flooding due to the collection of high amount of rainwater on the roof.

#### Second Round of Consultation

18. Received 1 letter of support for the application from a local resident in Minster Lovell, stating amongst other points, 'the amended plans seem to address all concerns in relation to the height, colour of the building and the plantation of trees.'

19. Received 6 letters of objection to this application from local residents. The main concerns:

- (i) The scale of the building in terms of height to the property to the north of the site. The building will block light into the garden.
- (ii) "The subject of the tree line is a matter that could suitably be left between B&E and No.113 to agree outside any decision of the planning application and would aid better relationships with neighbours".
- (iii) The slight reduction in height of the main building doesn't address the noise and dust issued raised above.
- (iv) Open southern elevation will also intensify the dust and noise impact on properties to the south.
- (v) The scale of the building in terms of height, length and width is excessive in relation to the surrounding area. It will overshadow the surrounding properties.
- (vi) Landscape impact on the historic and rural village.
- (vii) Noise levels beyond current permitted levels.
- (viii) Air extraction system will cause distress on nearby properties.
- (ix) Pollution created from machinery impacting on the surrounding properties.

- (x) Concerns the soakaway will not drain water away from the site.
- (xi) Road is unsuitable for HGV traffic.

## **Consultations**

### **20. West Oxfordshire District Council:**

'The District Council raises the following objections to the application outlined above which is being considered by Oxfordshire County Council as a County Matters application:

The District Council has concerns relating to the impact of the building on the street scene and wider views. The building will feature a substantial footprint and will be located close to the boundary which limits the amount of screening that could be incorporated and maintained by the owners of the site to reduce its impact. The combined height and depth at the boundaries the building is likely to impact the outlook available to neighbouring properties as well as have an overshadowing impact on neighbouring properties. Furthermore the Council is concerned that the building may intensify operations on site which would have an adverse impact on the local road network and would give rise to road safety issues in terms of vehicular safety, pedestrian safety and convenience given the nature of Brize Norton Road and the type of vehicles accessing the facility.'

After second round of consultation:

"The District Council would advise that whilst the amended plans show a marginal improvement to the scheme, it still does not overcome fully the concerns that were raised previously."

### **21. Ecologist Planner:**

'I have no objections to the proposal given that the location for the proposed building is on an existing concrete pad. However, there is potential for birds to nest within the hedgerow / tree-line on the northern boundary of the site, immediately adjacent to the location of the proposed building. Please therefore adhere to the informative below with regards to any works which may affect this feature.'

#### **Informatives**

##### **Breeding birds**

All bird nests, eggs and young are protected under the Wildlife & Countryside Act

1981 (as amended) which makes it illegal to intentionally take, damage or destroy the nest of any wild bird while it is use or being built. Therefore, no removal or pruning of the trees and shrubs should take place between 1st March and 31st

August inclusive to prevent committing an offence under the Wildlife & Countryside Act 1981 (as amended).

#### **European Protected Species**

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 2010 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 the habitat on and around the proposed development site indicate that European Protected Species are unlikely to be present. Therefore no further consideration of the Conservation of Species & Habitats Regulations is necessary.

22. Fire Service – ‘No Comment’

23. Environmental Strategy Officer:

First comment: objection because the proposed development introduces a building of a scale that is considered to adversely affect the local landscape character. The visual impacts on surrounding properties outweigh the benefits from the screening of site operations. The development is not in accordance with landscape policies set out in the existing and emerging local planning documents (Summary, full comments see public website).

Final Comment after second round of consultation

I have reviewed and accept the applicant's amended design proposals. I agree with the proposed choice of colours for the elevations, provided that these are the same ones used in the photomontage. I note and accept the proposals for planting. My concerns have been addressed and I have no further comments.

24. Lead Flood Authority:

‘Going through the application, my comments are as follows:-

- Application form proposes drainage by soakaway - fine
- Sustainability statement proposes using roof water for dust suppression and washing down - fine

There are no details of how or where the roof water will be stored for reuse. I assume that it will be in a tank with a high level overflow to a soakaway? Please ask for details and soakage test results.’

Comment on the second round of consultation:

What they propose is fine, but they have not shown any tank or soakaway sizes.

Therefore to stop the flooding of the building and the surrounding area, the discharge from a roof of this size (675square metres) in a 1 in 2 year storm will be in the region of 34cubic metres, not allowing for any safety margin.

Therefore they must make sure that their storage tank and soakaway will cope with this flow and say a 50% safety margin at least.

I would recommend as well that the soakaway should not be a rubble filled pit, but constructed similar to a standard highway soakaway.

Response from Agent:

“I have now spoken to Gordon to provide more detail on the existing drainage system at the site together with the proposals for water management with the building in place, and would confirm the position is as follows.

There is an existing concrete hard surface where the building is to be installed (with the exception of a very small area in the southeastern corner of the proposed building footprint, where the concrete will need to be extended by about 16 square metres). There would therefore be no (material) difference in surface water runoff from the site with the introduction of the proposed building. This existing concrete surface currently drains to mains sewer (via interceptors), as shown on the attached survey drawing of the site. (The survey was done in 2009 for the proposed (2nd) connection to mains sewer to the east of the site and that is now in. The drawing should print out at 1:500 on A3).

The proposal is to reduce the drainage to main sewer, by harvesting some of the surface water runoff from the building roof for use in dust dampening, and by installing a soakaway. The water storage tank would need to be a minimum of 1500 litres in size and the intention is for it to have a high level overflow to enable drainage to the existing main sewer discharge for excess water levels and/or times of high rainfall.

I would add that, should planning permission be granted, construction of the building will need to be subject to Building Control and the precise nature of the new drainage elements would also need to be designed (by a relevant drainage consultant) for the approval required under that regime.”

Final Response from Lead Flood Authority:

“Following my chat with Suzi (applicant’s agent), I am happy with the proposed drainage discharge from the building”

25. District Environmental Health Officer – ‘I have just returned from my site visit accompanied by Suzie Coyne and Mrs Ebsworth (senior). I am advised that the current application is for a larger building to house the trommel recycling unit. The height of the new building is dictated by the height of the grab arm on the JCB. There is to be no artificial lighting in the building’s roof. The new building will cover the whole recycling plant. It would cover the trommel, conveyors, picking station and pre-sort. I

understand that conditions to manage noise emissions and dust would still apply from the previous permission granted. There is also I understand an Environment Agency permit for the activity. There have been no recent noise, dust or odour complaints. As such I have no further comments or observations on the new building or the site in general.'

26. Minster Lovell Parish Council-

Initial comment:

'Minster Lovell Parish Council strongly objects to this application with the following concerns:-

- The size and scale of proposed structure is excessive and will dominate the area.
- If the application is approved, the number of heavy goods vehicles using the narrow Brize Norton Road will substantially increase.
- The structure will not contain noise as it is not fully enclosed and this will detrimentally effect neighbouring residential properties.
- The Parish Council feels that this company has now outgrown the site and should consider relocating to an industrial area which will meet the needs of its operations.
- Minster Lovell is a residential village on the edge of the Cotswolds Conservation area and is therefore not suited to accommodate industrial/commercial business operations of the proposed size.
- The application is therefore considered contrary to policies of West Oxfordshire District Council's Emerging Local Plan, National Planning Policy Framework, National Planning Policy for Waste and Oxfordshire Minerals and Waste Local Plan.'

After alterations were made to the building, received the following response from the Parish Council:

It is felt that the application is generally acceptable given the proposed site screening, the lowered height of the new shed and its colour. Of particular importance, it is noted that if the application is approved, it will not result in an increase of HGVs located at the site or visiting the site. The Parish Council acknowledges the applicants have tried to address concerns previously raised by residents and other authorities.

27. Natural England - Has no comments to make on this application.

28. Ministry of Defence – No Objections

29. Arboricultural Officer – No Objections

30. Transport Development Control:

'Oxfordshire County Council, as the Local Highways Authority, do not object to the granting of planning permission for the above planning application.

Comments:



- The applicant states that there is to be no change to the throughput of material that the site currently processes and therefore, no change in the HGV/vehicle movements to and from the site. I therefore, do not object to this proposal, which purely seeks to make the processes on site more undercover.
- HGVs entering the site will still have access to the skips to the rear of the proposed new shed facility and I am assuming will be able to leave the site onto the B4477 in a forward gear.
- There will be no adverse impacts upon the highway from a traffic and safety point of view.'

No change to comments above on second round of consultation

### **Part 3 – Relevant Planning Documents**

31. Planning applications should be decided in accordance with the Development Plan unless material considerations indicate otherwise.

32. The relevant development plan documents are:

- Oxfordshire Minerals and Waste Local Plan 1996 (saved Policies) (OMWLP)
- West Oxfordshire Local Plan 2011 (saved Policies) (WOLP)

33. Other material considerations are:

i) The Draft Oxfordshire Minerals and Waste Local Plan Core Strategy (OMWCS) was submitted to the Secretary of State for independent examination in January 2016. Following an examination hearing held in September, the Inspector has produced an Interim Report dated October 2016. Following the Inspector's Interim Report, the Council carried out further Strategic Environmental Assessment/Sustainability Appraisal (SEA/SA) work and have now published the Proposed Modifications (February 2017) and a SEA/SA update report for consultation, which runs from 3<sup>rd</sup> February to 20<sup>th</sup> March. Therefore, although the OMWCS is not yet adopted, it is at an advanced stage and the draft policies should be given due weight.

ii) The Emerging West Oxfordshire Local Plan 2011-2031 (EWOLP) was submitted to the Planning Inspectorate for independent examination in July 2015. The first hearing sessions were held in November 2015, following which the examination was suspended until December 2016 to allow further work to be undertaken in relation to housing need. The Council consulted upon the Proposed Modifications in December 2016 and they are now being prepared, along with the Proposed Modifications to submit to the Planning Inspector in early 2017. Therefore, the EWOLP is at an advanced stage and so the policies can be afforded due weight.

iii) The Government's National Planning Policy Framework (NPPF) and the National Policy for Waste (NPPW) are material considerations in taking planning decisions.

**Relevant planning policies (see Policy Annex to the committee papers)**

34. The relevant policies are:

- (i) Oxfordshire Minerals and Waste Local Plan 1996 - Saved Policies (OMWLP):
  - W3 (Re-use/Recycling)
  - W4 (Re-use/Recycling)
  - W5 (Stockpiles)
  - PE3 (Buffer Zones)
  - PE18 (Code of Practice)
  
- (ii) West Oxfordshire Local Plan 2011
  - Policy BE2 (General Development Standards)
  - Policy BE3 (Provision for Movement and Parking)
  - Policy BE18 (Pollution)
  - Policy BE19 (Noise)
  - Policy E7 (Existing Businesses)
  - Policy NE3 (Local Landscape Character)
  - Policy NE6 (Retention of Trees, Woodlands and Hedgerows)
  - Policy NE9 (Surface Water)

35. Other Material Considerations:

- (iii) Oxfordshire Minerals and Waste Local Plan Core Strategy – Proposed Submission Document (OMWCS):
  - Policy W3 (Waste Management Capacity)
  - Policy W5 (Siting of waste management facilities)
  - Policy C1 (Sustainable Development)
  - Policy C2 (Climate Change)
  - Policy C5 (Local environment, amenity and economy)
  - Policy C7 (Biodiversity and Geodiversity)
  - Policy C8 (Landscape)
  
- (iv) Emerging West Oxfordshire Local Plan 2031 (EWOLP 2031)
  - Policy OS1 (Presumption in Favour of Sustainable Development)
  - Policy OS2 (Locating Development in the Right Places)
  - Policy OS3 (Prudent Use of Natural Resources)
  - Policy OS4 (High Quality Design)
  - Policy EH6 (Environmental Protection)
  - Policy EH1 (Landscape Character)
  
- (v) National Planning Policy for Waste (NPPW)
  
- (vi) National planning Policy Framework (NPPF)

**Part 4 – Analysis and Conclusions**

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

36. The key policy issues to consider in determining this application are:

- i) Sustainability and Waste Policy;
- ii) Landscape Impact;
- iii) Arboricultural Impact ;
- iv) Employment and Transport;
- v) Impacts on Local Amenity (noise, dust);
- vi) Drainage.

**Sustainability and Waste Policy**

37. Policy C1 of the OMWCS states that a positive approach will be taken to minerals and waste development. Policy C2 of the OMWCS states applications for development should adopt a low carbon approach and measures should be considered to minimise greenhouse gas emissions and provide flexibility for future adaptation to the impacts of climate change. Policy OS1 of the EWOLP 2031 states that planning applications that accord with the policies in this Local Plan will be approved, unless material considerations indicate otherwise. When considering development proposals, a proactive approach will be taken to reflect the presumption in favour of sustainable development in the NPPF. Paragraph 1 of the NPPW supports sustainable development and moving the management of waste up the waste hierarchy of prevention, preparing for re-use, recycling, other recovery and disposal only as a last resort.

38. Policy OS3 of the EWOLP 2031 states all development proposals will be required to show consideration of the efficient and prudent use and management of natural resources, including: minimising waste and making adequate provision for the re-use and recycling of waste. Most activities under the existing permission are conducted outside, all year round. Constructing the building would improve health and safety for staff employed onsite, providing dry working conditions to sort and store the waste, making the process more efficient. Dry materials are easier to segregate than if wet. The integrity and suitability of the segregated products would also be maintained. The applicant states one of the current issues is that wet product deteriorates quicker to the point when it can no longer be recycled and is redirected to landfill. The proposed picking station under cover would allow the operator to separate and sort waste, increasing amount waste recycled and reducing the amount of waste going to landfill. By recycling more waste would help reduce greenhouse gases increase demand raw materials. The applicant also proposes further planting of trees which will have positive impact by reducing greenhouse gases.

39. The proposed building would therefore facilitate the current and future needs for sustainable waste management within this area. Therefore the proposal is in accordance with Policies OS1 & OS3 of the EWOLP 2031 and Policies C1 & C2 of the OMWCS.

40. Policy W2 of the OMWCS states provision will be made for capacity to manage the principal waste streams in a way that provides for the maximum diversion of waste from landfill. Paragraph 1 of the NPPW also seeks to see waste disposed of in accordance with the proximity principle. Policy W3 of the OMWLP seeks to see that re-use/recycling sites are located close to the source of the waste and/or the market for the re-used/recycled material. Policy W4 of the OMWCS indicates non-strategic management facilities to manage the principal waste streams should be located in close proximity to Oxfordshire's large towns which includes Witney. The site is located within the hatched area around Witney as indicated on the OMWCSs Key Waste Diagram.
41. Policy W5 of the OMWCS states priority will be given to siting waste management facilities on land that is already in waste management or industrial use.
42. The site is located 400m from the A40 junction and less than 3km from the west of Witney. The site already in use as WTS, and application relates to construction of WTS building to move sorting operations under cover. The site is not proposing to increase waste capacity on site. But as stated above, by increasing the amount of waste stored in dry conditions, it will make it easier to segregate and sort, moving waste up the waste management hierarchy. I therefore consider that the application is in accordance with policies W2, W3, W4, & W5 of OMWCS, and policy W3 of the OMWLP.
43. Policy W5 of the OMWLP states waste treatment plant, buildings, machinery and stockpiles must be properly screened from the surrounding landscape. Currently waste is processed and stored outside. The proposal is to process and store waste under cover. Although the southern elevation will remain open, the building would be closed to the north, which would be an improvement on existing conditions. Therefore the proposal conforms to policy W5 of the OMWLP on siting of waste management facilities.

#### Landscape

44. Policy C8 of the OMWCS states that proposals for minerals and waste development should respect and where possible enhance local landscape character. This is also reflected in policy NE3 of the WOLP which states that proposals will not be permitted if it would harm the local landscape character of the District. Policy EH1 of the EWOLP 2031 states new development should respect and, where possible enhance the intrinsic character, quality and distinctive natural and man-made features of the local landscape. Policy BE2 of the WOLP states development should respect, and where possible, improve the character and quality of its surroundings and provide a safe, pleasant, convenient and interesting environment. It states that extensions to existing buildings should be designed to respect or enhance the form, siting, scale, massing and external materials and colours of adjoining buildings.

45. Policy E7 of the WOLP states proposals for the expansion of existing established businesses either within, adjoining or adjacent to the existing premises that are commensurate with the scale and character of the locality with be permitted.
46. Policy OS4 of the EWOLP 2031 states development would not harm the use or enjoyment of land and buildings nearby including living conditions in residential properties. Also states development should respect and contribute to local distinctiveness and where possible, enhance the character and quality of the surrounding.
47. The District Council objected to both the proposed building at 10 metres high and again when the building height was lowered by 1.5m – 2m due to concerns relating to impact on surrounding landscape character. The District Council felt the changes were not enough to overcome their concerns including that the building will impact the street scene and wider views of surrounding residential properties. The objection goes on to state they have concerns that the combined height and depth at the boundaries will overshadow the neighbouring properties. The Parish Council originally strongly objected to the application on the size and scale of the proposed building, stating it will 'dominate the area', but withdrew the objection stating that the amended application is generally acceptable given the proposed site's screening, the lowered height of the new shed and its colour. The application also received a number of objections and concerns from local residents, concerned that the scale of the development which was considered would impact on the surrounding landscape.
48. Both the site and surrounding properties are built on long narrow strips of land. The amended scheme sees a considerably lower structure than originally proposed. The applicant has only partly implemented the existing permission, nevertheless for a smaller L-Shaped building to house the trommel and picking station. The approved unbuilt building is approximately six times smaller than the proposed building in terms of floor space. Although taller than some of the existing buildings on site, the ground level drops to the east. Therefore the proposed building would look a similar height from the north and south as the existing workshop to the west of the proposed building. Views from residential properties are limited from the west and east of the site. The applicant proposes planting to the south, in the neighbouring property which is under the same ownership as the applicant. The existing hedgerow along the northern boundary will be kept in situ to help screen the building. The County's Environmental Strategy Officer (ESO) originally had concerns that the scale of the building would impact properties to the south and north of the site, and there was limited screening of the site. He also considered the existing development is below the height of the existing trees or a similar height to the surrounding commercial components of the landscape, and a 10 metres high building would not be properly screened. After the applicant made amendments to the proposal, the ESO withdrew the objection, considering the proposed choice of colours for the elevation,

planting proposals and amendments to the height of the building would make it acceptable.

49. The views for drivers and pedestrians on Bushey Ground to the south of the site are more open but transitory, this road also leads to further industrial and commercial buildings to the east of the site. Many of the properties within the village historically have mixed use with both commercial and industrial use, at the rear of residential properties. The proposed building would be in keeping with many of these surrounding businesses in terms of scale. I believe that the application as originally submitted would have had a significant adverse impact on the local environment and amenity of local residents which would have justified refusal. However, I believe that the applicant has carefully considered the concerns and objections raised and whilst not all parties remain convinced, I consider that the development as now proposed with its reduced heights and additional screening would, on balance, be acceptable and that there is now no significant conflict with the aims of the above policies.

#### Arboricultural Impact

50. Policy NE6 of the WOLP states permission will not be granted for proposals that would result in the loss of trees, woodlands or hedgerows, or their settings, which are important for their visual, historic, or biodiversity value. Policy C7 of the OMWCS states waste development should conserve and where possible, deliver a net gain biodiversity.
51. The application provided both a Tree Survey and Arboricultural Impact Assessment and Method Statement in the original application. Originally the proposal would see the northern boundary hedgerow removed, but after visiting the site and receiving objections from the residents to the north not wishing for the hedgerow to be removed and replanted, the applicant altered the proposal, instead keeping the northern boundary hedgerow, and proposing planting to the south of the development to help screen the WTS building long term. The development doesn't propose to remove any trees or hedgerows, instead will plant as mentioned further screening to the south which will allow the development to have a net gain in biodiversity. Therefore the development would see a net gain in trees and hedgerow planting and be in accordance with Policy NE6 of the WOLP and Policy C7 of the OMWCS.

#### Transport

52. Policy C10 of the OMWCS states that waste developments will be expected to make provision for safe and suitable access to the advisory lorry routes shown on the Oxfordshire Lorry Route Maps. Policy W3 b) of the OMWLP states that proposals for re-use and recycling will be permitted if the site is well located to appropriate parts of the highway network. Policy BE3 of the WOLP states development should provide safe movement of people and vehicles, whilst minimising impact upon the

environment. This includes safe movement of all vehicular traffic both within the site and on the surrounding highway network.

53. West Oxfordshire District Council objects to the application and has concerns that by constructing the waste transfer building this may intensify operations on site which would have an adverse impact on the local road network. There were also objections and concerns from a number of residents that traffic would increase. The existing permission which covers the entire site limits the HGV traffic to and from the site. The application doesn't propose to increase HGV movements, nor increase staff numbers. The site is very narrow, construction of the building would limit staff handling the waste in the yard, and move them away from plant machinery and HGV movements inside the picking station.
54. Transport Development Control has reviewed the application, and has stated no objection. The site is well located to the south of the settlement, approximately 400m north of the A40, a major HGV route. As mentioned, the conditions attached to the existing permission would not be altered in this respect, with restrictions on HGV movements remaining at maximum of 70 per day (35 in and 35 out). Therefore the development would be in accordance with Policy C10 of the OMWCS, Policy W3 b) of the OMWLP and BE3 of the WOLP.

#### Effect on the Local Amenity

55. Policy W5 of the OMWLP seeks to see waste treatment plant properly screened. Policy PE18 of the OMWLP states that in determining applications, the County Council will have regard to the Code of Practice contained in Annex 1 of the plan. Policy OS2 of the EWOLP 2031 under general principle, all development will be located where it would not have a harmful impact on the amenity of existing occupants. Policy EH6 of the EWOLP 2031 states proposals which are likely to cause pollution or result in exposure to sources of pollution or risk to safety, will only be permitted if measures can be implemented to minimise pollution and risk to a level that provides a high standard of protection for health, environmental quality and amenity.
56. The Code of Practice says that noise emanating from waste disposal sites should be restricted to limit the detrimental effect on dwellings and other noise sensitive properties. This is reinforced by policy C5 of the OMWCS which states that proposals shall demonstrate that they will not have an unacceptable adverse noise, vibration, dust, and visual intrusive impacts. Policy C5 of the OMWCS and Policy PE3 of the OMWLP states appropriate buffer zones between waste developments and occupied residential properties will be required, for protection against unacceptable losses of residential amenity. Policy BE19 of the WOLP states planning permission will be granted for development of would cause significant noise disturbance to noise sensitive development.

57. Policy BE18 of the WOLP states planning permission will not be permitted for development which could give rise to unacceptable levels of pollution, unless adequate mitigation measures are provided to ensure that any discharge or emission will be cause harm to users of land, including the effects on health and the natural environment.
58. All the sorting and processing of waste would take place within the building. The building will remain open on the southern elevation, with two large doors on the west and eastern elevations to allow vehicles to access the building and skip storage area on the eastern end of the property. We received several objections from residents at both rounds of consultation. Residents have concerns the proposed building's design will amplify the noise and dust impact on the properties to the south of the site. One resident's comment relates to installation of an air extraction system which would generate noise, impacting the sites neighbours. The applicant confirmed no air extraction unit would be installed, instead a Mist-Air (or similar) system to control dust would be installed. This involves blowing fine fog into the air to suppress rising dust and prevent it becoming air borne. The agent also stated the HGV drivers are not allowed to keep engines running when idle on site, to reduce diesel fumes and save money.
59. The Environmental Health Officer visited the site, and has stated the existing conditions on the approved planning permission will manage noise and dust impact on site. He also stated that he understands the site's activity is covered by an Environmental Permit from the Environment Agency, has not received any recent complaints from the public, and has no further comments.
60. Taking into account the comments provided from the Environmental Health Officer, these potential impacts would be controlled by the environmental permit and planning conditions covering noise and dust on site.
61. Therefore the development would be in accordance with Policies BE18 & BE19 of the WOLP, Policies OS2 & EH6 of the EWOLP 2031, Policy C5 of the OMWCS and Policies W5, PE18, and PE3 of the OMWLP.

#### Drainage

62. Policy NE9 of the WOLP states intensification of existing development will not be permitted where the additional surface water run-off would result in adverse impacts such as an increased risk of flooding.
63. The applicant's planning agent provided additional information to address the concerns of the Lead Flood Authority after more information was requested. The proposed building will be controlled on an existing concrete hard surface, except a very small area in the south-eastern corner of the proposed building footprint, where concrete will be extended by a further 16m<sup>2</sup>. Therefore there will be no material difference in the



surface water runoff from the site with the additional building. The concrete surface drains to mains sewers via interceptors. A survey was supplied showing sewer connections. The proposal will also reduce drainage to main sewer by harvesting some of the surface water run-off from the building roof to use in dust dampening and by installing a soakaway. The additional information satisfied the Lead Flood Authority and has no objections to the development. Therefore the development is in accordance with Policy NE9 of the WOLP.

### **Conclusions**

64. The development will allow the operation to move the sorting of waste undercover, improving safety and welfare conditions for staff. The proposed building will allow a higher percentage of waste to be recycled, reducing the amount of waste going to landfill. The site is well located to the A40, and the proposed amendments, with increased screening and lower structure would reduce the impact on the neighbouring properties both visually and acoustically. There are no plans to increase traffic movements.
65. As such the proposed development accords with the Development Plan policies, emerging policies and national government guidance and is considered acceptable on its planning merits.

### **RECOMMENDATION**

66. **It is RECOMMENDED that Application MW.0070/16 (16/01686/CM) be approved subject to conditions to be determined by the Director of Planning and Place including those set out in Annex 2 to this report.**