

For: PLANNING & REGULATION COMMITTEE – 8 JANUARY 2018

By: DIRECTOR FOR PLANNING AND PLACE

Development Proposed:

Section 73 application to continue the operation of Dix Pit Recycled Aggregate Facility permitted by planning permission no. 16/04166/CM (MW.0140/16) without complying with condition 6 thereby allowing an increase in the maximum tonnage of waste material imported to site to 175,000 tonnes per annum

Division Affected: Eynsham
Contact Officer: David Periam **Tel:** 07824 545378
Location: Sheehan Recycled Aggregates Plant site Dix Pit,
Stanton Harcourt, Witney OX29 5BB
Application No: MW.0073/17 **District Ref:** 17
Applicant: Sheehan Haulage and Plant Hire Ltd
District Council Area: West Oxfordshire DC
Date Received: 15 September 2017
Consultation Period: 28 September – 19 October 2017

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Recommendation Summary:

Approval.

Part 1 – Facts and Background

1. The application was originally reported to the meeting of the Planning & Regulation Committee on 27 November 2017 when consideration of the application was deferred to allow further negotiation with the applicant. This followed comments made by Councillor Charles Mathew who suggested that consideration be given to a staged increase such that permission would be granted for an initial increase of 137,500 tonnes per annum with a further increase dependent on some suitable mechanism to assess the impact of additional HGV movements using the B4449 through Sutton. A further consideration was whether the site operator's HGV movements records could

be required to be provided to the County Council on a regular basis by planning condition.

2. Following further correspondence, the applicant has advised that they are not prepared to consider a staged approach to the proposed tonnage increase. Whilst they accept that the road through the village is narrow, they point out that it must be recognised that it is designated as an advisory local lorry route by the County Council and has been assessed, in a thorough, independent and impartial traffic report, to have more than sufficient capacity to accommodate the additional traffic. Furthermore the small increase in traffic numbers which the proposal would generate was objectively assessed to have an almost negligible impact on residents. It is stated that the existing routeing agreement not to pass through the Sutton during peak hours is taken extremely seriously and is operated in full compliance.
3. The applicant advises that since the 27 November, they have discussed the application further with Councillor Mathew and, whilst his concerns are understood, there is an urgent need to increase recycling rates and to reduce the number of vehicles taking waste much further afield for disposal, as required by your Council's own planning policies, and to create more jobs. Consequently the applicant is unable to agree to reduce the level of increase for a temporary period to assess the impact when it is already known that the proposed volume of increased traffic, representing a maximum 3% of the total volume of traffic, would have a negligible impact. The applicant would, however, accept a condition requiring the full tracking details for its own vehicles to be submitted to the Council on a three monthly basis or as often as is required.
4. The applicant would also support a new initiative to construct the Sutton bypass funded by house-building, industry and government and would be happy to join with all operators in the Witney and Stanton Harcourt mineral and waste industries in lending their support to such an initiative.
5. In response to this, Councillor Mathew has advised that he regrets that the applicant is unwilling to move from their determination to seek an input into the site of 175,000 tonnes per annum up from 100,000 and although he is not of the opinion that this is locally desirable, he had suggested a staggered approach by introducing 137,500 tonnes for a period in order to be able to monitor the traffic effect on the B4449. He advises that he will pursue the Sutton Bypass project and set up progress as soon as he is able. He is grateful for the applicant's support in this matter and believes that his and others' contributions will smooth the funding considerably. He is unable to support the traffic report as showing the full increase as negligible, insignificant and imperceptible - the result would ensure an HGV through Sutton every average four and a half minutes. He advises that the Parish Council will continue strenuously to oppose the increase requested and that due consideration to local amenities and safety has not been given.

Part 2 – Analysis and Conclusions

Comments of the Director for Planning and Place

7. The further exchange of comments between the applicant's agent and the officers and with Councillor Mathew is summarised above. As set out in the original application report, there is no objection from the Highway Authority to the application on highway safety grounds and for planning permission to be refused on amenity grounds it would be necessary to demonstrate that the additional vehicle movements proposed, which would be outside peak hours, would have a significant and detrimental impact over and above the existing situation which has been considered previously to be acceptable. Whilst I have considerable sympathy with the concerns of local residents and which have been expressed by Councillor Mathew, I remain of the view that a refusal of planning permission on this ground could not be sustained on appeal. I would however accept the suggestion that should planning permission be granted, an additional condition be attached requiring that records of all HGV movements generated by the site including daily traffic numbers and full tracking details for those vehicles in the control of the applicant, be provided to the Waste Planning Authority on a quarterly basis.
8. With regard to the Sutton Bypass, whilst the applicant's willingness to lend its support to this is welcomed, the County Council as Highway Authority has advised that the Council's current position is that this scheme is not being progressed: It is not in LTP4, nor the capital programme; the scheme is unfunded and there is no apparent source to fully fund; and it would require third party land. As there is no project planned by the Council it would not be reasonable to receive monies from the applicant towards the provision of a bypass under section 106 of the 1990 Act.
9. It is not therefore considered that provision of the Sutton Bypass can be pursued further directly in relation to consideration of this application. However, I would recommend that the Chairman write to the Cabinet Member for Environment advising that it has been raised by Councillor Mathew in commenting on this application and advising of the applicant's expression of interest in working with other parties to help secure it.
10. The applicant has already expressed willingness to fund improved road signage at the junction of the Blackditch with the B4449 such that an additional advisory sign would be provided advising of the need for HGVs entering and leaving the application site not to pass through Sutton at peak hours and this is being pursued with the Highway Authority. I have also asked the applicant's agent to approach his client regarding whether there may be a willingness to contribute towards pedestrian safety measures such as additional pavements alongside the B4449 through Sutton if these could be safely accommodated. I will update the committee orally on this at the committee meeting.

Conclusions

11. The development proposed in application no. MW.0073/17 is acceptable. Therefore planning permission should be granted subject to the requested revised wording of condition 6 an additional condition requiring the submission of HGV movement records quarterly and with all other conditions continuing to apply other than as may be amended by Non-material amendment application no. MW.00889/17.

Recommendation

12. The Planning & Regulation Committee is **RECOMMENDED** that:

- (a) Application MW.0073/13 be approved subject to:

- (i) the existing conditions including the amendment made under Non-material amendment application no. MW.00889/1 to condition 6 reading as follows:

No more than 175,000 tonnes of waste shall be imported to the site in any calendar year. Records of imports, sufficient to be monitored by the Waste Planning Authority shall be kept on site and made available to the Waste Planning Authority's officers on request. Separate records shall be kept on site of any topsoil or other soil materials imported solely for use in the restoration of the Controlled Reclamation Site permitted subject to planning permission no. MW.0141/16 (16/04159/CM); and

- (ii) an additional condition requiring that the operator's records of heavy goods vehicle movements to and from the site including daily traffic numbers and tracking details for those vehicles controlled by the operator be provided to the Waste Planning Authority on a quarterly basis.

- (b) that the Chairman of the Planning & Regulation Committee write to the Cabinet Member for Environment advising that provision of the Sutton Bypass has been raised by Councillor Mathew in commenting on this application and advising of the applicant's expression of interest in working with other parties to help secure it.

SUE HALLIWELL
Director for Planning and Place

December 2017