

For: PLANNING AND REGULATION COMMITTEE – 14 MAY 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.0015/18 **District Ref:** 18/00723/CM

Applicant: Sheehan's Haulage and Plant Hire Ltd

District Council Area: West Oxfordshire DC

Date Received: 26 February 2018

Consultation Period: 8 March – 29 March 2018

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Recommendation Summary:

Approval.

• **Part 1 – Facts and Background**

1. A planning application for the same development as is proposed in this current application [Ref: MW.0073/17] was originally considered at the meeting of the Planning and Regulation Committee on 27 November 2017. Members deferred consideration of the application. It was subsequently reported back to the meeting of the Planning & Regulation Committee on 8 January 2018 and refused planning permission for the following reason:

There would be an unacceptable adverse impact on the amenity of residents in Sutton village arising from the additional Heavy Goods Vehicle (HGV) movements proposed by the application, contrary to policy C5 of the adopted Minerals & Waste Core Strategy. The offer of £5,000 for highway improvements could not overcome that concern.

An appeal against this refusal of planning permission has been lodged with the Secretary of State although no start date for the appeal has yet been provided by the Planning Inspectorate. The lodged appeal is accompanied by an application for costs against the County Council. The two committee reports for that application and the relevant minutes are appended at Annex 1.

Details of the Development

2. The current application is for the same development as previously proposed in application no. MW.0073/17. The differences are that should planning permission be granted the applicant would make a contribution of £10,000 (previously £5,000) to enable improvements of the B4449 by either drainage or footpath widening in Sutton. The applicant would also pay for a road sign to be erected advising traffic from the Dix Pit area not to travel through Sutton during peak hours. These matters would need to be provided for through a Section 106 legal agreement.
3. With regard to the suggestion made when the previous application was considered to 'stage' an increase, the applicant advises that it is unable to accept a planning restriction limiting their operations to 135,000 tonnes per annum. The cost of expanding the business makes a small increase unviable. However, using their new technology the applicant will monitor all vehicles leaving Dix Pit and record which way they travel on reaching the B4449 and the route taken by all of their incoming lorries so that every one of their vehicles using the lorry route will be recorded. The results will be provided to the council's officers on a quarterly basis if required and the applicant will be open to dialogue with your officers to review the results.
4. The applicant considers that the proposed variation of condition is in compliance with both development plan policies, including M1, W1 and C10 and national planning policy including section 4 of the National Planning Policy Framework which supports sustainable development.

5. The applicant considers that when the previous application, which was refused planning permission, was considered by the Planning and Regulation Committee on 8 January, undue weight was given in the Committee's determination of the application to allegations of breaches of the routing agreement which were made at the meeting and the unenforceability of the routing agreement. The applicant also notes that there are many other businesses including HGV operators based at the wider Dix Pit waste management complex which are not restricted from passing through Sutton at any time.
6. It is stated that should planning permission be given to this application, the appeal lodged against the refusal of planning permission to the previous application and the application for an award of costs would be withdrawn.

Part 2 – Other Viewpoints

Representations

7. Eleven objections have been received to the application citing the following grounds:
 - i) The B4449 is of insufficient width, is bendy, has no cycle lane and is not designed to accommodate HGVs. The existing traffic causes considerable, ongoing damage to the road necessitating regular repairs and consequent expense to the OCC budget.
 - ii) There would be an increased danger to other road users including cyclists.
 - iii) The pavements in Sutton village are extremely narrow and residents, pedestrians and school children alighting at the bus stop, and crossing the road, are regularly terrorised by HGVs speeding through the village well in excess of the 30 MPH limit inches from where they're walking.
 - iv) The current 100 tonnes limitation should be scrapped altogether; permitting a 75% increase in tonnage would be a scandal and demonstrate beyond doubt the council favours the interest of commercial enterprises over the health and safety of the constituents it is elected to serve.
 - v) Environmental damage to properties along the B4449.
 - vi) Noise, vibration and other pollution to residents of properties along the B4449.
 - vii) All traffic should be diverted via the A40 and the A415.
 - viii) No additional lorry movements should be permitted until the Sutton Bypass has been provided.

Consultations

8. Transport Development Control: Oxfordshire County Council, as the Local Highway Authority, do not object to the application.
9. West Oxfordshire District Council has no objection to the application.
10. No other consultation responses have been received on the application.

Part 3 – Relevant Planning Documents

Relevant planning documents and legislation (see Policy Annex to the committee papers)

11. Planning applications should be decided in accordance with the Development Plan unless material considerations indicate otherwise.
12. The relevant development plan documents are:
 - Oxfordshire Minerals and Waste Local Plan Part 1: Core Strategy (OMWCS)
 - Oxfordshire Minerals and Waste Local Plan (saved policies) (OMWLP)
 - West Oxfordshire Local Plan 2011 (saved policies) (WOLP)
13. The OMWCS was adopted in September 2017 and covers the period to 2031. The Core Strategy sets out the strategic and core policies for minerals and waste development, including a suite of development management policies. It is anticipated that Part 2 of the Plan will include Site Allocations and any further development management policies that may be necessary in relation to the allocated sites.
14. The OMWLP was adopted in July 1996 and covered the period to 2006. 46 policies within the OMWLP were ‘saved’ until the adoption of the OMWCS and 16 of these policies continue to be saved until the Part 2 Site Specific document is adopted. The saved policies are non-strategic site-related policies.
15. Other material considerations are:
 - i) 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. Stage 3 of the examination hearings took place in July 2017. A further consultation on proposed Further Main Modifications to the plan was carried out between 22 February and 9 April 2018. The plan is therefore at

an advanced stage and it is appropriate to consider draft policies which are relevant to this development.

- ii) The National Planning Policy Framework (NPPF) and National Planning Policy for Waste are also material considerations.

Relevant Policies

16. The relevant policies are:

OMWCS

- M1 - Recycled and secondary aggregate
- W1 – Oxfordshire Waste to be managed
- W2 – Oxfordshire Waste Management targets
- W3 – Provision for waste management capacity and facilities required
- W4 – Locations for facilities to manage the principal waste streams
- W5 - Siting of waste management facilities
- C1 - Sustainable Development
- C2 – Climate Change
- C5 – Local environment, amenity & economy
- C10 – Transport

OMWLP 1996

- SH2 – Transport impact in Sutton
- SH3 – Routeing agreements

WOLP 2011

- BE2 – General Development Standards
- BE3 – Movement and parking
- BE18 - Pollution
- T1 – Traffic generation

EWOLP

- OS1 – Presumption in Favour of Sustainable Development
- EH6 – Environmental Protection

Part 4 – Analysis and Conclusions

Comments of the Director for Planning and Place

17. As the previous application no. MW.0073/17 was refused contrary to officer advice, an appeal has been lodged against that refusal and the current application is essentially for the same proposed development, it is considered that the determination of this application should proceed on the basis of members' consideration as to whether the reason for refusal has now been addressed. The officer's previous advice is set out in the reports attached at Annex 1.

RECOMMENDATION

18. Members are asked to consider with regard to Application No. MW.0073/17:

(a) whether the application overcomes their previous concerns and so reason for refusal; and EITHER

(i) if not, refuse for the following reason:

There would be an unacceptable adverse impact on the amenity of residents in Sutton village arising from the additional Heavy Goods Vehicle (HGV) movements proposed by the application, contrary to policy C5 of the adopted Minerals & Waste Core Strategy. The offer of £10,000 for highway improvements could not overcome that concern.

OR

(ii) if so, subject to the applicant first entering into a section 106 Agreement to secure the payment of £10,000 towards highway improvements along the B4449 through Sutton and the provision of an additional road sign advising HGV traffic turning onto the B4449 from Blackditch not to travel through Sutton during peak hours, Application MW.0015/18 be approved subject to the existing conditions and 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.”

and

to an additional condition requiring that the operator's records of heavy goods vehicle movements to and from the site be provided to the Waste Planning Authority on a quarterly basis.

(b) that the Chairman of the Planning & Regulation Committee writes to the Cabinet Member for Environment advising that there are ongoing concerns about the impact of traffic through Sutton and asking that the council seek as Highway Authority to investigate with the applicant and other local businesses ways in which it may work with them to help secure a Sutton Bypass.

PN7

SUE HALLIWELL
Director for Planning and Place

May 2018