

**For: PLANNING AND REGULATION COMMITTEE – 13 January 2014**

**By: Deputy Director for Environment and Economy (Strategy and Infrastructure Planning)**

**Development Proposed:**

**Erection of Waste Recycling and Transfer Facility and Access Improvements**

**Division Affected:** Kidlington South

**Contact Officer:** David Periam **Tel:** Oxford 895151

**Location:** **The Marshes, Sheehan Plant Hire and Haulage,  
Woodstock Road, Yarnton OX5 1PH**

**Application No:** MW.0103/13 **District Ref:** 13/01217/CM

**District Council Area:** Cherwell

**Applicant:** Mr Chris Sheehan, Sheehan Haulage and Plant Hire Ltd

**Date Received:** 11 July 2013

**Consultation Period:** 8 – 30 August 2013

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**Recommendation**

The report recommends that the applications be refused.

## • Part 1 – Facts and Background

### **Location (see location plan)**

1. The site lies to the north of the A44, just to the south of Yarnton village. The bulk of the site is a green field with tall hedges containing mature trees on its boundaries. Access would be taken from the south via an existing fenced haulage yard from the A44 and running along the eastern boundary of the applicant's existing haulage yard which lies immediately to the north-west of the access road. The initial part of the access from the A44 would be shared. The site is otherwise surrounded by green fields. The site lies in the Oxford Green Belt and the application has been advertised as a departure from Green Belt policies. The main Oxford to Birmingham railway line (The Cotswold Line) runs approximately 130 metres to the north west. The Oxford Canal lies approximately 350 metres to the south-east. The nearest residential properties lie approximately 140 metres to the north-west on Yarnton Lane and on the south side of the A44 approximately 100 metres from the proposed access. The Oxford Meadows Special Area of Conservation (SAC) lies approximately 1.5 Kilometres (0.9 mile) to the south of the site. The site access lies within the Health and Safety Executive consultation zone for a Calor gas facility. The Oxford Industrial Park lies to the south-west of the A44.

### **Site History**

2. Two planning applications were submitted in 1994 on neighbouring land known as The Gullet, which included part of the proposed access to the application site. One of these was for the temporary use of land for the storage and recycling of waste construction materials (application no. CHS.CM.139/94) and the second for a waste recycling centre and transfer station and retention of hire depot and access improvement (application no. CHS.CM.160/94). Both applications were refused planning permission for reasons including inappropriate development in the Green Belt. Appeals were submitted against the enforcement notice and the two refusals of planning permission and all the appeals were dismissed i.e. the notice and decisions were upheld.

### **Details of the Development**

3. The site including the access road has a total area of 1.27 hectares. It is proposed to construct a waste recycling shed. This would be an open-fronted steel-framed with steel cladding building measuring 50 metres long by 15 metres wide (750 m<sup>2</sup> of new floorspace) with a ten metres extended roof overhang to the front. The building would be located in the south-eastern part of the main site and orientated south-west to north-east such that the open front would face towards the north-west. The roof height would be ten metres at the front sloping to eight metres at the back. It is required to meet Environment Agency permitting requirements that all processing of waste would take place within a building. This building would be used for sorting skip waste through a

semi-automated system which would comprise a feed hopper, trommel screen, conveyor and elevated picking station with bins beneath.

4. A site office and weighbridge would be provided at the end of the access road on the southern side of the site. The site office building would be of two storeys measuring 10 metres by 10 metres (200 m<sup>2</sup> of new floorspace). The roof height would be six metres to the eaves and 8.5 metres to the ridge. The upper storey would provide the office space and welfare facilities with the ground floor being a store.
5. Four open concrete storage bays each measuring 15 metres by 15 metres and being 3.6 metres high would be located opposite the waste recycling shed on the north-western boundary of the site. These would be used for storing recovered products such as hardcore, soil, metal and wood, pending removal off site.
6. It is proposed that up to 35,000 tonnes of skip waste (10,000 tonnes of construction. Demolition and excavation waste and 25,000 tonnes of commercial and industrial waste) would be brought to the site for processing each year and that up to 90% of this would be recycled. The waste would be tipped under cover in the waste recycling shed and then fed into the processing facility using a grab material handler. Excavators and/or loading shovels would also be used to load lorries for the removal of sorted materials from the site. 30 full-time members of staff would be employed, an increase of five on the applicant's existing site at Slape Hill Quarry (please see below).
7. Hours of operation would be from 7.00 am to 5.00 pm Mondays to Saturdays and 7.00 am to 1.00 pm on Saturdays, although the office would also be in use until 6.00 pm on Saturdays.
8. The site would be enclosed on the northern and southern boundaries by 2.7 metres high metal palisade fencing which would match existing security fencing to the adjoining haulage yards. All existing trees and hedgerows surrounding the site would be retained and maintained in accordance with BS 5837:2012 i.e. all structures would be sited outside the root protection area of trees and adjustments made during construction, if necessary. Habitat enhancement measures on adjoining land, identified in the supporting phase 1 habitats survey and protected species report, would be implemented.
9. Vehicle movements would average 110 per day if the site was working to maximum capacity, the majority being skip lorries (90 movements per day) at 2.5 to 3 tonnes per load, with four movements per day for tipper lorries at 20 tonnes per load removing inert recycled materials and 16 movements per day for container vehicles at 12 tonnes per day.
10. The application is accompanied by a transport assessment. As a result of the conclusions of this, it is proposed that the existing site access, which would be shared with the existing haulage yard, would be re-designed with kerbing and a splitter island to form a left-in/left-out junction and an HGV over-run area which the applicant believes would be a significant improvement on the existing

arrangement. This would make the development acceptable in terms of highway capacity and safety.

11. Foul drainage would be to the main sewer. Any potentially polluting materials would only be stored on areas with contained/sealed drainage. Contained/sealed drainage would be provided for the parts of the site likely to discharge potential foul water and there would be appropriate drainage for areas where vehicles are likely to track.
12. In support of the application, it is stated that the applicant currently operates a waste recycling and transfer facility at Slape Hill Quarry, Glympton under a temporary planning permission which is time limited to 14<sup>th</sup> May 2014. This is also the date that the applicant's lease on that site expires and it has not proved possible to extend it. In any instance, Slape Hill Quarry is a former limestone working which is in the process of being restored to farmland within four years. The applicant therefore requires to find another site to re-locate to. The applicant considers that the application site is ideally located just one mile to the north-west of Oxford, a main source of waste (52% of the waste received at the existing facility at Slape Hill Quarry comes from Oxford), adjoining his existing haulage yard opposite the Oxford Industrial Park. The proposed site is 10.7 Km (6.6 miles) closer to Oxford than the existing facility at Slape Hill Quarry and well located for the other main sources of waste, being the urban areas in Cherwell and West Oxfordshire Districts. It would also have additional advantages through the introduction of processing plant, which the existing site at Slape Hill Quarry does not have, which would enable recycling rates to increase from around 80% to 90% which accords with a key objective of Planning Policy Statement 10 (PPS10) to move management up the waste hierarchy. PPS10 also advises that significant new investment in waste management facilities is required and that positive planning has an important role to play in delivering sustainable waste management. This is echoed in the Waste Strategy for England 2007.
13. A landscape character assessment submitted with the application concludes that the site is very well screened and would give rise to negligible landscape impact. Thus the visual amenity of the Green Belt would not be harmed.
14. The applicant was also requested to provide some information with regard to the market for the recycled materials. Based on the applicant's existing facility at Slape Hill Quarry, the applicant advised that soil, stone, concrete, brick, tiles and ceramics currently go to the applicant's facility at Dix Pit, Stanton Harcourt for further processing. Metals go to local scrap yards. Green waste is currently shredded and combined with soils to make a soil improver for use in landfill restoration works but if permission to this application were to be granted, it would go to local composting facilities. Paper and cardboard is taken to a facility at Enstone Airport. Wood is taken to a variety of places depending on what outlets are available, for example companies who take the wood for chipping to make such products as animal bedding, chipboard and biomass fuel. Currently the wood goes to landfill. However, negotiations are taking place with a company who want to take all the wood product for chipping and pressing into commercial fire logs. Insulation material goes to landfill. Plastics

go to Bracknell in Berkshire for onward recycling, though not all grades are acceptable, so 50% are still going to landfill. Plasterboard goes to Leighton Buzzard in Bucks for onward recycling. Textiles & residual waste go to landfill.

15. The applicant also advised that, with the current facility at Slape Hill Quarry there is no shed for processing and keeping waste dry, which has limited the sorting/recycling capability of the facility. On the other hand the adjacent landfill has provided the means of dealing with some of the materials, where there have been more challenges with finding outlets for onward processing. This would all change with the application site. The proposed shed would enable dry picking of waste and more sorting into different categories, so producing higher quality products. In addition it would be possible to dry blend and bale the landfill element to create RDF (refuse derived fuel) for the new local waste to energy plants at Ardley and Calvert. The aim is to recycle a minimum of 90% of all wastes through the application site, compared with the current rate at Slape Hill Quarry of about 85%. There is in fact no other option than to achieve these levels, because the market price for skips demands it.
16. The applicant acknowledges that the development proposed would be inappropriate in the Green Belt and so very special circumstances need to be demonstrated to make an exception to Green Belt policy. PPS10 also advises that some types of waste management have particular locational needs which together with their wider environmental and economic benefits may justify a Green Belt location. The applicant argues that this is just such a case with the application site for a variety of reasons.
  - i) The applicant's existing site makes an important contribution to Oxfordshire's waste management capacity, and the proposed replacement site is required to ensure the continuing supply, particularly given that there is an existing shortfall in the capacity gap (it is noted that a permission for a 100,000 tonnes per annum recycling facility at Gosford grain silo has not been implemented), and one which is likely to become increasingly larger as further planning permissions expire. In addition to maintaining the existing waste management capacity, there is also a need to ensure that the considerable experience and skills of the company in recycling with an established client base are not lost, as well as to secure continued local employment.
  - ii) Notwithstanding the wider environmental and economic benefits of continuing the existing recycling use, there are further locational factors which provide support for the application site. These are: that the site is ideally located close to the source of waste, where motorised journeys can be minimised, and which presents a significant environmental advantage in terms of reducing miles travelled over the current site; that with a proposed re-design of the existing site access, safe direct access onto the principal road network is provided; and that there is good separation from sensitive receptors, so that potential disturbance is prevented. Most importantly an alternative site search has been conducted for the area that the facility would serve, and this has demonstrated that there are no suitable sites outside of the Green Belt.

- iii) Finally, other factors which are very special circumstances include the fact that there is an adjoining compatible land use of existing industrial yards with which the same site access would be shared; and the substantial existing boundary screening, which mean that the visual amenities of the Green Belt would not be harmed by the proposed development.
- iv) It is considered that the level of very special circumstances identified for what is considered to be a very sustainable development, more than outweigh harm to the Green Belt.

• **Part 2 – Other Viewpoints**

**Representations**

- 17. Two letters from local residents have been received which raise objection to the application on the following grounds:
  - i) Highway safety – two accidents have happened near the proposed site access;
  - ii) Unauthorised waste management activities were carried out by the applicant at or near the application site in the early 1990s and enforcement action was taken against this and a Planning Inspector commented that this was inappropriate development for the location and no exception to then County Structure Plan policies was justified. It was also remarked that the appellants' past track record showed rather less than total commitment to planning considerations to cause nuisance to others as a result of noise, dust and general disturbance. It is therefore considered that the current application is similar and is not supported.

**Consultations**

- 18. A summary of consultation responses received in relation to this application can be found in Annex 1. They are also available to read in full on the e-planning website:  
<http://myeplanning.oxfordshire.gov.uk/swiftlg/apas/run/wchvarylogin.display>

• **Part 3 – Relevant Planning Documents**

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

- 19. Planning applications should be decided in accordance with the Development Plan unless material considerations indicate otherwise.
- 20. The relevant development plan documents are:
  - The Cherwell District Local Plan (CLP) 1996

- The Oxfordshire Minerals and Waste Local Plan (OMWLP)1996
21. The Cherwell Non statutory Local Plan (NSCLP) and the Emerging Cherwell Local Plan (ECLP) 2006-2031 (Proposed Submission Draft) are also material planning considerations.
  22. The Government's National Planning Policy Framework (NPPF) is a material consideration in taking planning decisions. It does not contain specific policies in relation to waste, as these will be contained in a forthcoming national waste plan.
  23. Planning Policy Statement 10 Planning for Sustainable Waste Management remains extant and contains relevant guidance. In the summer of 2013, central government consulted on the replacement to PPS10 "Updated national waste planning policy: Planning for sustainable waste management". This is also a relevant material consideration.
  24. The Waste Strategy for England 2007 is also relevant.

### **Relevant Policies**

25. The relevant policies are:
  - CLP 1996
    - GB1 – Green Belt
    - C1 – Protection of sites of nature conservation value
    - C4 – Creation of new habitats
    - C7 – Landscape conservation
    - C8 – Sporadic development in the open countryside
    - C15 – Prevention of coalescence of settlements
    - C28 – Layout, design and external appearance of new development
    - ENV1 – Development likely to cause detrimental levels of pollution
    - ENV7 – Water quality
    - ENV10 – Development proposals likely to damage or be at risk from hazardous installations
  - OMWLP 1996
    - W3 – Location of waste re-use/recycling facilities
    - W4 – Location of re-use/recycling facilities in the open countryside
    - PE14 – Sites of nature conservation importance
    - PE18 – Regard to Code of Practice and imposition of conditions
  - NSCLP
    - GB1- Green Belt
    - TR4 – Traffic mitigation measures
    - TR5 – Road safety
    - TR11 – Parking
    - EN1 – Impact on the natural & built environment
    - EN3 – Pollution control

EN12 – Water quality  
EN15 – Surface water run-off  
EN16 – Development on green field land  
EN22 – Enhancement of biodiversity  
EN23 – Ecological surveys  
EN24 – Protection of sites & species  
EN27 – Creation of new habitats  
EN30 - Sporadic development in the countryside  
EN34 – Landscape character  
D1 - Design

• ECLP

ESD7 – Sustainable Urban Drainage Systems  
ESD8 – Water Resources  
ESD9 – Protection of the Oxford Meadows SAC  
ESD10 – Protection and enhancement of biodiversity and the natural environment  
ESD13 – Local landscape protection and enhancement  
ESD14 – Oxford Green Belt  
ESD16 – Character of the built environment

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

### **Comments of the Deputy Director for Environment and Economy (Strategy and Infrastructure Planning)**

26. The application site is a green field site located in the open countryside and in the Green Belt, albeit that it adjoins an existing haulage yard. I consider that the key planning issues to be considered are whether it is consistent with planning policy with regard to waste development, the protection of the Oxford Green Belt, the open countryside, green fields and local landscape, amenity, traffic impacts, the water environment and biodiversity.

#### **Waste Policy**

27. PPS10 supports more sustainable waste management 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. The applicant states that the proposed development would facilitate the sorting of waste for recycling and that up to 90% of the waste coming to the facility could be so recycled, which would be greater than at the existing facility at Slape Hill Quarry which it would replace. It would therefore serve to help reduce the amount of waste going to final disposal and so move the waste stream up the waste hierarchy in accordance with the aims of PPS10. I therefore consider that in principle, the application is in accordance with these stated aims set out in PPS10.
28. PPS10 also seeks to see waste disposed of in one of the nearest appropriate installations. 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. The applicant states that the greatest part of the market served by the existing facility at Slape Hill Quarry for which this site would be a replacement, is Oxford, followed by the urban areas within the Cherwell and West Oxfordshire District Council areas. I therefore consider that the site is arguably well located to serve the source of the waste in accordance with policy W3, although PPS10, which is the more recent policy and so has precedence, does not make the same specific requirement. PPS10 also advises that when proposals are consistent with an up-to-date development plan, waste planning authorities should not require applicants for new or enhanced waste management facilities to demonstrate a quantitative or market need for the proposal and, in the interim period before the development plan is updated to reflect policies in the PPS, planning authorities should ensure proposals are consistent with the policies in the PPS and avoid placing requirements on applicants that are inconsistent. In addition, PPS10 also identifies that priority should be given to previously developed land.

### **Green Belt**

29. The application site lies in the Oxford Green Belt. Only a relatively small area of Oxfordshire is so designated compared to the county's overall area. The area of land covered by the Green Belt designation between Oxford and Kidlington where the application site is situated, is also very narrow, approximately 1.4 Km (less than one mile) wide. Policy GB1 of the CLP states that development in the Green Belt around Oxford will be severely restricted. It goes on to state that the purposes of the Green Belt are to protect the special character of Oxford and its landscape setting, check the growth of Oxford and prevent ribbon development and urban sprawl; and to prevent the coalescence of settlements. Approval will not be given, except in very special circumstances, for development other than for certain listed exceptions, of which the application proposal is not one, or for other uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land in it. Policies GB1 of the NSCLP and ESD14 of the ECLP make similar provision. Paragraph 87 of the NPPF states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
30. PPS10 states that the particular locational needs of waste management facilities together with the wider environmental benefits of sustainable waste management are material considerations which should be given significant weight in determining whether proposals in the Green Belt should be given planning permission. However, the 2013 consultation on the updated national waste planning policy specifically proposes that this additional support be removed such that these planning considerations should not be given more significant weight compared to others when planning applications are decided

for waste facilities in the Green Belt. The outcome of this consultation is awaited.

31. The development proposed in the application, being the use of the land for waste management purposes, the erection of buildings on the site, boundary fencing and the access road widening and junction improvement works constitutes inappropriate development in the Green Belt pursuant to policy GB1 of the CLP and paragraphs 87 and 88 of the NPPF. Despite the existing and proposed screening, the built development proposed at this location would undoubtedly encroach into the countryside and would conflict with preserving the openness of the Green Belt and also be visually intrusive. There would therefore be significant harm to the Green Belt.
32. Accordingly, it falls to the applicant to demonstrate that “very special circumstances” exist to justify the proposed development. Very special circumstances will not exist unless the harm by reason of the development’s inappropriateness, together with any other harm, is clearly outweighed by other considerations.
33. The applicant has carried out an assessment of possible alternative sites both outside and within the Green Belt. For a variety of reasons, the applicant has concluded that there are no other alternative sites available. The applicant considers that this, together with the benefits of providing a replacement for the Slape Hill Quarry facility including providing continued employment and retention of existing waste management expertise, addressing a shortfall in waste management capacity, proximity to the sources of the waste, safe access to the highway network including a shared access with a compatible land use, limited disturbance to sensitive receptors and substantial boundary screening meaning that the visual amenities of the Green Belt would not be harmed, constitute very special circumstances for making an exception to Green Belt policy.
34. Work on the previous draft Minerals and Waste Core Strategy identified that a shortfall in Commercial and Industrial waste recycling capacity will develop some time in the five years period from 2015. This work is being reviewed following withdrawal of the previous submitted Core Strategy, but it still seems likely that there will be a need for further recycling facilities during the new plan period. In terms of impact on the Green Belt, the clear harm through inappropriateness can only be addressed if there is an over-riding need for this facility to be provided in the Green Belt and that the alternative site search is soundly based and has identified that there are no alternatives.
35. The applicant’s existing site at Slape Hill Quarry, which it is stated would be replaced by the application proposal, is not in the Green Belt and would appear to serve the same market. Whilst approximately 9.6 km (6 miles) further away from Oxford, which the applicant cites as the single largest source of the waste currently received, it is also stated that the other main sources of waste are the urban areas in the Cherwell and West Oxfordshire Districts. The market for the sorted/recycled materials is also wide, depending on the different types. Most

of the area served geographically, including Oxford city, is not in the Green Belt. Whilst I note that PPS10 states that significant weight should be given to the consideration of the locational needs for waste management facilities and the wider environmental benefits of sustainable waste management in the Green Belt, I consider that this must be balanced against the fact that the majority of the area to be served by the development is outside the Green Belt.

36. Before consideration can be given to approval of this application, the County Planning Authority must be convinced that a suitable alternative site outside the Green Belt cannot be identified and that very special circumstances for making an exception to Green Belt policy have been demonstrated. The applicant has carried out an alternative site search. Various reasons for discounting sites have been given but limited evidence has been provided in support of these reasons. The applicant has also considered previously developed sites in the Green Belt as part of this search which would carry preference over a green field site in the Green Belt, in line with the provisions of PPS10, but again it is not clear why these sites have been discounted in favour of the application site. The applicant also does not appear to have examined the availability of green field sites outside the Green Belt; whilst green field development would also be contrary to other policies discussed below, if the case is made for the development then a green field site outside the Green Belt must be discounted before a green field site in the Green Belt can be considered. I therefore remain unconvinced that the case has been made that there is an over-riding need for this waste facility to be located in the Green Belt and therefore do not consider that very special circumstances for making an exception to Green Belt policy have been demonstrated. Without there being an over-riding need for the development proposed to be located in the Green Belt I do not consider that the other reasons cited by the applicant demonstrate very special circumstances sufficient to outweigh the Green Belt objection.
37. I therefore consider that the development proposed is inappropriate in the Green Belt contrary to the provisions of policy GB1 of the CLP, paragraphs 87 and 88 of the NPPF, policy GB1 of the NSCLP & policy ESD14 of the ECLP.

### **Open countryside, green field and landscape**

38. The application is for a permanent facility on a green field site located in the open countryside between Oxford and Kidlington. This is a relatively narrow belt of open land between these two urban areas. Policy W3 c) of the OMWLP states that proposals for re-use/recycling will normally be permitted provided that they will not cause unacceptable nuisance in terms of visual intrusion. Policy W4 of the OMWLP states that such proposals will not normally be permitted in the open countryside unless there is an established overriding need and there is no other suitable site available and the development is to form part of a mineral extraction/landfill site which is to be removed on completion of extraction/landfill. Paragraph 35 of PPS10 states that waste planning authorities should ensure that waste management developments are permitted without adverse impact on local landscape in less developed areas. Policy C8 of the CLP states that sporadic development in the open countryside will generally be resisted. Policy C15 of the CLP states that the coalescence of

settlements will be prevented by resisting development in areas of open land. Policy EN30 of the NSCLP makes similar provision. Policy EN16 of the NSCLP states that development on green field land will not be permitted unless there is an over-riding need for the development and opportunities have been assessed to accommodate it on previously developed sites and land within the built-up limits of settlements. Policy C7 of the CLP states that development will not normally be permitted if it would cause demonstrable harm to the topography and character of the landscape. Policies EN34 of the NSCLP and ESD13 of the ECLP make similar provision. Policy C28 of the CLP states that control will be exercised over all new development to ensure that the layout, design & external appearance are sympathetic to the rural context. Policy D1 of the NSCLP states that development proposals will need to demonstrate local distinctiveness in built development and landscape. Policy ESD16 of the ECLP makes similar provision.

39. As set out above, whilst there is a need for further recycling facilities to come forward, the site proposed in the application is a green field one in the open countryside. It is therefore clearly contrary to the provisions of policy W4 of the OMWLP and it is not considered that the argument has been made to make an exception to this policy.
40. Although adjoining the applicant's existing haulage yards, the development would otherwise be unrelated to any existing industrial or built-up area. It is therefore considered that it would be sporadic development in the open countryside contrary to the provisions of policy C8 of the CLP and policy EN30 of the NSCLP.
41. Also as set out above, the application site lies within a relatively narrow ribbon of open countryside between Oxford and Kidlington. It is important that each town or village maintains its separate identity and that development on areas of open land between them is restricted to prevent their coalescence. Whilst this one application in its own right would not lead to the coalescing of settlements, in combination with other developments which might come forward if this development were to be permitted, it could contribute towards coalescence. The application is therefore considered to be contrary to the provisions of policy C15 of the CLP and policy EN30 of the NSCLP.
42. Although it is agreed that the site is surrounded by existing tall boundary hedges and trees which could be required to be maintained by planning conditions attached to any planning permission which may be granted, the built development proposed would be both substantial and permanent: the proposed waste recycling shed would be of utilitarian appearance, have a maximum roof height of ten metres and roof area of 1,250 m<sup>2</sup>; the site office building would have a footprint of 100 m<sup>2</sup> and a maximum roof height of 8.5 m<sup>2</sup>; the storage bays would occupy an area of 900 m<sup>2</sup> with a maximum bay height of 3.6 metres; and the proposed fencing would be 2.7 metres high. The effect of the development would be to permanently extend the built footprint into the open countryside. It would not be possible to completely screen the larger elements of the development, particularly in the winter months and so it would be unsympathetic to the rural context of the site and visually intrusive in the

local landscape contrary to the provisions of policies W3 c) of the OMWLP, policies C7 and C28 of the CLP, paragraph 35 of PPS10, policies EN34 & D1 of the NSCLP and policies ESD13 & ESD16 of the ECLP.

### **Amenity**

43. OMWLP policy PE18 states that in determining applications the County Council will have regard for the appropriate provisions in the Code of Practice. This sets out details of measures to protect amenity including buffer zones, landscaping, standard hours, noise, dust and odour. OMWLP policy W3 c) of the OMWLP states that proposals for re-use/recycling will normally be permitted provided that it will not cause unacceptable nuisance in terms of noise, dust, fumes, smell, visual intrusion or traffic. Policies ENV1 and EN3 of the CLP make similar provision. Paragraph 29 of PPS10 states that the likely impacts on amenity from waste management proposals must be considered.
44. The site is approximately 140 metres away from the nearest residential property and 350 metres from the Oxford canal. The site already suffers from relatively high background noise levels from the nearby busy A44 main road, the railway line and the traffic associated with the existing haulage yards. In this context, whilst there would be some additional noise and visual intrusion from the development and this is judged to be an unacceptable impact in the rural context of the site and the local landscape as set out above, I do not consider that this would be sufficient to warrant refusal to the applications on the grounds of loss of amenity to local residents or users of the Oxford canal and its towpath. It is noted that the District Anti-social Behaviour Officer, has not objected to the application. Any amenity impacts could be controlled within acceptable levels through planning conditions. It is also considered that the traffic generated would have relatively little additional impact in amenity terms to residents living alongside and users of the A44 in the context of its existing traffic flows and the existing use of the access to the site by heavy goods vehicles. Subject to conditions on hours of operation, daily lorry movements, noise levels and dust control I consider the development would be compliant with the aims of the above policies.

### **Traffic**

45. OMWLP Policy W3 b) states that proposals for recycling will normally be permitted provided that a number of criteria are met, including the site being well located to the appropriate parts of the transport network. Policy TR4 of the NSCLP seeks to see mitigation measures provided including highway improvements. Policy TR5 of the NSCLP seeks to see highway safety matters addressed and policy seeks to see vehicular traffic accommodated within the application site and compliance with car parking standards. Paragraph 24 of PPS10 states that in determining applications, consideration should be given to the capacity of existing and potential transport infrastructure.
46. The development would generate an average of 110 movements per day which would use an improved shared access with the existing haulage yards. No objection has been received to the application from the Highway Authority

subject to conditions including that the junction improvement are first carried out. Whilst objection has been received from other consultees including Cherwell District Council, Yarnton Parish Council, the CPRE and local residents on traffic grounds, it is not therefore considered that the development is contrary to the above policies subject to the appropriate conditions being attached to any planning permission.

### **The water environment and biodiversity**

47. Policy W3 d) seeks to see that proposals for re-use/recycling will not pose an unacceptable risk to the water environment. Policies ENV7 of the CLP, EN12 of the NSCLP, & ESD8 of the ECLP make similar provision. Policy EN15 of the NSCLP seeks to secure appropriate source control and/or mitigation measures where developments will generate increased surface water run-off. Policy ESD7 of the ECLP makes similar provision. Paragraph 24 & Annex E of PPS10 seek to protect water resources.
48. The application was accompanied by a flood risk assessment. The Environment Agency has raised no objection to the application. The County Council in its capacity as Lead Local Flood Authority and also from the highway drainage perspective has no objection to the application subject to suitable sustainable urban drainage provision being made as appropriate.
49. Policy PE14 of the OMWLP seeks to protect sites of nature conservation importance. Policy C1 of the CLP and EN24 of the NSCLP make similar provision as does policy ESD10 of the ECLP. Policy C4 of the CLP supports the creation of new habitats. This is reflected in policies EN22 & EN27 of the NSCLP & again in policy ESD10 of the ECLP. Paragraph 24 & Annex E of PPS10 seek to protect nature conservation interests including SSSIs and Special Areas of Conservation.
50. As the site lies within the proximity of the Oxford Meadows SAC, the application was screened to see whether an Appropriate Assessment pursuant to the requirements of the Conservation of Habitats Regulations 2010 would be required. It was concluded that it would have no likely significant effects on the Oxford Meadows Special Area of Conservation (SAC) because there would not be 200+ additional HGV AADT (average annual daily trips) generated and that, if granted planning permission it is understood that the Environment Agency through the Environmental Permitting regime would require a sealed drainage system for areas where any potentially polluting materials would be stored and therefore there would be no impact on water quality to the SAC. There would be no impact alone from this development and also no impact in combination on the SAC through the noise, vibration, dust and emissions of HGV movements. An Appropriate Assessment was not therefore required. Natural England concurs with this assessment and has raised no objection to the application.

51. All existing trees and hedgerows surrounding the site would be retained and maintained and habitat enhancement measures on adjoining land, identified in the supporting phase 1 habitats survey and protected species report, would be implemented. The County Council's ecologist planner has no objection subject to appropriate conditions but the arboriculture officer is concerned that the proximity of the built development to the trees and hedgerows bordering the site does not meet the requirements of the relevant British Standard and no report has been submitted to demonstrate that less than the standard buffer of 15 metres would not be required. This point has been passed to the applicant and I will update members at the committee meeting.
52. Subject to the above issue with regard to the buffer to be provided to trees and hedgerows being satisfactorily resolved, I consider that the application is in accordance with the above policies.

### **Other matters**

53. A local resident has drawn attention to the fact that adjoining land was subject to enforcement action taken against unauthorised waste activities in the 1990s. Two enforcement notices were served, both of which were appealed, and the appeals dismissed. A stop notice was served and a successful prosecution undertaken for non-compliance.
54. It is acknowledged that the applicant's current site at Slape Hill Quarry provides employment for 25 full-time members of staff and that this is proposed to increase to 30 should planning permission be granted to this application. However, setting aside that the application site is not identified in the adopted or developing development plan as an employment site, as it has not been demonstrated that there are no alternative sites available, it is not considered that this benefit of the application should outweigh the other concerns set out above.

### **Conclusions**

55. The application site lies in a narrow section of the Oxford Green Belt between Oxford and Kidlington. The development proposed is inappropriate in and so harmful to the Green Belt and contrary to Green Belt policies. Whilst there is likely to be a need for further recycling facilities to be brought forward if sufficient capacity is to be provided for the county to be self-sufficient in this area of waste management, it is considered that it has not been demonstrated that very special circumstances exist to justify making an exception to Green Belt policy. It is also considered that the built development proposed would be sporadic development which would serve to extend the appearance of the adjoining haulage yards onto a green field site in the open countryside and potentially contribute to the coalescence of settlements. It would also be urban in appearance and so unsympathetic to the rural context of the site and visually intrusive in the local landscape. It is therefore concluded that the development proposed would be contrary to development plan and national planning policies and other policies and should be refused for these reasons.

## **Recommendation**

56. It is **RECOMMENDED** that Application MW.0103/13 (13/01217/CM) be refused planning permission for the following reasons:
- i) **The development would be inappropriate in and would affect the openness of the Oxford Green Belt contrary to the provisions of policy GB1 of the Cherwell Local Plan 1996, paragraphs 87 & 88 of the National Planning Policy Framework, policy GB1 of the Cherwell Non-Statutory Local Plan and policy ESD14 of the Emerging Cherwell Local Plan (ECLP) 2006-2031 (Proposed Submission Draft). The applicant has not demonstrated that the potential harm to the Green Belt by reason of inappropriateness is clearly outweighed by other considerations. Very special circumstances do not therefore exist to justify making an exception to these policies;**
  - ii) **The development would be on a green field site in the open countryside contrary to the provisions of policy W4 of the Oxfordshire Minerals and Waste Local Plan 1996.**
  - iii) **The development would be sporadic development in the open countryside contrary to the provisions of policy C8 of the Cherwell Local Plan 1996 and policy EN30 of the Cherwell Non-Statutory Local Plan.**
  - iv) **The application site lies within a relatively narrow ribbon of open countryside between Oxford and Kidlington and could contribute towards coalescence and so would be contrary to the provisions of policy C15 of the Cherwell Local Plan 1996 and policy EN30 of the Cherwell Non-Statutory Local Plan .**
  - v) **The development would be substantial and urban in appearance and so unsympathetic to the rural context of the site and visually intrusive in the local landscape contrary to the provisions of policy W3 of the Oxfordshire Minerals and Waste Local Plan 1996, policies C7 and C28 of the Cherwell Local Plan 1996, paragraph 35 of Planning Policy Statement 10, policies EN34 & D1 of the Cherwell Non-Statutory Local Plan and policies ESD13 & ESD16 of the Emerging Cherwell Local Plan (ECLP) 2006-2031 (Proposed Submission Draft) .**

MARTIN TUGWELL  
Deputy Director (Strategy and Infrastructure Planning)



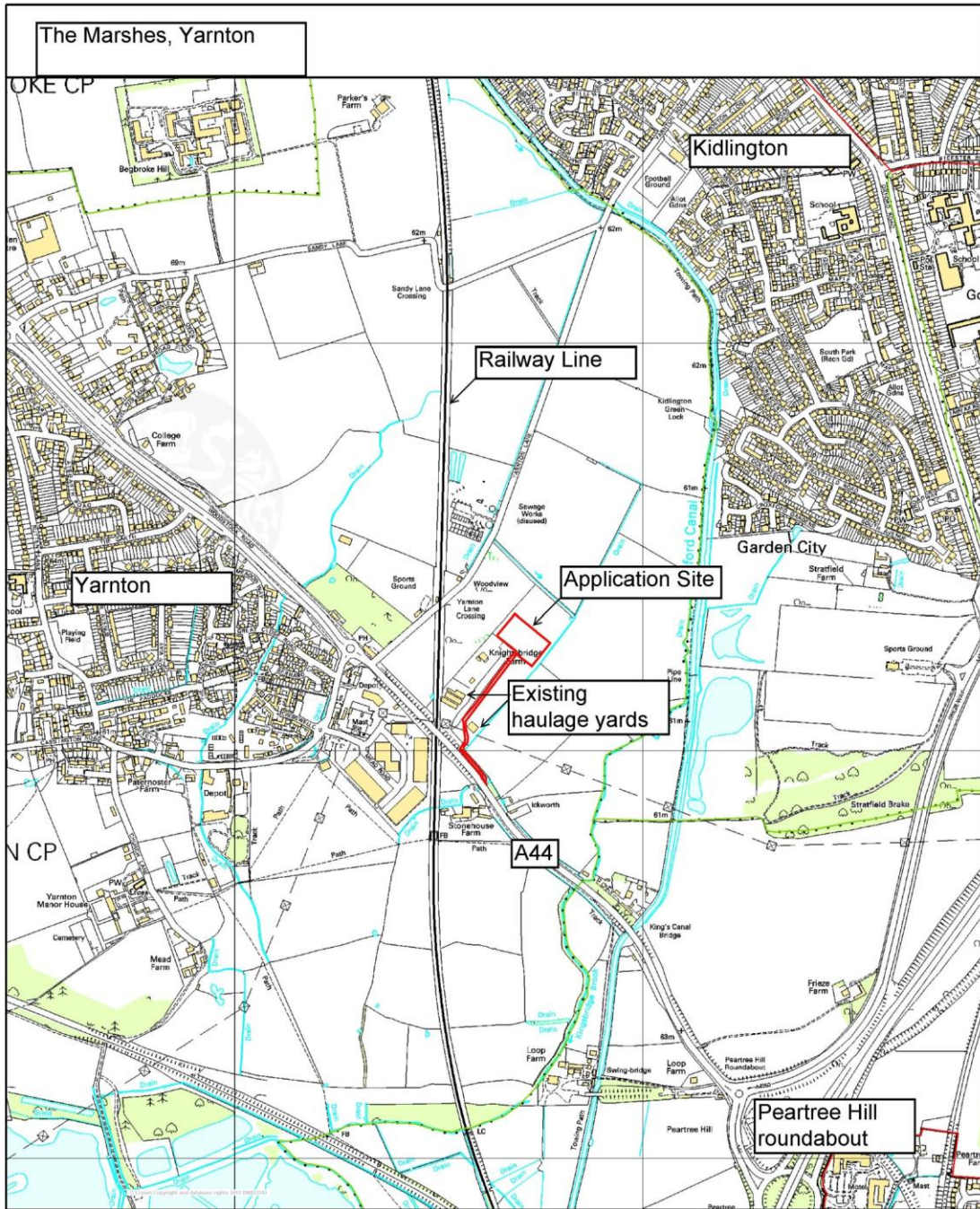
January 2014

## **Annex 1 – Consultation Responses**

1. Cherwell District Council does not support the application for the following reasons:
  - i) The principle of the development is contrary to Green Belt policy and the very special circumstances case presented does not overcome this policy objection;
  - ii) Concern about the highway safety implications of increasing the number of vehicular movements onto the A44.
  
2. Yarnton Parish Council objects to the application for the following reasons:
  - i) Development in the Green Belt;
  - ii) The A44 is a two-lane single carriageway road, unlit and the adjoining parallel path is shared as part of national Cycle Route 5 and a pedestrian footway. Accidents have occurred at the proposed site access and no crossings for pedestrians and cyclists have been identified;
  - iii) The Transport assessment data was recorded before completion of the Cassington Road, Cresswell Close development and it also indicates that vehicle movements of approximately one every 1.5 minutes could be generated;
  - iv) There is inconsistency regarding proposed traffic movements between the Transport assessment and the application supporting statement;
  - v) Existing traffic congestion on the A44 during peak periods will be exacerbated by HGVs using the roundabouts to the north and south of the site to make U-turns thus impeding north-south traffic flow and traffic exiting Cassington Road;
  - vi) It is not shown whether these roundabouts' radii will need to be modified to accommodate HGVs using the site;
  - vii) The supporting statement omits reference to existing properties to the south and west of the site when discussing noise generation.
  
3. Transport Development Control has no objections subject to conditions including the proposed access improvements being carried out prior to the site's first use, widening & re-surfacing of the access road to permit adequate width for HGVs so pass and submission and implementation of a Sustainable Urban Drainage strategy prior to first use of the development.
  
4. The County Council as Lead Local Flood Authority has no objection to the application provided the access road, parking area and trench soakaways are connected to the sand and gravel layer under the site and that the crushed stone surface must not have too many fines in it such as would seal the surface. He would expect to see SuDs proposals covering the access road, main road junction, holding bays, buildings and parking areas.

5. The County Council's Principal Archaeologist has no objection to the application.
6. The County Council's arboriculture officer comments that there are a number of semi-mature and mature trees located within the hedgerows around the site. In the absence of an Arboricultural Method Statement, BS 5837:2012 Trees in relation to design, demolition and construction, states that a distance of 15metres shall be incorporated around all trees in order to ensure tree roots are protected. Subsequently, either more information is required in the form of an Arboricultural Method Statement, clearly identifying Root Protection Areas and appropriate mitigation measures to ensure the waste recycling and transfer facility does not encroach into these RPAs or a 15metre buffer zone is incorporated into the planning application around all trees within the site ensuring no tree roots are protected.
7. The County Council's Ecologist Planner has no objection subject to the issue with regard to the root protection zone to the trees and hedgerows identified by the arboriculture officer being resolved and to conditions.
8. The Environment Agency has no objection to the application subject to a condition that the proposed fencing is set back a minimum of two metres from the top of the bank of the main river on the site.
9. Natural England has no objection to the application.
10. The Ministry of Defence has no objection to the application.
11. The Health and Safety Executive does not advise against granting planning permission.
12. Thames Water has no objection to the application but advises that public sewers pass close to the development and any works within three metres will require Thames Water's approval. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water will be required.
13. The Campaign to Protect Rural England objects to the application for the following reasons:
  - i) Inappropriate development in the Green Belt;

- ii) The additional traffic likely to be associated with the scheme would be unacceptable;
  - iii) Given the number of other similar schemes in the area it does not appear to make strategic sense from a planning point of view.
14. The Oxford Green Belt Network objects to the application as inappropriate and harmful in the Oxford Green Belt. It is considered that the sorting shed, office and weighbridge, concrete holding bays and security fencing in this very large proposed development is unacceptable if Green Belt policy is to be taken seriously. If consented, the proposed development, which is inappropriate in the Green Belt as set out in the NPPF, would erode the openness of the narrow Green Belt gap that separates Yarnton from Oxford. It would also represent encroachment into the countryside by extending the built up area of Yarnton. The development would be harmful to the visual and other amenities of the Green Belt. Such a development should be sited on a brownfield site and whilst it is noted that an assessment of alternative sites has been made, it is hard to believe that an alternative could not be found if this application is refused. There are no special circumstances which require this development to be next door to the applicant's haulage business or a green field site anywhere within the Oxford Green Belt.
15. The Cherwell District Council Anti-social behaviour officer has no objection to the application.



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