

Contact Officer: Mary Thompson ([mary.thompson@oxfordshire.gov.uk](mailto:mary.thompson@oxfordshire.gov.uk))  
Tel: 01865 815901

Division(s): Dorchester and Berinsfield

## **PLANNING & REGULATION COMMITTEE – 15 FEBRUARY 2010**

### **THE RE-USE OF AN EXISTING BUILDING FOR A WASTE TYRE AND CATERPILLAR TRACK RECYCLING FACILITY, HANDLING APPROXIMATELY 3500 TONNES OF WASTE TYRES PER YEAR**

#### **Report by Head of Sustainable Development**

<b>Location</b>	Culham No 4 Site, Culham
<b>Applicant</b>	Leda Properties
<b>Application No</b>	PO7/W0631/CM
<b>District Council Area</b>	South Oxfordshire

#### **Introduction**

1. On 16 July 2007 (minute 45/07) the Planning and Regulation Committee authorised the Head of Sustainable Development to grant permission for the above development, subject to conditions and/or legal agreements as he might consider appropriate. The heads of terms for the legal agreement and conditions were not available at the time of the Committee because the officer recommendation was for refusal of the planning application. A copy of the report to the Committee is attached. The reasons for approval were also delegated to the Head of Sustainable Development. The Committee's decision reflected the benefits of the development in waste management terms, notwithstanding the site's Green Belt location.

#### **Planning History**

2. The site is within the Oxford Green Belt as defined by policy GB1 of the South Oxfordshire Local Plan. Green belt considerations are dealt with in paragraphs 48 – 52 of the report to the July 2007 Committee. Although the policies G4 of the Oxfordshire Structure Plan and GB3 of the South Oxfordshire Local Plan are no longer extant, the current development plan contains equivalent restrictions.

3. Policy CO4 of the South East Plan states that development in the green belt will only be permitted if it maintains its openness and does not conflict with the purpose of the Green Belt or harm its visual amenities. National policy in PPG2 (Green Belts) contains a presumption against inappropriate development in the green belt; although re-use of buildings may not be 'inappropriate development' in some circumstances, this building was not constructed with planning permission and is unauthorised.
4. South Oxfordshire District Council has been working for a number of years to secure the removal of the industrial buildings on this site that do not have planning permission. Indeed, there is an existing enforcement notice requiring removal of all buildings on site and there is an existing section 106 agreement between the applicant and South Oxfordshire District Council, which requires the removal of buildings and hardstandings by 2010 and which the applicant would have to vary in order to carry out this development.
5. Following the decision in July 2007 work commenced on a section 106 agreement requiring removal of all buildings and hardstandings at the end of the life of the permission, or sooner if the development ceased operation. This is considered necessary, because the site lies in the Oxford Green Belt and although the Committee considered that there were very special circumstances to permit the development in this case notwithstanding the presumption against inappropriate development, it is important to ensure that the buildings are not subsequently used in a way which would not be appropriate in the Green Belt.
6. Two and a half years have passed since the Committee permitted the application and the applicant has not signed the legal agreement. There has been no progress for over a year. In view of the time that has elapsed, I am of the opinion that the applicant has no intention of signing up to the section 106 agreement and recommend that the permission now be refused on the basis that it comprises inappropriate development in the green belt.

## **Conclusion**

7. There has been no progress for some time on the section 106 agreement required before permission can be issued for this development. It is therefore recommended that permission is now refused, because without the agreement the development would be unacceptable in the Green Belt, contrary to South East Plan policy CO4.

## RECOMMENDATION

8. It is **RECOMMENDED** that planning permission for application P07/W0631/CM be refused for the following reason:

**That the proposed development is inappropriate development that would not preserve the openness of the Green Belt, is contrary to the purposes of the green belt in this location and would harm its visual amenities, contrary to South East Plan policy C04**

CHRIS COUSINS

Head of Sustainable Development

Background Papers:       The re-use of an existing building for a waste tyre and caterpillar track recycling facility, handling approximately 3500 tonnes of waste per year.

File 8.3/5396/2 located in Minerals and Waste Development Control Team area at Speedwell House, Speedwell Street, Oxford

February 2010

Division(s):
--------------

**ANNEX 1  
ITEM PN11**

**PLANNING & REGULATION COMMITTEE – 16 JULY 2007**

**THE RE-USE OF AN EXISTING BUILDING FOR A WASTE TYRE AND  
CATERPILLAR TRACK RECYCLING FACILITY, HANDLING  
APPROXIMATELY 3500 TONNES OF WASTE TYRES PER YEAR**

**Report by the Head of Sustainable Development**

<b>Location</b>	Culham No 4, Culham
<b>Applicant</b>	Leda Properties
<b>Application No</b>	PO7/W0631/CM
<b>Division</b>	Dorchester and Berinsfield
<b>District Council Area</b>	South Oxfordshire

**Introduction**

1. This is an application for a temporary permission for a facility to recycle waste tyres. It is proposed to erect a tyre processing plant inside an existing building near the Culham Science Centre. The components of tyres would be separated and the rubber shredded and granulated to produce various sizes of rubber crumb for sale.

**Location**

2. The site is located on the Culham No 4 site, adjacent to the northern edge of Culham Science Park, a large mixed use industrial estate which is near the village of Culham in South Oxfordshire and located 10km (6 miles) south of Oxford and 4 km (2.5 miles) south east of Abingdon. The site is in the Green Belt.

**The Site and its Setting (See Plan 1)**

3. Furze Brake County Wildlife site lies to the north and north east. This is woodland that supports a heronry and forms part of Nuneham Park, a registered historic park. The building is less than 100 metres from the edge of the woodland. There is agricultural land to the north west of the site, which is approximately 1 kilometre (0.6 miles) from the nearest residential property.
4. Access to the site is from the A415 Abingdon Road, just to the west of the access to the Culham Science Centre. HGVs would then travel past the Culham No 1 site and access the application site from Thame Lane.

5. Thame Lane is a bridleway forming the southern boundary of the site. No other public rights of way run through or close to the site.

### **Site History**

6. Culham No 4 site was originally developed by the Crown during the war. It consisted of seven buildings including Nissan Huts and air hangars. However the majority of these buildings have now been removed, leaving the concrete bases and one remaining building. This is a large hangar and is the building that is proposed to be used for the development.
7. The site was sold by the Crown and subsequently South Oxfordshire District Council have served an enforcement notice, which remains current. It was not possible to serve an enforcement notice while the land was owned by the Crown. This enforcement notice was served because they consider the buildings to be contrary to planning policy and harmful to the Green Belt. Therefore, the building that is proposed to be used in this development does not have planning permission.
8. The site is subject of a legal agreement between the applicant and South Oxfordshire District Council. This requires the timed demolition of all buildings, roads and hardstandings on the Culham Number 4 site and the reinstatement of the land to a condition suitable for agriculture. This reinstatement must be done by 2010 in the area to which this application relates.

### **Details of Application (See Plan 2)**

9. This proposal is for a tyre recycling centre that would shred and granulate tyres and remove materials such as steel, to produce rubber granulate, crumb and dust which would be exported to the southwest and southeast of England, including London.
10. The tyres processing plant would be located inside the existing building on site. This would also contain a portakabin for administration and staff facilities, tyre storage areas and an overnight vehicle storage area.
11. The existing building is clad in corrugated metal and painted black and measures 36 metres by 57 metres with an approximate internal floor area of 2000 square metres. It is 9 metres high rising to 12 metres at the apex. The building is currently vacant.
12. The development would generate an average of 40 heavy goods vehicle movements a day bringing waste tyres and 30 light goods vehicles exporting the rubber crumb and other materials produced from the process.
13. It is proposed to use an existing 2000 square metre concrete hardstanding for storage and two fuel tanks. This area is located south of the building and is separated from it by a grassed area. The bagged rubber crumb product

would be stored in bays in this area. There would also be an open storage area to be used if necessary, for example for the storage of empty waste containers.

14. It is proposed to create landscape strips along the southern and western edge of the site. The composition of species and planting details would be agreed with the County Ecologist. This landscaping is proposed to provide screening and improve the landscape quality. It is also proposed to have a grassed open area to the north and south of the building.
15. A weighbridge and an underground 100 cubic metre sealed fire water containment pond are proposed on the site. The entire site would be surrounded by a 3 metre high fence.
16. Traffic within the site would move around a one way system, with separate entrance and exit onto Thame Lane.
17. The applicant estimates that the facility would be capable of recycling 70% of the waste tyres produced in the County. It would also be capable of recycling caterpillar track, which would make it the first of its kind in the country.
18. As this site is located in the Green Belt, the application has been made for a temporary permission for fifteen years. This is intended to allow policy to be re-assessed in the future, while allowing enough time to produce a return on the investment in the plant.

## **Consultations**

19. Consultation Responses

### *South Oxfordshire District Council:*

Object. Description of development is not accurate as the application represents a material change of use of the land and building rather than a re-use. The land is subject to an enforcement notice issued by South Oxfordshire District Council (SODC) requiring the removal of all buildings on site. The applicant has also entered into a section 106 agreement with SODC, the terms of which require the removal of the building, hardstanding and roadways which this application relates to, by 2010.

This proposal is inappropriate development in the Green Belt and the applicant has made no attempt to refer to 'very special circumstances' which may justify the departures from Green Belt policy. It is also considered harmful to the countryside and contrary to SOLP policies G2, G4 and C1.

Concerned with findings of Risk Hazard Analysis as the level of risk is described as acceptable if there are mitigating measures, but these measures are not specified.

Contrary to transport policy as heavy vehicles would have to travel through Abingdon, Didcot or local villages.

SODC do not believe that Culham is a suitable location for this type of facility, but Culham No 1 site would provide a more suitable alternative site than Culham No 4.

In the event that Oxfordshire County Council were of a mind to approve the application then a condition should be added to ensure that plant, machinery and equipment is installed and operated in such a way that noise and vibration do not cause a nuisance.

*Culham, Clifton Hampton and Nuneham Courtenay Parish Councils:*  
No responses received.

*Environment Agency:*

No objection. The development will require a waste management licence. Would like further detail of the proposal to drain the surface water to ground. Suggests advice to applicant and conditions.

*English Heritage:*

No objection. The application should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice.

*National Grid:*

No objection. The risk to the operational electricity and gas transmission network is moderate, and this risk can be successfully managed. Provides advice for applicant and conditions.

*Oxford Green Belt Network:*

Object. Inappropriate development in the Green Belt. Is their understanding that there is an intention to restore the site to a rural land use. Site has not been put forward through the Local Development Framework. Will be additional development in addition to the re-use of an existing building. There would be considerable lorry movements. Potential for pollution and problems of noise and smell.

*County Ecologist:*

No objection, but requires further information regarding the composition and layout of the landscape strips.

*Fire Service:*

No objection. No adverse comments in principle, however insufficient technical information has been supplied to enable comment regarding any fire and rescue operational response or intervention issues which may arise.

*Transport Development Control:*

The previous use of the site is stated as storage. Storage has limited or no vehicle trip generation. The proposed development would, therefore, generate trips not currently on the network. The proposed development represents a significant regional facility and should be served by the primary A

roads and motorway. This site is served by lower category A roads linking settlements. The proposed development would lead to an increase in HGV movements through already congested, sensitive areas, primarily towns and villages. The sustainable transport infrastructure that serves the site does not mitigate the HGV movements.

The proposed development is inappropriately served by inadequate highway infrastructure and is sited in a location away from connection to regional infrastructure. Recommends refusal on the grounds that there would be increased HGV movements in unsustainable locations not served by appropriate infrastructure contrary to OSP policies G3 and T8.

*Rights of Way:*

No comments at time of writing report.

**Representations**

20. One letter of representation has been received in support of the application. This was sent by an independent waste management academic who considers that there is a strong case that the environmental benefits of the facility outweigh the negligible environmental consequences of it being sited in a Green Belt and that it is in line with DEFRA strategy for the future.

**Relevant Planning Policies (see Annex 2)**

21. The key policy issues are waste management, Green Belt, biodiversity and landscape and traffic.

*Waste Management*

22. RPG policy W3 promotes regional self sufficiency in the provision of waste management capacity, and policy W4 promotes the same at a sub-regional level.
23. RPG policy W10 states that sub regional facilities are required for the recovery and processing of tyres.
24. RPG policy W17 addresses the location of waste management facilities and states that the suitability of sites should be assessed on the basis of accessibility from urban areas, transport connections and compatible landuses such as previous or existing industrial land use and derelict land.
25. Oxford Structure Plan Policy WM1 supports the provision of facilities to treat and/or dispose waste. It encourages proposals which increase the recycling of materials. Policy WM2 states that regard must be had for the Best Practicable Environmental Option. This includes the waste hierarchy and proximity principle.
26. Oxfordshire Minerals and Waste Local Plan (OMWLP) policy W3 states that proposals for recycling/reuse will normally be permitted, providing that the;

- (a) site is close to the source of the waste and/or the market for reused materials;
  - (b) site is well related to appropriate parts of the transport network and located where number and length of motorised journeys is likely to be minimised;
  - (c) proposal will not cause unacceptable nuisance in terms of noise, dust, fumes, smell, visual intrusion or traffic;
  - (d) proposal will not pose an unacceptable threat to the water environment;
  - (e) proposal does not conflict with structure and local plan policies.
27. OMWLP policy W4, however, states that proposals for recycling or reuse will not normally be permitted in the open countryside unless 'there is an established overriding need and there is no other suitable site available' or it is on a mineral extraction or landfill site.

*Green Belt*

28. The six objectives for the use of land in Green Belts as laid out in PPG2 are; to provide opportunities for access to the open countryside for the urban population; to provide opportunities for outdoor sport and outdoor recreation near urban areas; to retain attractive landscapes and enhance landscapes near to where people live; to improve damaged and derelict land around towns; to secure nature conservation interest; and to retain land in agricultural, forestry and related uses. PPG2 states that the making of a material change in the use of land is inappropriate development unless the openness of the Green Belt is maintained. It states that inappropriate development will only be permitted in very special circumstances.
29. OSP policy G4 states that development in the Green Belt will only be permitted if it maintains the openness of the Green Belt and does not conflict with the purposes of the Green Belt or harm its visual amenities. SOLP policy GB3 also protects the openness of the Green Belt and requires that development does not conflict with the purposes of the designation.
30. OSP policy G4 also lists five purposes of the Green Belt. They are to a) preserve the special character and landscape setting of Oxford; b) check the growth of Oxford and prevent ribbon development and urban sprawl; c) prevent the coalescence of settlements; d) assist in safeguarding the countryside from encroachment; and e) to assist in urban regeneration by encouraging the recycling of derelict and other urban land.
31. SOLP policy GB4 states that development in the Green Belt should be designed and sited in such a way that its impact on the open nature, rural character and visual amenity of the Green Belt is minimised.
32. PPS10 states that when determining planning applications Green Belts should be protected but the particular locational needs of some types of waste management facilities should also be recognized. It states that 'These

locational needs, together with the wider environmental and economic benefits of sustainable waste management, are material considerations that should be given significant weight in determining whether proposals should be given planning permission.'

33. RPG policy W17 states that 'waste management facilities should not be precluded from the Green Belt.'
34. The site is not allocated for development in the SOLP. It is outside the area of Culham Science Park which is marked as a major development site in the Green Belt subject to specific policies which permit limited infill and redevelopment subject to certain criteria.

#### *Biodiversity and Landscape*

35. OSP EN2 states that on sites of acknowledged nature conservation importance development will only be permitted if there is an overriding need or if damage to the ecological interest can be prevented through the use of conditions or planning obligations.
36. OSP EN4 states that historic parks and gardens will be protected from harmful development.
37. SOLP policy C7 states that on locally designated sites of nature conservation importance, development that would damage biodiversity impact would not be permitted unless the importance of the development outweighs the local value of the site and unless the loss can be mitigated.
38. SOLP policy C1 states that measures will be sought to integrate new development sensitively, mitigate landscape impacts and where appropriate, enhance local landscape character through conditions and agreements.
39. OSP policy G3 states that proposals for development will not be permitted unless, amongst other things, necessary infrastructure or on or off site transport measures will be provided.

#### *Traffic*

40. OSP policy T8 states that proposals for development will be permitted only if they provide adequate access and mitigation of adverse transport impacts.

#### *Other*

41. OSP policy R2 states that the development which would damage the rights of way network will be resisted.

### **Comments of the Head of Sustainable Development**

42. There are four main issues that need to be addressed in deciding the merits of this proposal. These are described below.

*Waste Management*

43. As the proposed development would provide a facility to recycle Oxfordshire's waste, and thus move it up the waste hierarchy, it is in accordance with OSP WM1 and WM2. It accords with the proximity principle in that it is located centrally within Oxfordshire, which is the source of the waste.
44. OMWLP policy W3 supports this application in principle. The development would be located close to the source of the waste tyres. The market for the recycled product potentially covers a wide area, but is expected to be primarily within the South East of England. As there has been no objection on Environmental Health grounds, or from the Environment Agency, and as there are no residential properties within a kilometre, I am satisfied that it would cause neither an unacceptable nuisance in terms of noise, dust or smell, nor an unacceptable threat to the water environment.
45. This development is potentially in conflict with OMWLP policy W4 because of its location in the countryside. Although an industrial park lies to south, the site is not within its boundaries. It is surrounded on other sides by open fields and woodland and a legal agreement requires that the site itself is returned to countryside by 2010. Therefore, the site should be considered open countryside and the development contrary to this policy unless an overriding need can be proven. RPG9 states that the South East Region has a shortfall in processing capacity for used tyres (para 10.198.) This shortfall suggests that there is an established need for the development, but not by definition an 'overriding' need.
46. The development of a tyre recycling facility in Oxfordshire would prevent the need for waste tyres to have to travel outside the County to be recycled. Therefore this proposal is supported by RPG policies W3, W4 and W10.
47. RPG policy W17 provides criteria for addressing the suitability of sites. This site is located away from urban areas on previous industrial land adjacent to existing adjacent land and the likelihood of it causing a nuisance to neighbours is limited.

*Green Belt*

48. This site is in the Green Belt. There is a legal agreement that requires that the existing building intended to be used waste tyre recycling be removed by 2010. This is an application for a temporary permission for 15 years, and so the building and its use would continue until 2023, (a further 13 years). Retention of the building will restrict the openness of this part of the Green Belt, contrary to OSP policy G4 and SOLP policy GB3.
49. This development does not fit with any of the five purposes of the Green Belt identified in OSP policy G4 or the uses listed in PPG2 (see paragraph 1.5.). Therefore 'very special circumstances' are required to be demonstrated before a breach of Green Belt policy can be justified.

50. PPS10 states that the locational needs of some types of waste management facilities should be recognised. In this case the applicant has argued that this location is necessary because there is a 10MVA power supply to the site, due to the proximity of Culham Science Centre. They argue that this may not be possible in any other location in Oxfordshire, as most industrial estates have 100 amp electricity. This power need could constitute a very special circumstance. However, the Culham No 1 site is also in close proximity to the Culham Science Centre, which would be a more suitable location because, although it is in the Green Belt, it is identified in the SOLP as an area for employment uses. South Oxfordshire District Council have suggested the Culham No 1 site as an alternative site in their consultation response.
51. The applicant argues that this development would not be inappropriate development because it is the reuse of an existing building. They also state that the site is adjacent to an area with the status 'Major Developed Site in the Green Belt' and there are positive benefits to the recycling operation. However, the proposed development cannot be considered re-use of an existing building after 2010 when the building is required to be removed. In addition the site is not within the Major Developed Area in the Green Belt. Although policy is generally supportive of recycling operations these need to be located in the most suitable locations. The fact that the proposal is for a recycling facility does not mean in itself that very special circumstances exist.
52. RPG W17 states that waste management facilities should not be precluded from the Green Belt. There is one representation which supports this policy and states that the environmental benefits outweigh the consequences for the Green Belt. However, other Green Belt policy does not support this development in this particular Green Belt location.

#### *Biodiversity and Landscape*

53. Although the proposed site is close to Furze Brake County Wildlife Site, a site of acknowledged conservation importance, the County Ecologist is satisfied that conditions could ensure that there would be no damage to the County Wildlife Site or its ecological interest. Therefore the development does not conflict with OSP EN2 and SOLP C7.
54. The site is very close to Nuneham Courtenay Park and can be seen clearly from the edge of the park. There has been no objection from English Heritage.

#### *Traffic*

55. Both SODC and Transport Development Control object to the application because of the effect of heavy good vehicles in local towns and villages. Transport Development Control point out that such a development, designed to act as a regional facility, should have a location served by primary roads. I agree with their comments and conclude that the proposal is, therefore, contrary to OSP policies G3 and T8.

## Conclusion

56. The provision of waste facilities of the tyre proposal is supported by waste management policy and such a facility would help to move locally generated waste up the waste management hierarchy. The site is situated away from residential properties, however although there is a need for such a development in the South East of England, no overriding need has been demonstrated for the development in this particular countryside location. It is located in the Green Belt and the proposal will affect the openness of the Green Belt and is inappropriate development in the Green Belt for which very special circumstances have not been demonstrated. It has inadequate road infrastructure and this would mean heavy goods vehicles travelling through local towns and villages.

## RECOMMENDATION

57. It is **RECOMMENDED** that planning permission for application be refused for the following reason(s):
- (a) **the proposed development is contrary to OSP policy G4 in that there are no very special circumstances for its location in the Green Belt;**
  - (b) **the proposed development is contrary to OMWLP policy W4 in that it is a proposal for a recycling facility located in the open countryside for which an overriding need has not been demonstrated;**
  - (c) **the proposed development is contrary to OSP policies G3 and T8 in that necessary road infrastructure is not present and there would be inadequate mitigation of adverse transport impacts on local towns and villages.**

CHRIS COUSINS  
Head of Sustainable Development  
Environment & Economy

Background Papers: The re-use of an existing building for a waste tyre and caterpillar track recycling facility, handling approximately 3500 tonnes of waste per year.  
File 8.3/5396/2 located in Minerals and Waste Development Control Team area at Speedwell House, Speedwell Street, Oxford.

Contact Officer: Mary Thompson, Tel: Oxford 815901

July 2007

**Relevant Development Plan and other Policies**

Oxfordshire Structure Plan 2016 (OSP)  
WM1, WM2, G3, G4, EN2, T8, R2, EN4

Oxfordshire Minerals and Waste Local Plan (OMWLP) 1996  
W3, W4

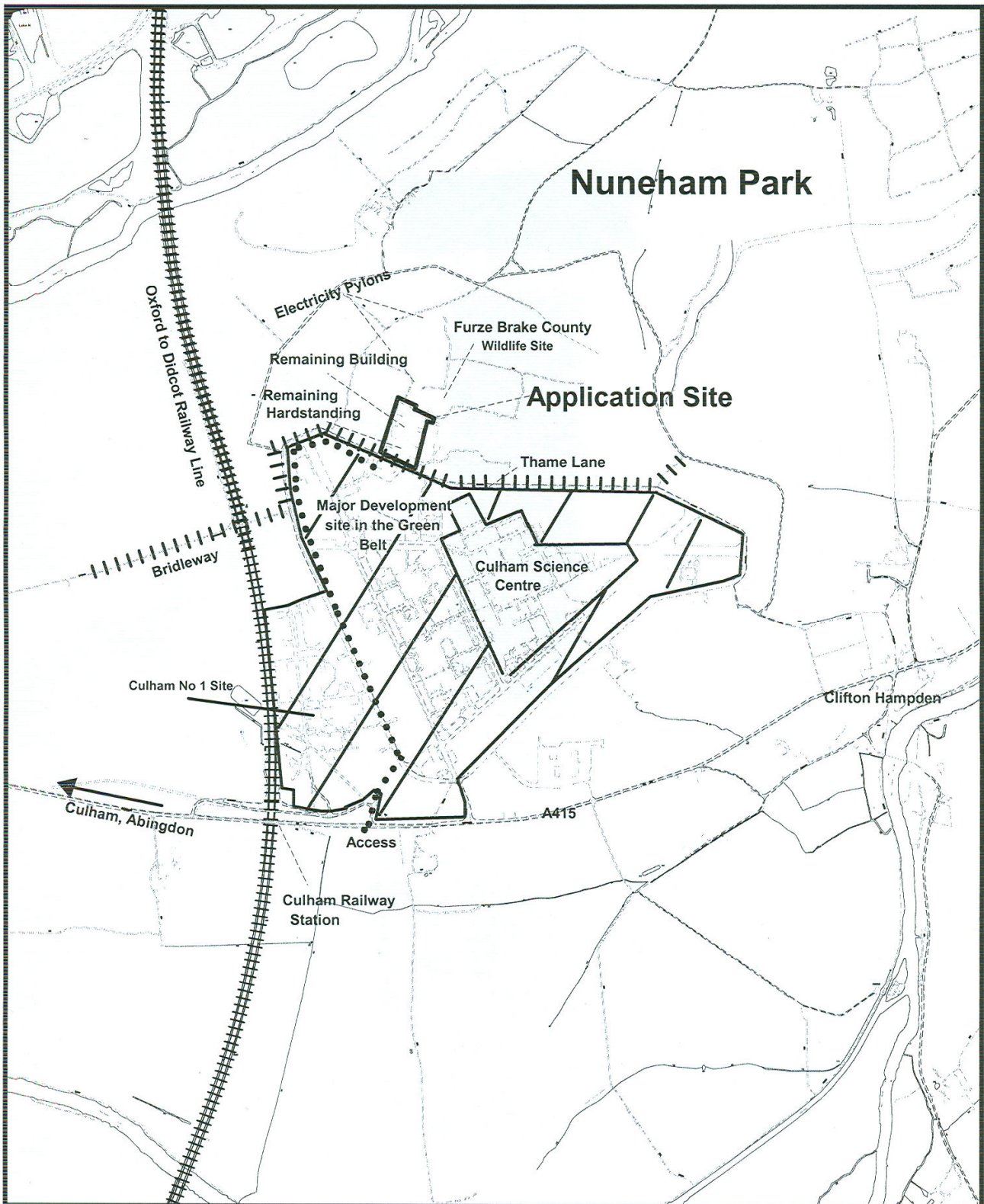
South Oxfordshire Local Plan  
GB4, C1, C7, E8

RPG9  
W3, W10, W17

PPG2

PPS10

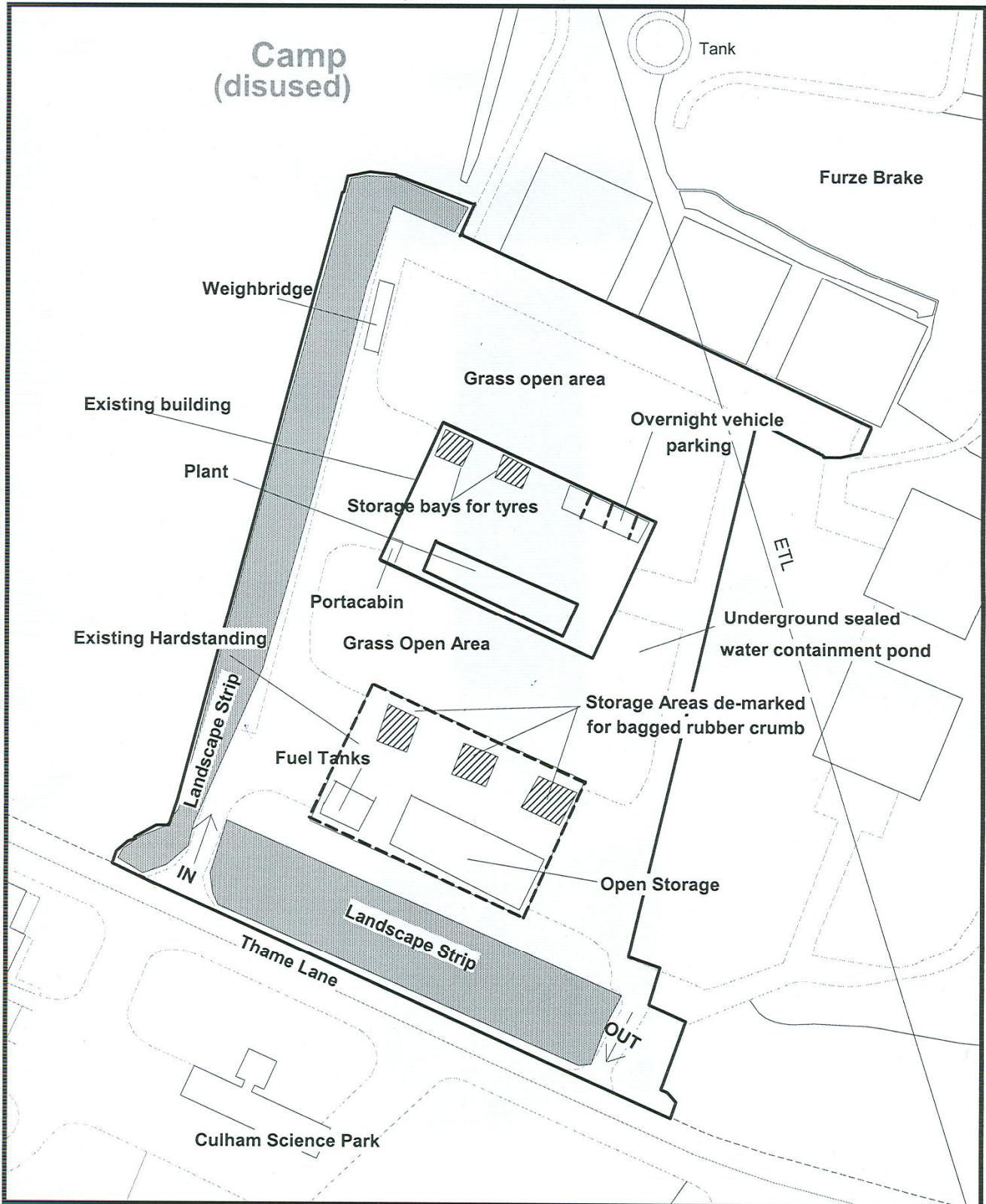
# Plan 1 - Location



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright, and may lead to prosecution or civil proceedings.  
Oxfordshire County Council Licence No 100023343

Scale: 1:14999.99  
Plot Date: 5/7/2007  
By: t.philp  
Dept:

# Plan 2 - Proposed Site Layout



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright, and may lead to prosecution or civil proceedings.  
Oxfordshire County Council Licence No 100023343

Scale:1:1250  
Plot Date:4/7/2007  
By: t.philp  
Dept: