

For: PLANNING & REGULATION COMMITTEE – 10 SEPTEMBER 2012

**By: DEPUTY DIRECTOR FOR ENVIRONMENT & ECONOMY
(STRATEGY & INFRASTRUCTURE PLANNING)**

Development Proposed:

Change of use of part of sawmill, timber treatment and fencing and timber building manufacturing depot - to waste transfer station.

Division Affected: Goring

Contact Officer: Nick Fagan **Tel:** 01865-815584

Location: Pennyroyal Sawmill, Goring Heath, RG8 7SD

Applicant: Mr N. Rogers

Application No: MW.0100/12

Application received date: 9 June 2012

Consultation Period: 5-26 July 2012

District Council Area: South Oxfordshire

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Recommendation

The report recommends that the application be refused.

Part 1 – Facts and Background

The site and setting (see Plan 1)

1. The site forms a small part (0.35 hectare) of a larger site used as a sawmill business by the applicant and is situated entirely within but near the southern edge of Oaken Wood, a large area of woodland lying immediately south of Woodcote. It lies between the B4526 (which links Goring to Goring Heath and Reading via Cray's Pond) at its southern boundary and the road known as Long Toll (which links Woodcote to Goring Heath) at its northern end. Accesses exist onto both these roads.
2. Adjacent to the current main southern entrance to the sawmill is Oakenwood Cottage, the nearest residential property to the site. To the west (about 250 metres from the access) are six pairs of semi-detached (Nos.1-12) houses known as Pennyroyal Cottages. Between the southern access point and these cottages is a yard run by Hazell & Jefferies, a civil engineering business involved in road repairs, within which a number of HGV lorries are stored. About 300 metres to the east along the B4526 is Newhouse Farm (including a farmhouse). This farm sits on the edge of a large agricultural field which runs up to the side of Oaken Wood and the application site. The nearest house on Long Toll, to the north, is Long Toll Cottage, some 700 metres from the northern access.
3. The site and surrounding area lie within the Chiltern Hills AONB. A public footpath runs directly through the site.

History of the Site

4. The wider site, including this application site, appears to have been used for this sawmill business for many years. There are two district planning permissions, one in 1970 and one in 2003, permitting new workshop/manufacturing buildings in connection with the sawmill and these exist on site at present.
5. This application has been submitted following a visit to the site by the Environment Agency allegedly following complaints from nearby residents that the waste operation had already started operating and burning was taking place on the site.

Proposed Development (See Plan 2)

6. The application is to change the use of part of the northern part of the sawmill site to use as a waste transfer station. The existing uses of this brownfield industrial site include sawmilling, pressure preservation treatment of timber and the manufacture of fencing and timber (garden etc) sheds. The existing activities would be unaffected by the application.

The access to the sawmill business will continue from the southerly B4526. It is intended to separate the two businesses by erecting a fence between the sawmill and waste site, which would itself be accessed from Long Toll.

7. The proposed waste use would be run under the existing management as a form of business diversity. The applicant has stated that his son was likely to take charge of the waste business whilst he continued to run the sawmill business. It is clear that the sawmill business is not operating to its previous capacity and the existing steel framed building on the application site and the site itself has not been used by the sawmill business recently. The applicant is seeking to put the northern part of his site to beneficial use and maintain and provide additional employment opportunities in the locality (3 additional full-time jobs are stated on the application form).
8. The application states that the activity would be relatively small scale using one single skip lorry transporting “inert domestic and building construction waste for sorting and recycling”. The application anticipates that the throughput of waste would be in the order of 10,000 tonnes per annum, although the applicant has indicated that he hoped this could increase to 15,000 or maybe 20,000 tonnes per annum. The application states that more than 50% of the throughput should be recycled for reuse and that reusable material would include graded soil, crushed hardcore and metal. At present timber waste from the sawmill site is transported for use as bio-fuel to a power station in Slough. Timber recovered from the proposed activity would be added to this current output of bio fuel.
9. The sorting of the waste would take place within the existing 130m², 6.2m high building on the site. At present this building is open on all sides, it being essentially a steel frame with a profiled metal clad roof. The proposal includes cladding the main side walls, with a 1m high masonry wall above which would be green profiled metal cladding. Its end elevations would remain open. The building has a concrete impermeable floor ideal for such an operation. It was previously used in connection with the sawmill business.
10. The flat area of land immediately to the south of this building would be converted to impervious concrete hardstanding with run-off to sealed tanks. Within it would be sited:
 - Hardcore storage for crushing.
 - A crusher machine.
 - Crushed aggregate for delivery.
 - Topsoil for screening.
 - A screener machine.
 - Screened topsoil.
 - Sealed bunded 25,000 litre run-off tanks.
 - Timber for shredding storage.

- A shredding machine.
 - An area for parking overnight for the skip lorry.
 - An area for the storage of empty skips.
 - To the side of the sorting building would also be located.
 - A large roll on/off bin for landfill waste (non-recyclable material).
 - An area for waste paper storage.
 - An area for non-ferrous scrap.
 - A sorted scrap metal bin.
11. Skip lorries would access the site from the existing Long Toll access, which the applicant does not propose to alter. A circular traffic flow is envisaged so that lorries can deposit the waste in the building and leave the site without having to reverse. There is sufficient area on the site to provide parking for any employees including bicycle parking, although no area is specifically shown for this on the submission plan.
12. There is an existing fence to the northern boundary. It is proposed to erect a new 2m high chain-link fence to this northern boundary and continue this in a southerly direction to form a clear western boundary of the site with the sawmill site, as well as continuing this around the southern boundary with the arable field to the south. There would also be two 2m high gates between the two sites at the line of the existing footpath. It is also proposed to erect a 3m high earth bank in the north-western corner of the site, presumably to shield the waste operation from the sawmill site in this location. [See Plan 2].

Part 2 – Other Viewpoints

Representations

13. 16 objections have been received from nearby and local residents. Additionally 27 objections have also been made direct to the District Council, some of which are included in the 16 made to the County. The issues raised in these objections are set out at Annex 1.

Consultation

14. Details of consultation responses can be found at Annex 2. There have been objections from local Parish Councils and holding objections pending further information from Transport Development Control and Rights of Way.

Part 3 – Relevant planning documents

Relevant Development Plan and other policies (see Policy Annex attached to this Agenda)

24. Planning applications should be decided in accordance with the Development Plan unless material considerations indicate otherwise.
25. The Development Plan for this area comprises:
 - The South East Plan (SEP), relevant policies: CC6, NRM9, W1, W6, W17.
 - The saved policies of the Oxfordshire Minerals and Waste Local Plan (OMWLP), relevant policies –W3, W4, W5, PE5, & PE11.
 - The South Oxfordshire Local Plan (SOLP), relevant policies: C1, C2, C6, EP1, EP2, T1, & T3.
26. The SEP forms part of the development plan. However, the Government has made it clear that it intends to abolish regional strategies. The Localism Act enables the Secretary of State to revoke the whole or any part of a regional strategy by order. Whilst no such order has been made at the time of writing, the published intention to revoke is a material consideration to which substantial weight should be given. Particularly relevant is Policy W17.
27. The Oxfordshire Minerals and Waste Core Strategy (OMWCS) has not yet been adopted. However, the public submission document was approved by the Council on 3 April 2012. This plan is at an advanced stage and it should therefore be given significant weight. The relevant policies are – W4, W5, & W6
28. The National Planning Policy Framework (NPPF) and Planning Policy Statement 10 (Planning for Sustainable Waste Management) are material considerations.

Part 4 – Analysis and Conclusions

Comments of the Deputy Director for Environment & Economy (Strategy & Infrastructure Planning)

29. The key planning issues are –
 - i) Whether there is sufficient information to assess the application.
 - ii) Consistency with waste policy.
 - iii) Whether the landscape and visual impacts are acceptable.
 - iv) Environmental and amenity effects; and

v) Transport implications

Is there sufficient information to assess the application?

30. Following initial consideration of the application, an officer site visit and discussion with the applicant, officers wrote to the agent in mid-July requesting further clarification and details, in particular to address the issues raised by the Transport team concerning the totality of likely vehicle movements, the Environment Agency in terms of the type of waste to be processed and the Rights of Way officer in terms of the impact on the definitive public footpath running through the site.
31. To date, and despite reminders, there has been no substantive reply to these requests for more information. The application must therefore be considered on its merits as it stands. At present it would appear that the proposed use is likely to:
- Generate additional vehicle movements onto Long Toll that this narrow road could not satisfactorily accommodate and involve skip lorry trips driving through Woodcote village
 - Result in the processing of some non-inert waste inappropriate in this rural area
 - Block or obstruct the definitive route of a long established public footpath
 - Give rise to noise nuisance from the plant and machinery to be located in the open as part of the waste operation (the crusher, screener & shredder)
 - Involve waste being brought in from the Reading area, which is obviously outside Oxfordshire and cannot be said to be locally derived

These elements would result in harmful impacts on the locality contrary to adopted policy in the development plan.

Waste Policy

32. Policy W17 of the SEP (Location of Waste Management facilities) states that the suitability of waste sites should be assessed on the basis of whether they have good accessibility from existing urban areas or major new or planned development and good transport connections. This site cannot realistically be said to satisfy either of these criteria.
33. The saved policies of the Minerals and Waste Local Plan are part of the development plan. Proposals for re-use/recycling will normally be permitted (W3) if the site is close to the source of waste and/or market. The application suggests that this will be addressed in a later application to the Environment Agency for an EPPC, but assessment of the application against W3 cannot really be undertaken without information on the likely sources of waste or markets. The applicant has indicated that most of the waste was likely to come from the Reading area. The

proposal, even if it was for processing 10,000 tonnes of waste per annum, appears to fail the first two criteria of Policy W3, namely: (a) the site is close to the source of the waste and/or the market for re-used/recycles material, and (b) the site is well related to appropriate parts of the transport network.

34. Policy W4 of the OMWLP states that such proposals will not normally be permitted in the open countryside unless there is an overriding need and there is no other suitable site available. No evidence has been provided by the applicant to justify this, despite requesting him to do so, and given the data in Policy W4 of the OMWCS there does not appear to be the need for such a facility until 2020.
35. The OMWLP Proposed Submission Document has been approved by Council and is a material consideration. Significant weight should be given to this plan. Policies W4 and W5 acknowledge a need for additional recycling facilities for C&I and CDE waste. Policy W6 says that priority should be given, amongst others, to land in permanent waste or industrial use. This is a brownfield industrial site. However, the last paragraph of this policy makes clear that in the AONB only small-scale waste management facilities to meet local waste needs will normally be permitted. Paragraph 5.54 draws attention to the need to consider the impact of proposals on the objectives of the designation and states that sites handling more than 20,000 tpa are unlikely to be compatible with AONB designation. As set out above, there is some doubt as to how "small" a small scale this facility will be and it appears that 'local' waste will not be the main bulk of the waste envisaged for processing at this facility.
36. The general thrust of existing and proposed waste policy is, therefore, against this proposal as it stands, and given there is uncertainty over the nature of the waste (whether it would all be inert), how much of it would be processed and where it would come from and go to following recycling.

Landscape and Visual Impacts

37. Paragraph 109 of the NPPF recognises the important role of the planning system in contributing to and enhancing the natural environment through protecting and enhancing valued landscapes. The protection of landscape character and avoidance of landscape and visual impact is a key theme that runs through regional and local planning policies, including SEP policy CC6, OMWLP policy W5 and SOLP policy C1.
38. Because the site is situated within the wood it is effectively screened from the wider landscape of this part of the AONB and so in visual terms the impact of such a use and its outside storage of materials, plant and machinery would be relatively limited. However, it would obviously be very noticeable to people using the public footpath and I am concerned

that the application makes no attempt to address the impact of the proposed use on this footpath, given the aim of separating the two sites with a 2m high fence and gates, or even acknowledge its existence.

Environmental and Amenity Effects

Odour

39. If inert waste only is to be processed at this facility then odour should not be a concern. However, because at present there is no firm confirmation of this, and the EA have their own concerns about the nature of the waste, it cannot be determined for sure that there won't be an odour problem for nearby residents.

Noise and dust

40. No information has been provided with regard to the environmental effects of the plant and machinery to be used on the site. The applicant has been requested to do background noise surveys and provide maximum noise levels in respect of the crusher (likely to be the noisiest machine located on site). This has not been forthcoming and in its absence it is not possible to be sure that this use would not create noise (and dust) problems for adjacent residents.

Other issues

41. Issues of compatibility in the AONB and amenity impacts were considered in the case of two recent appeal decisions at Manor Farm, Peppard Common (a planning and enforcement appeal), where the Inspector found in favour of the Council's refusal to grant planning permission.

Transport Implications

42. As set out above, because there is some doubt about whether the waste to be processed at this site will be 'local' and because it will not arrive via the main lorry routing network but on Long Toll, a relatively narrow minor road accessed from a poor junction with the B4526 to the south-east, I do not consider (particularly with concerns about the annual throughput of the site) that the current proposal complies with adopted and likely future policy.

Conclusions

43. This appears on the face of it to be presented as a modestly scaled proposal but there is a lack of clarity about the true intent. The potential for harm to the AONB and nearby uses and the extent to which there is a need for facilities to serve the local area is unclear. These issues are raised in the Core Strategy and also in adopted Minerals and Waste Local Plan policies W3 and W4. Insufficient information has been

provided by the applicant to undertake an adequate policy and impact assessment. Not least in relation to waste need further information would be required in relation to:

- The waste needs of the local area.
- Expected sources of waste.
- Possible markets (if relevant).
- Availability of alternative sites, including existing facilities.

Recommendation

44. It is RECOMMENDED that Application MW.0100/12 be REFUSED for the following reasons:

- 1. The development is contrary to policy W4 of OMWLP as it has not been demonstrated that there is an overriding need to justify the countryside location.**
- 2. On the basis of the information provided, the development proposed would have an unacceptable impact on a public right of way running across the site, contrary to policy OMWLP PE18 and OMWCS policy C9.**
- 3. Insufficient information has been supplied regarding lorry traffic generation. A substantial increase over existing levels would be contrary to OMWCS policy C8 because the site is located off a narrow rural lane.**
- 4. The proposed development is not appropriate in the AONB. It has not been demonstrated that the development would be a small scale facility serving local needs. It is contrary to OMWCS policy W6.**

MARTIN TUGWELL

Deputy Director for Environment & Economy (Strategy & Infrastructure Planning)

September 2012

Annex 1 – Representations

Objections raise the following issues:

- A Waste Transfer Station [WTS] is inappropriate within the AONB
- WTS inappropriate in woodland
- An area of 0.3 Ha is too small for a WTS to practically operate as a recycling facility – at least double the space is required, and therefore the site will just be a waste storage depot
- The use will generate a large number of inappropriate HGV movements on Long Toll and other nearby narrow unsuitable rural roads
- More mud will be deposited on Long Toll and local roads
- The use will be dangerous for cyclists and pedestrians using Long Toll, local roads and the public footpath running through the site
- Noise and other environmental pollution including flies, rubbish, burning and odour to nearby residents and wildlife on and adjacent to the site from the operation, especially from the crusher, shredder and screener situated in the open
- Interference with or blockage of the public footpath running through the site
- Sawmill operatives do not have the skills or qualifications to safely and competently run a WTS
- There is no need for a WTS in this area. It would be contrary to adopted planning policy because such facilities should be located in or close to the main towns in the centre of the County from which such waste arises; only small scale local facilities will be allowed in AONBs – local means those which accept waste within a 5 mile radius whereas this site would process waste from Reading; there is no need for additional building or commercial waste until 2025 as set out in the OMWCS
- No transport study has been provided with the application sufficient to realistically understand the impact of this proposal
- No EIA was submitted with the application
- No ecological assessment was submitted with the application; in particular, it will detrimentally impact on bat flight paths and roosting
- Similar applications in this locality have been refused [see comments below]
- There should be no working on weekends including Saturdays

Annex 2 – Consultation Responses

South Oxfordshire District Council:

No objections.

Goring Heath Parish Council:

Object on the grounds that the proposal will represent an increase in industrialisation within open countryside and the AONB and fails to comply with the OMWCS as follows: Policies W4, W5, W6, & paras. 5.12, 5.53, 5.54, 6.31. It also draws attention to a recent appeal decision that it considers to be relevant to this issue. [These issues are addressed in the Analysis Section below].

Woodcote Parish Council:

Object on the following grounds:

- Inappropriate site within AONB
- Increased HGV traffic through villages in AONB posing safety and amenity issues
- Detrimental effect on public footpath, safety, flora and fauna
- Potential contamination of soil and air

Natural England:

No objection, but AONB board should be consulted.

Environment Agency:

No objections to the proposed change of use.

Advice to LPA/applicant: “This development will require an Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency. This planning application does not cover the waste types that we had anticipated and a conversation with the applicant on 16/07/12 confirms that he will be taking more than just inert waste. His plan is to take mixed non-hazardous household, commercial and industrial waste primarily from demolition and construction work. This will/could include wood, metal and other non-inert waste. We have advised the applicant that he or his agent should discuss this with the LPA to find the best way forward with the application. If planning permission is granted on the basis of this application it will restrict the waste types we can allow in the environmental permit to the extent that it will restrict the applicant's planned business.”

CPRE:

Objects on the following grounds:

- The CPRE opposes in principle any waste facilities within AONBs.
- A waste facility is very different from the sawmill. In particular the crusher and screener will be noisy, dusty and inappropriate in this woodland setting and will lead to loss of tranquillity.
- No need for such a facility in this location contrary to OMWCS.
- The new use and its fences would detrimentally impact upon the public footpath running through the site.

Transport Development Control:

The accompanying Supporting documentation to this application quantifies the expected number of trips from the development as 10 trucks per day on average

However, it is clear that other movements would be generated:

- Staff arrival/departure movements.
- Extent of empty movement & any additional export of processed material movements.
- External contractor arrival/departure movements.
- Sales movements.

Long Toll is a narrow lane, with soft shoulders, within a rural highways network. In highways terms, the addition of numerous HGV movements to this road would not be appropriate. Given, ambiguity over the total number of trips a holding objection is made on the basis of highway safety.

County Ecologist Planner:

- The application is not accompanied by any ecological surveys. No buildings are to be demolished, an existing shed is to be re-clad and used for the waste transfer sorting process. The works would not result in the loss of wooded or landscaped areas.
- There would be noise from the aggregate crusher but the site is currently used as a sawmill and in this case it is unlikely that noise would result in harm to biodiversity.
- Light could potentially be an issue for any bats that might forage along woodland edges. Therefore, if permission was to be granted then a condition should be applied requiring (if it is to be provided) directional lighting that avoids light affecting the woodland.

Oxfordshire Rights of Way:

Goring Heath Footpath 48 runs within the application site and would be obstructed by the proposals. We therefore wish to place a holding objection to this application so that the applicant can give consideration to the current legal alignment (as recorded on the Definitive Map of Public Rights of Way) and the proposed development.

No materials, plant or temporary structures of any kind should be deposited on or adjacent to the path that may obstruct or dissuade the public from using the route whilst development takes place.

The following organisations have been consulted but have not responded:

- BBOWT
- Chiltern Hills AONB
- Thames Water
- Open Spaces Society
- Ramblers Association



