

For: PLANNING & REGULATION COMMITTEE – 10 SEPTEMBER 2012

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

Development Proposed:

Extend existing dust storage shed used in connection with existing asphalt plant.

Division Affected: Sutton Courtenay & Harwell

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

Location: Hanson Aggregates, Appleford Sidings, Sutton Courtenay, OX14 4PW

Applicant: Hanson Aggregates

Application No: MW.0104/12

Application received date: 27 June 2012

Consultation Period: 19 July – 9 August 2012

District Council Area: Vale of White Horse

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Recommendation

That the application be approved.

Part 1 – Facts and Background

Location (See Plan 1)

1. The Hanson's site is located adjacent to the railway sidings about 300m west of the main Oxford-Didcot railway line at Appleford crossing just south of Appleford on the B4016. It is accessed by HGVs from a roundabout on the A4130 200m east of the Didcot power station boundary, which lies 500m to the south of the site. The site comprises the asphalt plant and related industrial and storage uses. The nearest residential property is next to Appleford crossing.
2. A public right of way runs along the haul road but would be unaffected by this proposal.

Relevant Planning History

3. The wider site was used in the 1950s & 1960s for gravel extraction followed by landfilling and its use as a recycling facility dates from the 1980s. The asphalt plant was the subject of planning permission on 11th June 1973 [MW.005/73 – P/633/72].

Details of the Development

4. The proposal is to extend the existing storage shed for storing 0-20mm material (dust) used in connection with the adjacent asphalt plant. The existing 3-bay shed of 217m² would be extended by an additional bay of 100m², 317m² in total. It would measure 10m x 10m and be the same height as the existing shed, 6.5m.

Part 2 – Other Viewpoints

Third Party Representations

5. One objection:
 - Hansons should limit the operation of the asphalt plant so that any requirement for dust storage can be accommodated within the existing dust shed. The extension to the dust shed proposed by this application is not modest and is contrary to Local Plan policies NE9, NE10 & NE11 aimed at safeguarding the open space between the villages and the landscape.
 - Of particular concern is that this follows on from an earlier application in January of this year (Application No: 11/02440/CM), which was in effect a retrospective application by Hanson's to import reject building blocks and crush them, a procedure which had been carried out at the site without permission for some time.

- Granting this application would be tantamount to the County Council once again turning a blind eye to this company's failure to seek permission for its activities until "found out". It should therefore be rejected, as a clear signal that that the site should be managed effectively, with due regard to conditions aimed at ensuring that the local community is not adversely affected.

Consultations

6. Vale of White Horse District Council: No objections.
7. Sutton Courtenay Parish Council: The Parish Council is concerned at the back to front operation of the process - storing dust and then applying for sheds in which to locate it. The Council believes that there could be a more effective use of the site. Should consent be granted, then the sheds must be kept to a size and number suitable for dust suppression to avoid a gradual expansion of activities and intensification of the uses.
8. County Ecologist: No specific comments on this application, apart from:
 - The duties of the council in relation to protected species are set out at Annex 1.
 - Our records and/or the habitat on and around the proposed development site and/or ecological survey results indicate that European Protected Species are unlikely to be present. Therefore no further consideration of the Conservation of Species & Habitats Regulations is necessary.
9. Highways & Transport: No objection.
10. CPRE: Oppose this application:
 - Since granting it would condone the inappropriate and excessive operation of the site. The operator should be required to remove the dust currently stored in the open and to limit future operations to the amount that can be stored in the existing sheds.
 - It has been knowingly producing dust at a rate in excess of the plant's storage capacity. As a result a large and unsightly pile of dust has accumulated for which there is no suitable cover and is creating a real or potential environmental nuisance that is causing concern to the relevant authorities.
 - Enforcement action would be more appropriate than retrospective sanction. The operator should be required to curtail production of the dust until the environmental hazard is removed and subsequently to restrict operations to a level that does not exceed the capacity of the covered storage. Should enforcement action not be practicable and the Planning & Regulation Committee feel that it has no choice but to permit the extension, it should be accompanied by rigorous conditions to prevent further unpermitted extension of activities at the plant.

11. The following organisations were consulted but have not responded:

- Thames Water
- Environment Agency
- Appleford Parish Council
- Didcot Town Council
- BBOWT
- Natural England (Biodiversity)
- County Rights of Way officer
- Open Spaces Society
- Ramblers Association

Part 3 – Relevant Planning Documents

Relevant Planning Policies

12. Planning applications should be decided in accordance with the Development Plan unless material considerations indicate otherwise.
13. The Development Plan for this area comprises:
- The South East Plan (SEP)
 - Oxfordshire Minerals and Waste Local Plan (saved policies) (OMWLP)
 - Vale of White Horse Local Plan (VLP)
14. Other documents that need to be considered in determining this development include:
- Oxfordshire Minerals and Waste Core Strategy Proposed Submission Document (OMWCS)
 - National Planning Policy Framework (NPPF)
15. The South East Plan (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 had been made at the date this report was drafted, the published intention to revoke is a material consideration to which substantial weight should be given.
16. The Oxfordshire Minerals and Waste Core Strategy has not yet been adopted. However, the proposed submission document was agreed by Council on 3 April. As this plan is now at an advanced stage, significant weight should be given to its policies.
17. The Government's National Planning Policy Framework is a material consideration in taking planning decisions. However, it does not contain specific waste policies as these will be published as part of the National Waste

Management Plan for England. Key extracts of the NPPF are highlighted in the planning policy annex.

Relevant Policies

18 The relevant policies are:

- NPPF – Sections in this document refer to building a strong, prosperous economy.
- SEP – M5
- OMWLP– SD9
- VLP – NE9, NE10, NE11
- OMWCS – M4

Part 4 – Assessment and Conclusions

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

19. The key planning issues to consider in deciding this application are:

- i) Consistency with policy.
- ii) Are the visual impacts of the proposal acceptable?
- iii) Environmental & amenity effects.

20. The site is located within the rail depot area as set out in the OMWLP Sutton Courtenay Inset Map 1. Policy SD7 states that rail head development for the import of aggregates will be encouraged including at this specific location and Policy SD9 states that development of uses or buildings sensitive to disturbance from activities at rail depots will not be permitted. Policy M5 in the SE Plan states similar. Policy M4 in the draft OMWCS proposed submission document also safeguards the site for appropriate uses. The asphalt plant is clearly such an appropriate use dependent on rail import of aggregates including dust.

21. The asphalt plant is an authorised long-established use. As such any development to secure its continued viable use that does not affect the operation of the rail depot is acceptable in principle.

22. The proposal is to extend the size of the existing dust storage shed, which is itself located adjacent to other aggregate storage sheds and the asphalt plant itself. The extended shed will obviate the need for open storage of dust and therefore help prevent wind-blown migration from the site, which can only serve to benefit the nearest residential properties. Because these are in any case some distance away and the site comprises a number of other industrial sheds used for similar purposes there will be no visual impact on the nearest residential properties or the wider landscape, which is dominated by the asphalt plant and Didcot power station. The proposal will have no impact on the public RoW running along the haul road.

23. In relation to the comments of the CPRE and the other objector, the asphalt plant is an authorised use that has no restrictions on it in terms of its operational capacity. The Council therefore cannot legally impose through enforcement action a production limit on its capacity. There is no evidence that any environmental nuisance is currently being created – there have been no complaints of which the Council is aware. The proposed development would help to contain this dust within the site and as such can only serve as an environmental benefit.
24. The other objector says the proposal conflicts with Policies NE9, 10 & 11 in the Vale of White Horse Local Plan (VLP)LP, the adopted District Plan for this area. Policy NE9 states: *‘Development in the lowland vale will not be permitted if it would have an adverse effect on the landscape, particularly on the long open views within or across the area.’* The site lies within the lowland vale as defined on the Proposals Map of the VLP. As set out above, the existing dust shed, the neighbouring larger storage shed for coarser grain material and the asphalt plant itself (all of which are authorised by planning permissions) are viewed within the wider landscape context of the whole Sutton Courtenay site. An additional wing on to the existing dust shed would not adversely affect this landscape setting – it would be inconsequential.
25. Policy NE 10 states: *‘In the urban fringes and important open gaps between settlements, as shown on the Proposals Map, development or changes of use which would harm their essentially open or rural character will not be permitted.’* The land immediately to the south of the haul road is defined as such on the Proposals Map but the site itself does not lie within this area and there is therefore no conflict with this policy – the asphalt plant and its associated storage sheds lie to the north of the haul road.
26. Policy NE11 states: *‘Proposals for development within or affecting areas of damaged or compromised landscape, in particular those areas defined for landscape enhancement on the Proposals Map, must provide a landscaping scheme which enhances the appearance of the area. Development which would further erode or damage the character of the landscape will not be permitted.’* The site lies within an Area for Landscape Enhancement as defined on the Proposals Map and there is no specific landscaping plan submitted with this application. However, this is not surprising because the dust shed sits within the operating yard of the asphalt plant within which heavy plant and vehicles are employed to move materials such as this from the storage sheds to the asphalt plant itself. As set out above, the plant and its associated storage sheds are seen together as one industrial complex within the landscape and the proposed extension to the dust shed would not further erode or damage its character.

Conclusion

27. The proposed extension to the dust shed will have no detrimental landscape impact and will help to contain dust within the site. It complies with policy in the Development Plan.

Recommendation

- 28. It is RECOMMENDED that planning permission be approved for application MW.0104/12 to extend existing dust storage shed used in connection with existing asphalt plant, subject to conditions to be determined by the Deputy Director for Environment & Economy (Strategy & Infrastructure Planning) but to include those matters listed below:**

Heads of Conditions

- 1. Complete accordance with application**
- 2. Development to commence within 3 years of the date of permission**
- 3. External materials as per existing building**

MARTIN TUGWELL

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

Annex 1

Duties of the Council in relation to Protected Species

The Local Planning Authority in exercising any of their functions, have a legal duty to have regard to the requirements of the Conservation of Species & Habitats Regulations 2010 which identifies 4 main offences for development affecting European Protected Species (EPS).

1. Deliberate capture or killing or injuring of an EPS.
2. Deliberate taking or destroying of EPS eggs.
3. Deliberate disturbance of an EPS including in particular any disturbance which is likely:
 - a) to impair their ability –
 - i) to survive, to breed or reproduce, or to rear or nurture their young, or
 - ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate; or
 - b) to affect significantly the local distribution or abundance of the species to which they belong.
4. Damage or destruction of an EPS breeding site or resting place.

