

Division(s) affected: Sonning Common

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PLANNING & REGULATION COMMITTEE – 12 JULY 2010

CHANGE OF USE AND ALTERATION OF LAND AND BUILDING AT MANOR FARM, PEPPARD COMMON TO A SMALL SCALE INERT MATERIALS RECOVERY FACILITY FOR THE PRODUCTION OF RECYCLED AGGREGATES

Report by Head of Sustainable Development

Location: Manor Farm, Peppard Common, Henley-on-Thames, RG9 5LA.

Applicant: Mr. Ben Payne, Clemson Demolition.

Application No: P10/E0675/CM

District Council Area: South Oxfordshire

Introduction

1. The owners of Manor Farm Industrial Estate are seeking planning permission for a facility to recycle up to 20,000 tonnes per year of inert construction and demolition waste on an area of land currently used for the storage of agricultural machinery. The proposal aims to contribute to the production of secondary aggregates and reduce the amount of waste being sent to landfill.

Location (Plan 1)

2. Manor Farm industrial estate is situated approximately 3.5 miles (5.6kms) from the A4130 (Wallingford to Henley Road) on the B481 north of the villages of Rotherfield Peppard and Peppard Common.

The Site and Its Setting

3. The application site is within the Chilterns Area of Outstanding Natural Beauty ('AONB') and is within an area of semi-enclosed dipslope (a gently sloping landform) of the Chilterns Plateau and Valleys landscape character area as defined by the South Oxfordshire Landscape Assessment ('SOLA').
4. The site is located adjacent to the western boundary of Manor Farm Industrial Estate, which is located off the B481 which connects Reading with Sonning Common and Nettlebed, on the outskirts of Rotherfield Peppard and Peppard Common. The application site is approximately 400m from the boundary of the Rotherfield Peppard Conservation Area. The application site covers an area of 0.4Ha.

5. The application site is located on agricultural land. There is an existing agricultural barn which has a footprint of approximately 370m² and a concrete yard of approximately 850m², both of which are currently used for the storage of agricultural machinery. The existing barn has a ridge height of 6.2m. The site is enclosed by 2.5m high bunding. The nearest residential property to the application site is approximately 250m to the south-east of the site. There are a number of residential properties directly opposite the entrance to the industrial estate. The nearest being approximately 50m metres distant. Access to Manor Farm is through the Industrial Estate which is directly off the B481.

Background Information and History

6. Clemson Demolition began operating as a local demolition contractor in April 2007 and operate from offices within Manor Farm Industrial Estate. The applicant began operating the site as an inert waste recycling operation without obtaining planning permission. As a precursor to starting a potential enforcement action the County Council issued a Planning Contravention Notice on the site owner in June 2009 at which time work on the site ceased and the applicant entered into pre-application discussions.

Details of the Development

7. The proposal involves the import of inert construction and demolition waste and the export of recycled aggregates. The facility would have a maximum throughput of 20,000 tonnes per year. The applicant states that there would be 4 to 5 trips (into and out of the site) by two 32-tonne HGV's daily (8 to 10 total movements).
8. The existing open sided barn would be modified to facilitate the proposed development. The applicant states that the building would be enclosed through a combination of concrete blockwork up to a height of 1.8m with dark green plastic coated profiled sheet metal insulated cladding from 1.6m up to the roof which would match the existing materials. Access to the building would be provided by sliding doors on the western side (front) and a sliding door on the southern side which would be profiled to match the existing and proposed materials.
9. The application states that in addition to the barn, four prefabricated concrete bays would be erected within the site for the storage of incoming inert material and outgoing recycled aggregates. Incoming inert waste would be stored in a bay measuring 9m (length) x 6m (width) x 3m (height). Processed recycled aggregates would be stored in three bays measuring 23m (l) x 6m (w) x 3m (h). The bays would be linked to the building by a conveyor.
10. Access to the application site would continue to be from the main access to the industrial site from the B481. The applicant is not proposing to widen or create any new access roads. Within the site bunding on the southern margin of the application area would need to be removed to allow HGVs to access the

facility. The material that would be taken from this bunding would be used to fill an existing gap in the northern screening bund.

11. The applicant is proposing to use the site between the following hours:

Monday – Friday	08:00 – 17:00
Saturdays	08:00 – 13:00
Sundays and Bank Holidays	Closed

Consultation Responses

South Oxfordshire District Council

Environmental Protection Officer (EPO):

12. Concerns regarding the potential impact from:
- Dust arising from unloading/loading operations and the screening/crushing processes.
 - Noise from equipment and plant on site (including the telescopic handler, mobile conveyors, mobile screener, mobile concrete crusher, lorries).
13. The information in the application is insufficient to allow full assessment of the impact of noise (A revised noise assessment for consideration by the EPO has been requested from the applicant but has not yet been received). The results of any further consultation with the EPO will be reported in an addendum to this report.

Planning:

14. Objects on the following grounds:
- The proposed development constitutes an expansion of non-agricultural activities into the open countryside of the Chilterns AONB.
 - The use of 2.5 metre high mounds constructed of dubious source materials to screen the proposed change of use from views of the countryside, will not result in a development that is appropriate to the landscape character of the area as described in the South Oxfordshire Landscape Assessment (SOLA).
 - It is therefore harmful to the natural beauty, special landscape quality and distinctiveness of the Chilterns AONB and the rural character of the countryside, and contrary to policies G2, G4, C1 and C2 of the South Oxfordshire Local Plan 2011; PPS4 – Planning for Sustainable Economic Development and PPS7 – Sustainable Development in Rural Areas.
 - The current proposed development therefore appears to be part of a general pattern of expansion that will, if left unchecked, continue to make

inroads into the countryside and the AONB, contrary to the above mentioned policies.

- The application site is situated immediately adjacent to a complex of former agricultural buildings, which now enjoy planning permission for various industrial purposes falling within use classes B1, B2 and B8. Planning permission for the reuse of these former agricultural buildings has generally been granted in accordance with current policy E8 of the SOLP 2011, on the basis that these buildings were surplus to agricultural need.
- However, the current application to OCC generally coincides with the recent submission to SODC of a notification of an intention to erect a new open-sided barn elsewhere on the farm, allegedly for an agricultural need. The existing open-sided barn, which is the subject of the current application with the OCC, would not therefore appear, at face value, to be surplus to agricultural need. In these circumstances the proponent has been advised by the SODC that the proposed new open-sided barn will require the submission of a full planning application demonstrating a specific agricultural need that cannot be met by other buildings.
- The SODC is concerned that this might in time prove to be a pattern, involving the conversion of existing agricultural buildings to non-agricultural purposes and the erection of new agricultural buildings to replace the buildings so converted. The repetition of such a pattern would in time have an adverse impact on both the countryside and the AONB. It would also be contrary to the intention of policies E8 and A1 of the SOLP 2011, regarding the reuse of agricultural buildings and the erection of new agricultural buildings respectively.

Rotherfield Peppard Parish Council

15. Objects to the proposal for the following reasons:
- Location is wholly unsuitable within the Chilterns AONB.
 - The Parish Council is concerned about breaches of conditions relating to previous consents at the site issued by SODC.
 - The Parish Council is also concerned about the nature of new activity in the north-east of the site.
 - The Council supports the views submitted by SODC.

Rotherfield Greys Parish Council

16. Objects to the proposal as it is inappropriate development within a designated area of outstanding natural beauty.

Campaign for the Protection of Rural England (CPRE)

17. Objection on the grounds that the expansion and diversification of the site would represent inappropriate development in the Chilterns AONB and would generate unacceptable impacts in terms of traffic and noise.

Chilterns Conservation Board

18. Objects to the application for the following reasons:
- The proposal is considered to be contrary to the Chilterns AONB Management Plan and policies within the South Oxfordshire Local Plan as it would neither conserve nor enhance the natural beauty of the Chilterns AONB.
 - The board is particularly concerned about the impact of noise and this is in conflict with the Board's duty to increase the understanding and enjoyment of the special qualities of the AONB.
 - The Board cannot see how changes could be made to this application to make it acceptable and therefore considers that the County Council should refuse it
 - The Board is aware of representations made by the Environment Agency, South Oxfordshire District Council, the CPRE and Rotherfield Peppard and Rotherfield Greys Parish Councils and supports the comments made in these other objections.

Natural England

19. No objection. The application may provide opportunities for biodiversity enhancements. The Council should consider securing measures to enhance biodiversity of the site from the applicant if minded to grant planning permission in accordance with paragraph 14 of PPS9.

Environment Agency

20. Initially objected on the grounds that there was insufficient information to demonstrate that the risk of pollution to controlled waters is acceptable. Under Planning Policy Statement 23: Planning and Pollution Control, the application should not be determined until information is provided to the satisfaction of the Local Planning Authority that the risk to controlled waters has been fully understood and can be addressed through appropriate measures.
21. The Environment Agency has been supplied with further information from the applicant but still maintains its objection on the grounds that it has not been satisfactorily demonstrated that the surrounding land would be protected from contamination.

Transport Development Control

22. No objection.
23. The total number of vehicle movements could be up to 4 times those stated in the application since the proposal would involve:

- imports
 - exports
 - return of HGV empty after importing and
 - return of HGV empty after the export of processed material.
24. Trip generation would be likely to have the potential to slightly exceed 8 movements per day on the 'B' roads to the site, should the 20,000 tonne limit be imposed.
25. An intensification of the scale proposal would be acceptable provided that the impacts to the highway are minimised through the implementation of planning conditions that should include:
- Method of operation and construction travel plan – designate the route and method of working so as to minimise empty trips and specify the roads which should be used.
 - Turning area and car parking – prior to first occupation of the development a turning area and parking spaces should be provided within the curtilage of the site so that motor vehicles may enter, turn around and leave in a forward direction and vehicles may park off the highway.
 - Vision splay details – prior to first occupation the vision splay at the junction of the site and the public highway should be formed, laid out and constructed in accordance with detailed plans which should be approved in writing by the Waste Planning Authority.

County Ecologist

Biodiversity

26. There are no biodiversity issues with this proposal but there are opportunities for enhancements.

Landscape

27. Manor Farm is within the Chilterns AONB. The proposed development would have a visual impact on the landscape (as highlighted by the response from Chilterns AONB Board) so a consideration of whether or not the need for the development outweighs the permanent impact on the landscape of the AONB and whether the development would be in line with SE plan policy C3 should be undertaken. The impacts could be reduced (but not removed) by a suitable landscaping scheme.

Mitigation / Enhancement

28. Should permission be granted, the landscape impacts could be reduced and biodiversity enhancements achieved by a suitable landscape scheme and the long term management of the habitats on the site.

Conditions

29. The County Ecologist suggests conditions that could be added should permission be granted, to include protection of breeding birds, landscaping plan, ecological management plan and maintenance of planting.

County Archaeologist

30. No comments to make.

Rights of Way Officer

31. No comments to make.

Third party representations

32. 11 letters of objection have been received to the proposal. These raised the following concerns:

Noise and dust

- The increases in the level of noise and dust generated are unquantifiable as the plant to be used is unspecified
- Existing noise levels indicate a heavy industrial process occurring at the site prior to obtaining planning permission.

Traffic

- Increase of traffic flow on an unsuitable road
- Inadequate infrastructure to cope with increased vehicle size.
- Access onto the B481 is not adequate.
- Two lorries are not sustainable given the distances the applicant wants to import from places as listed on their website.
- The MRF at Ewelme is more adequately located to the main "A" roads and is therefore accessible to local markets.

Impact on AONB and countryside

- Increased size of development
- Additional screening could be implemented by planting hedge-rows along the top of the bunds
- Manor Farm is within the AONB and on the edge of a conservation area and is therefore in an inappropriate location.
- Photographs supporting the application show the site is not currently being used for agricultural purposes.
- Non agricultural activities should not be expanded within the AONB.
- The proposal is contrary to MWLP policy W3.
- Negative impact on rural views.
- Operating hours possibly outside of normal working hours.

- Potential impacts from smells and fumes
- Acceptance of potentially hazardous waste
- Danger to wildlife.

Planning issues

- The owners show apparent disregard for planning legislation with a consequent history of retrospective applications and unauthorised uses.
- The application is not measured against PPS4: Planning for Sustainable Economic Growth and there may therefore be cause for expansion.
- A number of applications at Manor Farm have been retrospective.
- The proposal would be detrimental to the quality of life, environment and business interests locally, contrary to PPS1: Delivering Sustainable Development.
- The site has been subject to a number of investigations and has infringed its agricultural status.
- The plans offer insufficient guarantees that surface water contamination would not occur.
- Evidence that waste is being delivered from other waste management companies.

Relevant Development Plan and other policies

33. This development should be assessed against the policies of the Development Plan taking into account any material considerations. The Development Plan for this area comprises the South East Plan (SEP) and the saved policies of the Oxfordshire Structure Plan, Oxfordshire Mineral and Waste Local Plan (OMWLP) and South Oxfordshire Local Plan (SOLP). All relevant policies are listed in the policy annex.
34. In a letter from Eric Pickles (Secretary of State for Communities and Local Government) dated 27 May 2010 the Government outlined its intention to abolish Regional Spatial Strategies (including the South East Plan). He has advised that this statement should be regarded as a material consideration in the decision making process.
35. The key policies relating to this development are (i) need policies (ii) AONB and open countryside policies (iii) transport impacts policies (iv) local amenity policies and (v) re-use of agricultural buildings policies.
36. Relevant policies are: (i) need for the development: SEP policy M2 (ii) Location of the site within the AONB: relevant guidance is contained within Planning Policy Statement 7: Sustainable Development in Rural Areas, PPS10: Sustainable Waste Management, policy W17 of the SEP, policies W3 (a) and W4 of the MWLP and SOLP policies C2, C3 and G4 (iii) Transport issues are covered by policies T1 of the SEP and W3 (c) of the MWLP (iv) to determine impacts on local amenity, policies to be considered are policies W3 (c) and (d) together with PE18 of the MWLP and (v) for re-use of agricultural buildings, the relevant policy is E8 of the SOLP.

37. The relevant policies are available in full in the accompanying Policy Annex.

Comments of the Head of Sustainable Development

38. The key planning issues are:

- i) Need for the development;
- ii) Location within the AONB and open countryside;
- iii) Traffic;
- iv) Impact to local amenity.
- v) Reuse of agricultural buildings

i) Need for the development

39. Policies from the SEP and MWLP encourage recycling, and the SEP sets an apportionment of 0.9 million tonnes per annum for inert construction and demolition waste recycling in Oxfordshire. Government has recently advised that it intends to abolish regional plans and encourage planning authorities to set their own targets. However, at present we have no better or more authoritative target to work to than that set in the SEP.
40. There is a need for small-scale waste management facilities in this part of the County. A review in 2009 of permitted facilities indicated a total capacity for the production of secondary aggregates of 936,676 tonnes per annum but the majority of these consents are temporary. This proposal would, therefore, contribute to the targets set out in SEP policy M2.
41. Whilst the proposal would utilise a redundant agricultural building and its curtilage, it could be considered that a site with a 20,000 tonne capacity would be of more than local importance and would not, therefore, be small-scale. The SEP does not quantify a “small-scale waste management facility”. In my view, I consider that policies concerning small-scale waste management facilities would be appropriate for the consideration of this proposal.
42. Clarification has been sought from the applicant since advertising on the company website suggests that they serve markets in Birmingham, London and Swindon. The applicant has confirmed that whilst some work is undertaken in these locations 70% of the operation would serve the Henley-on-Thames area and that any work carried out in these locations would be too costly to bring materials back to this site to recycle and would therefore be processed closer to those other locations
43. In my view granting more capacity for recycling facilities would be a positive move that supported the thrust of development plan policy. However, it must be determined whether this is a suitable location for such a proposal.

ii) Location within the AONB and open countryside

44. The proposal is for a permanent development on open land in the countryside. It is situated outside the adjacent industrial estate and as such the application site cannot be classified as brownfield land as it has an existing agricultural classification. The proposal therefore constitutes development of greenfield land in the AONB and is accordingly contrary to the key objectives of PPS7 (Sustainable Development in Rural Areas).
45. SEP policy W17 provides criteria to help assess the suitability of sites for waste management facilities and does not preclude small scale recycling facilities in the AONB to serve local objectives providing that they do not compromise the objectives of the AONB. This proposal is utilising the existing footprint of what the applicant considers to be a redundant agricultural building and its associated curtilage. SODC have questioned whether the agricultural building is "redundant". From my recent site visits I can not find any evidence to suggest that it is not redundant. To this extent, the proposal complies with the criteria for identifying suitable sites for waste management facilities within PPS10 and SEP policy W17.
46. Bunding has been erected around the application site (without prior planning permission). The bunds provide screening of the application site and reduce the visible height of the building to 3.7m which would provide some screening for an otherwise visually intrusive development in the AONB. However, the bunds themselves are not constructed from suitable materials (such as soils) and are not sensitively landscaped. Indeed, in my view they appear as an 'alien' landform in the landscape. I consider that they would compromise the objectives of the AONB and I consider them to be contrary to SEP policy W17.
47. The main consideration for SOLP policy C2 is whether the proposal accords with the Chilterns AONB Management Plan. The Chilterns AONB Conservation Group consider that the proposal would result in an increased impact from noise generated by the development and would be contrary to the objectives contained within the Management Plan with regards to impact on the landscape and uniqueness of the Chilterns AONB. In my view these comments are justified and therefore the proposal conflicts with the objectives of SOLP policy C2.
48. The application site is situated outside the defined boundary of the industrial estate. This is more likely to be appropriate should the land continue to be designated for agricultural use. To change the use of the site to an industrial use represents a variation and extension to the distinct boundaries of the industrial unit into the Chilterns AONB and as such its boundaries would not be sufficiently maintained. In my view this constitutes a conflict with SOLP policy G4.
49. South Oxfordshire District Council has raised objections on the basis that the proposal is contrary to SOLP policies in that the facility is proposed in an inappropriate location within the AONB and that it would cause undue harm to the rural character of the area. These views have been supported by the

Chilterns AONB Conservation Group in their consultation response. Given these views I consider that the proposal is contrary to SEP policy C3 since it would give rise to an undue impact on visual amenity within the AONB.

50. Although the proposal would utilise, albeit modify, an existing building, there is no evidence accompanying the proposal of whether there are any other suitable sites that are not in the open countryside in line with MWLP policy W4. As this has not been sufficiently demonstrated, I consider that the proposal conflicts with the principles of MWLP policy W4.

iii) Traffic

51. Transport Development Control has not raised any objections, subject to the imposition of conditions, on the grounds that the proposal is not judged to have a significant impact on the highway. It is considered that the B481 should be able to accommodate the level of additional movements proposed. Therefore, in terms of highway safety the proposal accords with SEP policy T1 and MWLP policy W3 (c).
52. If planning permission is given for this proposal, it would be necessary for the applicant to enter into a routeing agreement to ensure that the B481 is used as the sole route to other major routes, sources of waste and the secondary aggregate market.

iv) Impact to Local Amenity

53. Given that the proposed site is located within the Chilterns AONB then special consideration needs to be given as to whether the need for the development outweighs the permanent impact on the landscape of the AONB and the potential impacts on local amenity. There has been concern raised by the South Oxfordshire District Council Environmental Protection Officer relating to the impacts from noise of the development. The applicant has been requested to undertake a full noise assessment in order to fully determine the impacts of noise. At the time of drafting this report no response has been received on the results of this assessment and any response will be provided in an addendum to this report.
54. There is the potential for the development to give rise to dust due to the movement of waste materials and crushing operations. However, by utilising the measures for dust suppression described in the application and by employing good working practices together with the imposition of conditions controlling dust, then any impacts should be minimised. The proposal would, therefore, accord with MWLP policy PE18.
55. The Environment Agency initially objected to the proposal due to concerns that the previous uses of the site and the future land uses that are the subject of this application could have caused contamination of ground waters of the surrounding land. The applicant is confident that the objection can be overcome and is continuing negotiations with the Environment Agency to produce the required information and if planning permission is minded to be

granted then a condition could be attached requiring submission and approval of this information prior to commencement of development. However, in my view there are other more important issues that require greater consideration. Any further advice from the Environment Agency will be provided in an addendum to this report.

v) Re-use of agricultural buildings

56. It has already been established that the re-use of redundant agricultural buildings is a compatible land use for waste management facilities. In the context of SOLP policy E8, re-use of agricultural buildings may be inappropriate if the level of development needed to upgrade the building is substantial and if there are overriding environmental or amenity concerns. This proposal would involve a fairly substantial level of upgrading to enclose the open area beneath the roof and objections have been raised by South Oxfordshire District Council and Chilterns AONB Conservation Group relating to detrimental impact on the amenity and characteristics of the Chilterns AONB. It has not been demonstrated to me that these concerns could be sufficiently mitigated and I consider that the proposal is contrary to SOLP policy E8.

Other Issues

57. South Oxfordshire District Council and a respondent have raised the issue that the proposal is contrary to PPS4 – Planning for Sustainable Economic Growth. PPS4 contains policies for use when considering economic development within the B Use Classes, public and community uses and main town centre uses. These policies apply to rural areas as they do to urban areas. I do not feel that this document will aid the consideration of this proposal.
58. One issue that has been raised is that the MRF located at Ewelme, approximately 8 miles north of this proposal, is more appropriate than the proposal under consideration. The site at Ewelme has had planning permission for a number of years and is certainly more established, accessible from the A4130 which links Ewelme to Henley-on-Thames and is more suitable for HGVs. The Ewelme site is also in the Chilterns AONB but forms part of a landfill operation and is therefore more acceptable in terms of Development Plan Policy.
59. This application site has not, in my opinion, demonstrated that there is an established overriding need for a facility such as this in its location given the harm that it would cause to the AONB.
60. A number of respondents have commented that there have been a number of retrospective applications at Manor Farm. I am unable to comment on those that have been received by South Oxfordshire District Council. I have stated earlier in this report that waste recycling operations commenced at this site in April 2007 prior to any planning permission being obtained. The intervention of County Council Enforcement Officers has resulted in the development ceasing and the submission of the planning application presented here.

Conclusion

61. The main planning consideration for this application is whether the need for the proposal outweighs the harm to the AONB.
62. It is important to support and enable the provision of recycled materials and the production of secondary aggregates. At present we are meeting, and exceeding, the targets contained within the SEP. Almost all of these facilities have temporary consents but Government is advising that upon abolition of the SEP it will be for the local authority to set their own targets.
63. By virtue of the need for significant screening bunds and the impact of the development, particularly as a result of visual intrusion, this cannot, in my opinion, be classified as an insignificant facility, especially given its setting in the landscape. I therefore consider that its visual and amenity impacts outweigh the need for this facility in accordance with SE policy W17 and MWLP policy W3 (c).
64. There is a need for this type of waste management facility in this area of the County. However, it has not been demonstrated there is an established overriding need for a facility in this location and that this need outweighs the adverse permanent impacts on the characteristics of the AONB. The proposal is therefore contrary to MWLP policy W4.
65. Overall I am not persuaded that the need for this proposal outweighs the harm to the local environment, the AONB and the countryside.

RECOMMENDATIONS

66. **It is RECOMMENDED that planning permission for Application P10/E0675/CM be refused for the following reasons:**
 - (1) The proposal is contrary to SEP policy W17 and MWLP policy W3 in that it has not been demonstrated that the need for the site in the proposed location would outweigh the permanent visual harm to the Chilterns AONB and impact from noise to local residential amenity.**
 - (2) The proposal is contrary to SOLP policy E8 in that the level of development required to convert the agricultural building to an industrial use is inappropriate within the Chilterns AONB.**

CHRIS COUSINS
Head of Sustainable Development

June 2010

Relevant Development Plan and Other Policies

Government Policy

Planning Policy Statement 7: Sustainable Development in Rural Areas

Planning Policy Statement 10: Sustainable Waste Management

Regional Policy

Regional Spatial Strategy for the South East of England

W17, M2, T1

Oxfordshire Minerals and Waste Local Plan 1996

W3, W4, PE18

South Oxfordshire Local Plan 2011

C2, C3, G4, E8