

For: PLANNING & REGULATION COMMITTEE – 8 JANUARY 2018

By: DIRECTOR FOR PLANNING AND PLACE

Development Proposed:

Two applications related to M&M Skips at Worton Farm:

- 1. Section 73 application for non-compliance with conditions 1 and 4 of permission no: 09/00585/CM (MW.0108/09) for waste recycling and transfer facility, to allow re-shaping of site bunding to enable additional car parking provision.**
- 2. Use of land for storage of empty skips.**

Division Affected: Kidlington South

Contact Officer: Kevin Broughton **Tel:** 07979 704458

Location: M & M Skip Hire Ltd, Worton Farm, Worton, Yarnton, OX29 4FL

Applicant: Oxfordshire County Council

Application Nos: MW.0091/17 (Bund reshaping and car parking) and MW.0090/17 (Skip storage)

District ref Nos: 17/02164/CM (Bund reshaping and car parking) and 17/02153/CM (Skip storage)

District Council Area: Cherwell

Date Received: 5 October 2017

Consultation Period: 26 October 2017 – 16 November 2017

Contents:

- Part 1 – Facts and Background
- Part 2 – Other Viewpoints
- Part 3 – Relevant Planning Documents
- Part 4 – Analysis and Conclusions

Recommendations:

- **Part 1 – Facts and Background**

Location (see site plan Annex 1)

1. The M&M Skip operation is located 0.5km north of the A40 and 2km north west of Oxford.
2. The sites are part of a group of waste related operations, and mineral operation within the Oxford Green Belt. The Oxford Meadows Special Area of Conservation (SAC) lies to the south of the site just beyond the A40.
3. The main M&M skip site is on the north eastern side of the existing uses. To the north is a railway line on an embankment, to the south is the existing mineral working and to the west is an Anaerobic Digestion Plant and an area for aggregate recycling. The site is screened from the surrounding area by existing bunds and planting. The widest bund is on the western side of the site.
4. The existing and proposed Skip Storage area is to the south west of the existing uses, on the concrete pad formerly used as a composting site. To the north west is the existing Anaerobic Digestion plant, and to all other directions is open farmland and restored mineral working. The site has been previously granted temporary planning permission for composting which expired at the end of 2010. In 2012 temporary planning permission was granted for skip storage on the site in anticipation that the future of the site would be more certain at a later stage of the Minerals and Waste Local Plan. Under the current permission the use of land for the storage of skips is required to cease and the concrete hard standing to have been broken up and removed by 31st December 2017.
5. The nearest sensitive properties are: 500m to the north east beyond the railway line, and 450m to the west.

Details of the Developments

Reshaping of Bund and Additional Car Parking

6. The proposed development is to cut back parts of the perimeter site bunding adjacent to the existing staff car park and west of the covered bays to provide formal parking for 75 cars, 63 for staff, and 12 for visitors. Car parking at the site has been semi-formal, and has spilled onto the adjoining mineral working plant site area.
7. All re-grading of the bunding would avoid the mature trees adjacent to the site entrance, and the poplar trees behind the bays would be retained.
8. There would be no change to the height of the bunding.

9. In addition the existing perimeter (galvanised chainlink) fencing on the southern boundary of the site is proposed to be replaced and moved out in part to coincide with the permitted boundary of the waste recycling facility. This would then provide additional space for visitor car parking adjacent to the weighbridge office. The new fencing would be 2.0 metre high 'V' mesh and coloured green to match that of the neighbouring anaerobic digestion facility.
10. The proposed site plan shows additional buildings to that on the approved plans and this would need to be rectified prior to the approval of the documents. The applicant states that the development would have no greater impact on the openness of the Green Belt and therefore would be classed as development that is not inappropriate in the Green Belt. However the following reasons for approving the application have been put forward in the application:
 - There would be no outward change in the appearance of the bund.
 - It would enable the recycling operation to run more efficiently.
 - It would regularise the spilling of car parking onto adjoining land.

Retention of Skip Storage

11. The applicant proposes to permanently retain the skip storage operations for the following reasons:
 - The application site had already benefited from planning permission for an in-vessel composting site, though the permission had by then expired, the in-vessel composting proposal not having been pursued in favour of the anaerobic digestion facility;
 - The need to safeguard and expand existing waste management use within the central Oxford area;
 - The environmental benefits of the co-location of waste management facilities;
 - The excellent transport connections of the site;
 - The close proximity of the site to the source of the waste and the point of use of the recycled product;
 - The lack of alternative non-Green Belt sites close to the source of waste;
 - The appropriate separation of the site from sensitive properties to protect them from potential disturbance;
 - The need for more waste recycling capacity and therefore need to retain existing facilities;
 - Supporting the recovery of nationally identified priority waste materials where significant savings in greenhouse gases are made by their diversion from landfill;
 - The use of previously developed land (or redundant farm buildings and their curtilage) rather than a greenfield site;
 - Compatible land uses of a mineral processing plant and organic waste treatment facility on adjoining land; and
 - Lack of harm to the visual amenity of the Green Belt.

12. Further information was requested about the link between the Recycling site and the skip storage. The applicant stated that:
- The skips (and containers) are used to collect the waste and deliver it to the recycling operation.
 - If not needed at another customer's site it is stored until required. This might require storing for a few days to meet customer demand.
 - Containers (in addition to being used to collect waste) are also used to take segregated materials off site.
 - There would be no waste recycling business without the skips/containers used to collect the waste (and transport the sorted materials).
 - There are times when the skips and containers are not in use - though need to be available for use as soon as required, and pending that point they have to be stored somewhere.
 - Before the current site was used, empty skips were stored within the main yard, but as the nature of the business has developed, with new processes and improved segregation, space has become tight and the skips cannot be stored there.
 - The site is conveniently located along the haul road for skip lorries to pick up the empty skips on their way out of the facility.

Part 2 – Other Viewpoints

Representations

13. There has been one third party representation from a neighbouring site operator which expresses support for both applications. They welcome the application for the bund reshaping and additional car parking as it will reduce parking on the haul road and improve safety of vehicles entering their own site. They also welcome the continuation of the skip storage operation, as it minimises movements around the access to their own site, and they believe it to be a vital part of the M&M skip operation.

Consultations

14. Cherwell DC (Planning) – No objection to either application
15. Yarnton PC – no objection to application MW.0091/17, but HGVs should not use Yarnton as a through route.
16. Cassington Parish Council – no objection to application MW.0090/17.
17. Natural England – no comment on application MW.0090/17.
18. Oxford Green Belt Network – no comments on either application.
19. OCC Highway Authority – no objection to either application.

20. OCC Archaeology – no archaeological constraints on application MW.0091/17.
21. OCC Ecology – no objection to either application but in relation to application MW.0091/17, notes that there is no tree planting on the south side of the site as required on approved plans.
22. OCC Arboriculture – In relation to application MW.0091/17, due to impact on trees located within the proposed car parking location – more information is needed in the form of a BS 5837:2012 Trees in relation to design, demolition and construction report. No objections in relation to MW.0090/17.
23. OCC Environmental Strategy Officer – no objections but in relation to MW.0091/17 initially requested a number of conditions be attached. Most of these concerns were addressed by further information from the applicant.
24. OCC Rights of Way – no objection to either application.

Part 3 – Relevant Planning Documents

Relevant planning policies (see Policy Annex to the committee papers)

25. Planning applications should be decided in accordance with the Development Plan unless material considerations indicate otherwise.
26. The relevant Development Plan policies are:

Oxfordshire Minerals and Waste Core Strategy (OMWCS)

- W1: Oxfordshire waste to be managed
- W2: Oxfordshire waste management targets
- W3: Provision for waste management capacity and facilities required
- W4: Locations for facilities to manage the principal waste streams
- W5: Siting of waste management facilities
- C1: Sustainable development
- C5: Local environment, amenity and economy
- C7: Biodiversity and geodiversity
- C8: Landscape
- C10: Transport
- C12: Green Belt

Cherwell Local Plan 2031 (CLP)

- PSD1: Presumption in Favour of Sustainable Development
- ESD 7: Sustainable Drainage Systems (SuDS)
- ESD 9: Protection of the Oxford Meadows SAC
- ESD 10: Protection and Enhancement of Biodiversity and the Natural

Environment

ESD 13: Local Landscape Protection and Enhancement

ESD 14: Oxford Green Belt

The NPPF and NPW are also relevant material considerations.

• **Part 4 – Analysis and Conclusions**

Comments of the Director for Planning and Place

27. Policy C1 of the OMWCS states that a positive approach will be taken to waste management applications reflecting the presumption in favour of sustainable development. That presumption is also set out in Policy PSD1 of the CLP. The proposed development should therefore be granted planning permission unless there are overriding policy or material considerations.
28. The main issues for these applications are Green Belt, the effect on the Oxford Meadows Special Area of Conservation (SAC), location and need for waste facilities, and landscape.

Green Belt

29. Policy C12 of the OMWCS states that proposals that constitute inappropriate development in the Green Belt, will not be permitted except in very special circumstances. Policy ESD 14 of the CLP further states that development proposals within the Green Belt will be assessed in accordance with government guidance contained in the NPPF and NPPG. Development within the Green Belt will only be permitted if it maintains the Green Belt's openness and does not conflict with the purposes of the Green Belt or harm its visual amenities.
30. Both the proposed bund removal and car parking, and the provision of a skip storage operation constitutes inappropriate development in the Green Belt in that neither the construction of a car park, nor a skip storage site are a type of development listed in the NPPF as not inappropriate. The proposals should each therefore only be permitted in very special circumstances.
31. The removal of the bund and car parking would involve the removal of part of a bund which is itself also inappropriate development in the Green Belt and so the development would not lead to additional inappropriate development, rather it would be a change in the type of inappropriate development. The additional parking of vehicles would reduce the amount of parking on the haul roads and around the gates of the operations. In my view the lack of harm to the purposes of the Green Belt combined with the improved safety would amount to very special circumstances in this case.

32. The submitted plans show additional development on the site above that which was permitted by the application to which this Section 73 permission relates. The applicant has claimed that these changes are covered by permitted development rights. In view of the Green Belt location, a condition should be added to remove those permitted development rights and the site plan amended to show only the buildings approved on the previous permission. This would not retrospectively remove any permitted development rights nor would it preclude an application being submitted for the development not permitted, but it would ensure that development not contemplated by this application is not approved.
33. The skip storage operation is not a waste operation and is only being considered by the County Council as planning authority in this case because it affects the restoration of the wider permitted quarry within which it lies. The temporary skip storage permission recognises this and so has a condition requiring the removal of plant, machinery and hard standing at the end of the permission and submission and implementation of a restoration scheme (NB this scheme was required to be submitted by 31st December 2016 but has not been received).
34. The temporary, and proposed permanent skip storage is conveniently located near to the skip waste recycling operation because the skips could no longer be stored on the site. Once the skips have been emptied they are removed from the recycling facility on the lorries either to go to another client or to be stored until needed.
35. There are clearly economic advantages to the operator of having the skip storage near the recycling site, but there is no evidence to suggest that the skip storage forms an essential part of the operation of the site which would render it unable to operate from this Green Belt location if the skips were stored elsewhere. Indeed the storage of skips has been removed from the recycling site to allow for other changes to increase efficiency. There are also sustainability advantages in terms of reducing the overall distance travelled by skip vehicles. However, for inappropriate development to be permitted in the Green Belt, a very high bar has to be met. Whilst this committee has previously taken the view that there were, at the time, very special circumstances for the waste recycling operation to be sited at this Green Belt location, and also subsequently for temporary skip storage, I do not consider that the case has been made for this to now extend to the proposed permanent skip storage. The committee report, addenda and minutes of the the previous decision (MW.0122/12) are shown in annexes 1, 2 and 3 respectively. Whilst the applicant has set out a number of reasons why they believe very special circumstances exist to approve the current application for permanent skip storage, in my view none of these reasons on its own or taken together demonstrate that there is an over-riding need. In this case Very Special Circumstances have not been demonstrated.

The Effect on the Oxford Meadows SAC

36. Policy ESD 9 of the CLP states that developers will be required to demonstrate that the development will not significantly alter groundwater flows and that the hydrological regime of the Oxford Meadows SAC is maintained in terms of water quantity and quality. These proposals would be some 500m north of the site, and between them and the site would be a significant area of restored land that was previously subject to mineral extraction. The extraction was carried out and restored in a way that did not affect the Oxford Meadows, and the proposed relatively minor developments would not have any impact.

Location and need for Waste Facilities

37. Policy W1 of the OMWCS sets out the forecast amount of commercial and industrial waste to be managed in Oxfordshire as 0.54mtpa in 2016 rising to 0.58mtpa by 2031. Policy W2 of the OMWCS seeks to achieve 65% recycling of non-hazardous commercial and industrial waste by 2026, and 70% inert waste recycling by 2031. Policy W3 of the OMWCS states that provision will be made for at least 145,400tpa of additional non-hazardous waste recycling capacity by 2021, rising to at least 326,800tpa by 2031. The OMWCS does not quantify the requirement for inert waste recycling but policy W3 takes a positive approach towards additional capacity being permitted, with no ceiling on the level that may be provided.
38. These policies point to the need for additional waste recycling facilities. However no additional recycling facilities are proposed as part of these applications. The additional car parking is ancillary to the existing waste recycling facility, and the skip storage is an open storage use that may make operations easier and for the applicant but does not directly contribute to additional waste management.
39. Policy W4 of the OMWCS states that strategic waste management facilities (i.e. over 50,000tpa) should normally be located close to Bicester, Banbury, Oxford Abingdon and Didcot. The existing waste facility is stated in its approved documents as expecting approximately 120,000 tpa but has no restriction on throughput.
40. As stated the proposals would not lead to additional waste facilities. The proposed changes to the bund on the existing waste site would help keep a strategic facility that is located close to Oxford. The proposed skip storage would not be a waste use, and is not supported by these policies.
41. Policy W5 of the OMWCS states that priority will be given to siting waste management facilities on land that: is already in waste management or industrial use; is previously developed, derelict or underused; is at an active mineral working or landfill site; involves existing agricultural buildings and their curtilages; or is at a waste water

treatment works. It also states that waste management facilities may be sited on other land in greenfield locations where this can be shown to be the most suitable and sustainable option.

42. The reduction of the bund is for the creation of other ancillary uses on the existing waste site. Although not specifically for the creation of a waste facility it is for the further facilities at a waste site and is in accord with policy W5.
43. The creation of a permanent skip storage operation is on land that is not in existing waste management or industrial use, not in a permanent use at least. The current temporary permission expired at the end of 2017. The site is subject to a restoration condition and is therefore not considered to be previously developed land as defined in the NPPF. The land is near to an existing active mineral site and most of the site itself is shown on the latest section 73 mineral permission for the site (MW.0158/15) as "existing wood recycling operation", but part of the site on the southwestern end is subject to the revised restoration under that permission. The site is not in the curtilage of existing buildings, and is not on a waste water treatment works. Therefore even if the site were construed to be a waste facility because it was closely related to the existing waste site, it would not accord with policy W5 of the OMWCS.

Landscape

44. Policy C8 of the OMWCS states that proposals for minerals and waste development shall demonstrate that they respect and where possible enhance local landscape character. Policy ESD 13 of the CLP states that opportunities will be sought to secure the enhancement of the character and appearance of the landscape. Many of the initial concerns in relation to landscape with regard to application no. MW.0091/17 have been agreed by the applicant, however there are some details that remain unresolved, but they could be dealt with by attaching a condition to application no MW.0091/17 requiring the landscape details to be approved prior to the development taking place.

Other Issues

45. Policy C5 of the OMWCS requires that proposals for minerals and waste development demonstrate that they will not have an unacceptable adverse impact on: the local environment; human health and safety; residential amenity and other sensitive receptors; and the local economy.
46. Neither of the application proposals, with the conditions set out in this report would have an unacceptable impact on the local environment. For the proposed car parking, it would have some benefits in terms of human health and safety because the cars would have safer parking.

The proposed development is sufficiently distant from sensitive receptors that the proposed use would not have a significant impact on them. The proposed car parking and the skip storage would be beneficial to the operator, but would not have a significant impact on the local economy. The proposal would therefore not conflict with policy C5 of the OMWCS.

47. Policy C7 of the OMWCS seeks a net gain in biodiversity as does policy ESD 10 of the CLP. In relation to application MW.0091/17, the proposed development includes additional bat and bird boxes, but the specific numbers and location are not specified. Both applications include a planting scheme. A condition requiring at least two bird/bat boxes in locations to be agreed could be added to application MW.0091/17 if permission were given. With such a condition the proposed development would be compliant with policy C7 of the OMWCS and policy ESD10 of the CLP. In relation to application MW.0090/17 there would be no loss or gain in biodiversity. In this case that would not be an overriding reason to refuse the application.
48. Policy C10 of the OMWCS states that minerals and waste developments will be expected to make provision for safe and suitable access to the advisory lorry routes shown on the Oxfordshire Lorry Route Maps. The proposed developments both have good access on to the A40 and are therefore compliant with policy C10.
49. Policy ESD 7 of the CLP states that all development will be required to use sustainable drainage systems (SuDS) for the management of surface water run-off. The proposed developments did not include SUDS schemes. A condition requiring drainage details of the proposed car parking area, and to the skip storage area could be included in any permissions given.

Conclusions

MW.0091/17

50. The proposed development changes to the bund and the provision of additional car parking as set out in application MW.0091/17 would provide some improvements to the operation of the facility. It is on the site of an existing inappropriate use in the Green Belt, and with the conditions discussed would not have a significant impact on the local landscape. It would have some minor benefits in terms of biodiversity provision. The application should therefore be approved subject to conditions that include:
 - Detailed Compliance
 - Development to be carried out within 3 years.
 - Details of landscaping to be approved.

- Details and location of at least two bat and bird boxes to be approved.
- Drainage details to be approved.

Further conditions would follow from the review of the conditions on the current permission.

MW.0090/17

51. The proposed permanent skip storage facility is inappropriate development within the Green Belt for which no very special circumstances have been demonstrated. The application should therefore be refused for that reason.

RECOMMENDATION

52. **It is RECOMMENDED that:**

- (a) planning permission for application no. MW.0091/17 be approved subject to conditions to be determined by the Director of Planning and Place to include the following:**

- **Detailed Compliance**
- **Development to be carried out within 3 years.**
- **Details of landscaping to be approved.**
- **Details and location of at least two bat and bird boxes to be approved.**
- **Drainage details to be approved.**
- **Permitted development rights removed.**

- (b) planning permission for application no MW.0090/17 be refused. It would be inappropriate development in the Oxford Green Belt and no very special circumstances to justify making an exception had been demonstrated. The application would therefore be contrary to policy C12 of the Oxfordshire Minerals and Waste Core Strategy, policy ESD 14 of the Cherwell Local Plan 2031 and National Planning Policy Framework paragraphs 87, 88 and 90.**

SUSAN HALLIWELL
Director of Planning and Place

December 2017

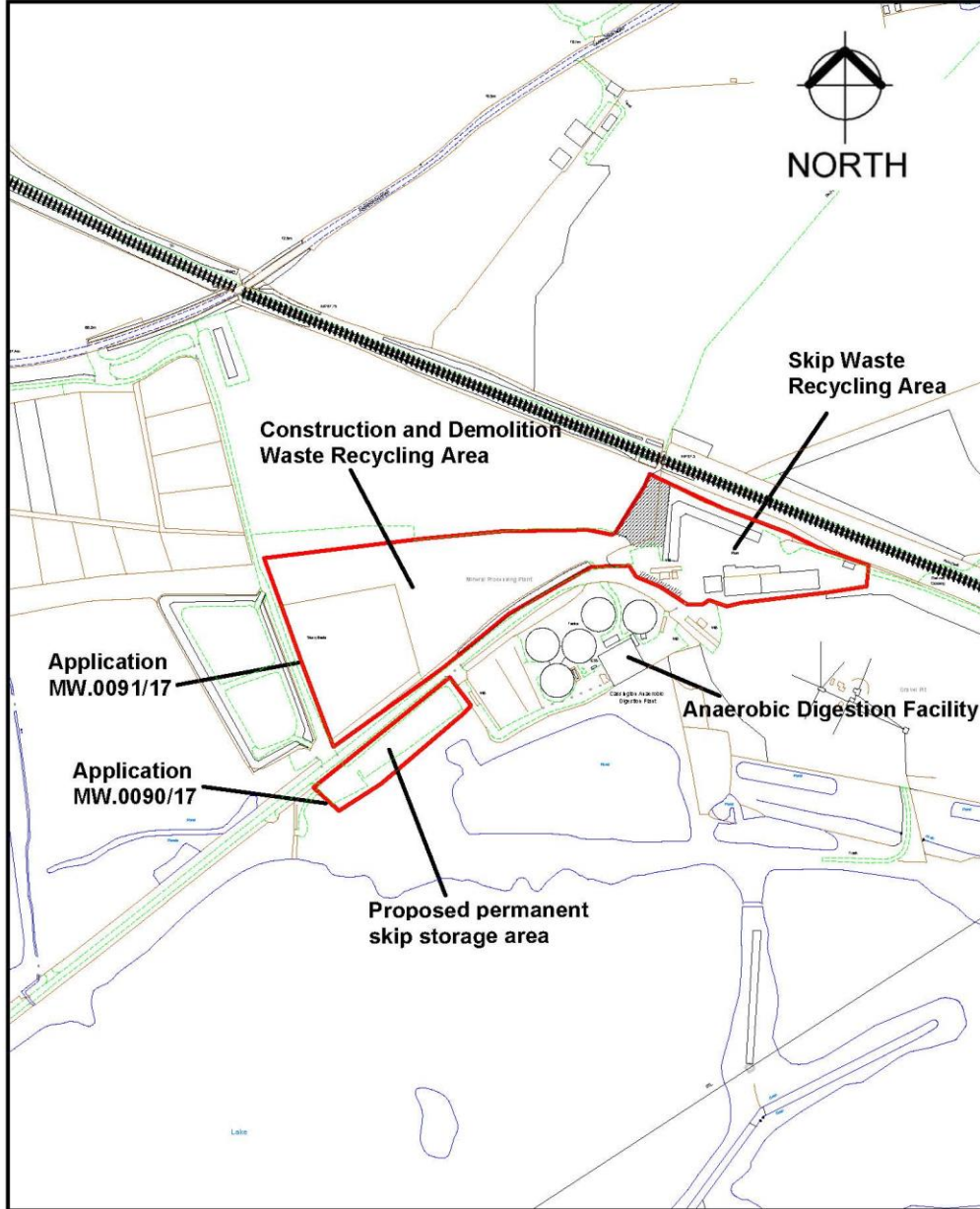
European Protected Species

The habitat on and around the proposed development site indicate that European Protected Species are unlikely to be present. Therefore no further consideration of the Conservation of Species & Habitats Regulations is necessary.

Compliance with National Planning Policy Framework

In accordance with paragraphs 186 and 187 of the NPPF Oxfordshire County Council take a positive and proactive approach to decision making focused on solutions and fostering the delivery of sustainable development. We work with applicants in a positive and proactive manner by; offering a pre-application advice service, which the applicant took advantage of in this case updating applicants and agents of any issues that may arise in the processing of their application and where possible suggesting solutions. Additional information on the plans and in the supporting statement were sought from the applicant on Green Belt and Landscape issues which aided the assessment of the applications in terms of Green Belt and other policies.

MW.0091/17 & MW.0090/17 Worton Farm



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