

For: PLANNING & REGULATION COMMITTEE – 22 OCTOBER 2012

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

Development Proposed:

Use of land for storage of empty skips.

Division Affected: Yarnton, Gosford & Water Eaton

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

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

Applicant: Mandy Constance, Worton Farms Ltd

Application No: MW.0122/12

Application received date: 30 July 2012

Consultation Period: 9-31 August 2012

District Council Area: Cherwell

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Recommendation

The report recommends that the application be approved.

Part 1 – Facts and Background

The site and setting (see Plan 1)

1. The site forms a small part (0.58 hectare) of the larger Worton Farm site and in particular M&M Skip Hire Ltd's waste recycling facility, which provides for both skip waste and construction & demolition waste.
2. The company also used to run a composting and soil blending facility on this and adjoining land under planning permission no. 04/00512/CM & 04/0449/P/CM (dated 25 May 2004). An anaerobic digestion (AD) plant was, however, constructed two years ago (under planning permission no. 08/01781/CM dated 19 October 2009) which is fully functioning over part of the composting site and has replaced composting operations.
3. Recently planning permission no. 11/01355/CM (dated 16 November 2011) has been granted for new bays to be constructed within the main M&M yard immediately adjacent to the AD plant, for the separate storage of sorted waste products and recycled end products, including materials, such as green waste, soil, compost and mulch that were previously accommodated on the remaining area of the former composting site – this application site. The remnants of this material are now being transferred to the main M&M recycling site.
4. The empty skips themselves (as well as the parking of skip lorries overnight) are currently stored within the sand & gravel quarry itself immediately to the east of the AD facility and south-east of the main M&M site, because there is insufficient room for them in the re-modelled recycling site itself.

History of the Site

5. The last permission for the quarry itself [10/01929/CM] which was granted 16 March 2011 extended the extraction period to 31 December 2015, the restoration period to 31 December 2017 and the aftercare period to 31 December 2022. Minerals are not currently being extracted but, given the above time periods, the continued storage of skips in the quarry is undesirable from Hanson's point of view as quarry owners and is in any case not a long-term proposition. The aggregate washing plant in the quarry was also used until recently to recycle excavated material from the BMW Cowley site and this recycled aggregate is still being stored in the quarry under permission 11/00946/CM dated 21 May 2012.
6. The original 2004 composting permission no. 04/00512/CM and 04/0449/CM was a temporary permission that expired on 31 December 2010 and a restoration scheme was required to be submitted and implemented within 6 months of that date including the removal of the concrete hard standing from this application site. However, the use of the site for composting has only stopped very recently and no restoration

scheme has been submitted. During the evidence gathering phases of the Minerals & Waste LDF in 2008 the applicants nominated this site as one suitable for further waste management operations to complement those already taking place on the adjoining land – because it has an existing concrete hard standing. They state that such development would, however, require funding which is unfortunately not available in the shorter term, given the investment that has just taken place in the main yard. Consequently they propose that in the meantime (for a temporary period of 5 years) a sensible use of the area would be for the storage of empty skips. Within this time the Allocations DPD would be finalised and a decision be made on the site's future, either for some alternative waste use or for restoration.

Proposed Development

7. Planning permission is therefore being sought to use the remaining area of the former composting site for the storage of empty skips for a temporary five year period.

Part 2 – Other Viewpoints

Representations

8. No representations have been received to this application.

Consultations

9. Cherwell District Council: Objects on grounds of inappropriate development in the Green Belt which would affect its openness and for which very special circumstances are not considered to outweigh the harm that would be caused. As such the proposal is considered to be contrary to the NPPF, Policy CO4 of the SE Plan, and Policy GB1 of the adopted Cherwell Local Plan. This application is accordingly on this Committee agenda.

Environment Agency: No objection to the proposals on flood risk grounds. This is on the basis that the development platform has been raised to a level of 60mAOD which has previously been agreed as being above the modelled 1in100 year plus climate change flood level. As such, the flood zone classification in this area is considered to be inaccurate.

Natural England: This application lies within 800 metres of the Pixey and Yarnton Meads Site of Special Scientific Interest (SSSI). However, given the nature and scale of this proposal, Natural England is satisfied that it is not likely to have an adverse effect on this site as a result of the proposal being carried out in strict accordance with the details of the application, as submitted.

Transport Development Control: The application is unlikely to have a significant highway impact. No objections.

County Ecologist: From an ecological perspective, the site of the proposed skip storage is very unlikely to support any protected species. It is mainly concrete and has been subject to a lot of disturbance over recent years. Therefore, no surveys are required and the proposal will not have an adverse impact on the local wildlife, any more than the other activity on site currently does. In terms of landscape impact, the development lies within greenbelt, but on land which is already developed and it comprises a change of use which does not appear to be more visually intrusive than what is already there. It would, however, benefit from additional screening.

The following have also been consulted but have not replied: West Oxfordshire District Council (as immediately adjoining LPA), Yarnton Parish Council, Thames Water, Waste Management Team, Rights of Way Officer, CPRE, Open Spaces Society, Ramblers Association.

Part 3 – Relevant planning documents

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

10. Planning applications should be decided in accordance with the Development Plan unless material considerations indicate otherwise.
11. The Development Plan for this area comprises:
 - The South East Plan (SEP), relevant policies: CO4, W17
 - The saved policies of the Oxfordshire Minerals and Waste Local Plan (OMWLP), relevant policies – W3, W4, W5, PE5, & PE11.
 - The Cherwell Local Plan (CLP), relevant policies: GB1
12. 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.
13. The Oxfordshire Minerals and Waste Core Strategy (OMWCS) has not yet been adopted. However, the public submission document was approved by Council on 3 April 2012. This plan is at an advanced stage

and is therefore an important material consideration that should be given significant weight. The relevant policies are – W5, W6, C3, C6, & C8.

14. The National Planning Policy Framework (NPPF) and Planning Policy Statement 10 (Planning for Sustainable Waste Management, March 2011) are also material considerations.

Part 4 – Analysis and Conclusions

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

15. Key planning issues are –
 - i) Is the proposal inappropriate development in the Green Belt and, if so, are there ‘very special circumstances’ that nonetheless justify its approval?
 - ii) Are the landscape and other impacts of this temporary change of use acceptable?

Green Belt Policy

16. Paragraph 87 of the NPPF makes clear that inappropriate development should not be approved in the Green Belt except in ‘very special circumstances’. The NPPF itself does not include waste development in the list of developments that are not inappropriate in Green Belts. PPS10 (paragraph 3, bullet point 6) states that Green Belts should be protected but also states that recognition should be given to the particular locational needs of some types of waste management facilities as well as their wider environmental and economic benefits.
17. SEP policy C04 states that development in the Green Belt will only be permitted if it maintains its openness and does not conflict with its purpose or harm its visual amenities.
18. The proposal does not involve any new build development but is for a change in use of the land. The proposal is to use the concrete hard standing for skip storage with the smaller western lower part of the site, outside the concrete apron, as a lorry turning area. Nevertheless there is little doubt that waste development - in this case the storage of empty skips in connection with nearby waste development (that would on its own be a Class B8 Business storage use) – would be inappropriate development in the Green Belt, which is why the application was publicised as a ‘departure’.
19. Paragraph 79 of the NPPF states: *“The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open.”* Openness essentially means undeveloped. Development obviously includes physical buildings and structures and it can also of course refer

to changes of use, both in terms of its definition in the principal Act and specifically in this Green Belt policy context. In this case the concrete hard standing was allowed under the 2004 temporary composting permission on which there remains a restoration condition including the removal of this hard standing. In any case the openness of the Green Belt would not as a matter of fact be maintained on this site if it was used for storing skips. This adds weight to the conclusion that it is inappropriate development in the Green Belt

20. So although the proposal is inappropriate development does it nevertheless demonstrate 'very special circumstances' sufficient to warrant approval?
21. Will this proposal harm the visual amenities of this part of the Oxford Green Belt? The wider site is located within a thick triangle of land between the main railway line to the north and the A40 to the south and beyond the large restoration lakes. The site itself is not particularly visible from either the railway line (300m to the north-east) or the A40 (450m to the south). Worton Farm itself, belonging to the applicant, is the nearest dwelling approximately 600m to the north-west. The nearest houses in the villages of Cassington and Yarnton are approximately 1.1Km to the west and 750m to the east (beyond the railway line) respectively. The skips would certainly be no higher than the piles of compost or recyclable materials that were until recently stored at the site and as such would have no greater impact. It is not considered, therefore, that there would be any detrimental visual impact to this part of the Green Belt. However, it is considered that this site would benefit from some additional landscape screening to the south by way of an additional tree screen and this is required by condition below.
22. The application site has already benefited from planning permission for the recycling of waste, both for the former (temporary) green waste composting site and by means of the grant of planning permission no. 07/00851/CM for an in-vessel composting site, albeit this permission has now expired. (The in-vessel composting proposal was subsequently not pursued in favour of the anaerobic digestion facility). The use proposed is also temporary and any permission would not be a precedent for any subsequent built development proposals, which would be considered entirely on their merits in relation to the development plan extant at the time.
23. The SEP is consistent with PPS10 and also provides guidance on what 'very special circumstances' may exist to justify waste management facilities in the Green Belt. SEP Policy W17, which sets out the criteria for the location of waste facilities, states that priority should be given to expanding suitable sites with an existing waste management use and good transport connections, and that waste management facilities should not be precluded from the Green Belt. Paragraph 10.56 of the supporting text to this policy explains that this is because of the proportion of land covered by such designations and the pattern of high

density development. Paragraph 10.56 further suggests that factors that may justify a Green Belt location could be lack of suitable alternative sites and proximity to urban areas and the source of waste. These issues are mirrored in the OMWCS.

24. The following factors are therefore considered to be the very special circumstances that justify the approval of this application:

1. Locational needs:

- The priority identified in the SEP and OMWCS for safeguarding and expanding sites in existing waste management use with appropriate infrastructure, specifically including the wider Oxford area in the OMWCS.
- 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 to the point of use of the recycled product.
- The lack of alternative non-green belt sites close to the source of waste and in accordance with Policies W5 & W6 of the OMWCS.
- The appropriate separation of the site from sensitive properties to protect them from potential disturbance.

2. Wider environmental and economic benefits:

- The urgent need for more waste recycling capacity and therefore the imperative to retain existing facilities.
- Supporting the recovery of priority waste materials identified by the Government as those where significant savings in greenhouse gases can be realised by their diversion from landfill.
- The use of previously developed land in the Green Belt (or redundant farm buildings and their curtilage) rather than a greenfield site.

3. Other factors:

- Compatible land uses of a mineral processing plant in the longer term and permanent organic waste treatment facility on adjoining land.
- Lack of harm to the visual amenity of the Green Belt as set out above.
- Previous temporary permission for composting on the site and its use as such and previous (albeit unimplemented) permission for in-vessel composting in 2009.

25. Waste development at the wider Worton Farm site, including the various applications described above, have also been justified on these grounds, and this proposal is relatively minor compared to the main waste uses on the wider site. In short, the site is close to Oxford and its waste arisings, forms part of a complex of waste processing activities and does not harm the visual amenity of the Green Belt. The proposal is therefore considered to demonstrate 'very special circumstances' and comply with relevant development plan policy in respect of the Green Belt.

Environmental Impacts

26. This proposal would not significantly reduce the visual amenity of this part of the Oxford Green Belt, subject to an additional tree screen to the south as set out above.
27. The site is further away from Yarnton than the main M&M site where they were previously stored with permission and therefore any impact from noise or dust will be less and in any case only empty skips would be stored at this site, which in itself is not waste development. There would be no additional traffic impact; the same skip lorries would make the same trips on the A40 and would continue to use the same access to the site to and from the A40. The Highway Authority has no concerns. There are therefore no additional environmental impacts and the proposal complies with OMWLP Policy W3 & OMWCS Policy C3.

Conclusions

28. The proposal for storing skips on this site is part of the existing M&M waste recycling operation and in effect allows the temporary expansion of the business onto this site because the use has outgrown the main recycling site. There would be no harm to the visual amenity of the Oxford Green Belt in this location and no other detrimental environmental impacts. As such the proposal is considered to demonstrate the 'very special circumstances' required by extant national and development plan policy and would, therefore, comprise sustainable development, which should be approved without delay in accordance with paragraph 14 of the NPPF.

Recommendation

19. It is **RECOMMENDED** that planning permission be approved for Application MW.0122/12 to use this land for storage of empty skips, subject to conditions to be determined by the Deputy Director for Environment & Economy (Strategy & Infrastructure Planning) but to include the matters listed below:

Heads of Conditions

1. **Complete accordance with application.**
2. **Development to commence within 3 years of the date of permission.**
3. **Temporary permission expiring 31 December 2017 including removal of all skips, plant and stockpiles & breaking up and removal of concrete hard standing .**
4. **Restoration scheme to be submitted by 31 December 2014 and implemented by 30 June 2018.**
5. **Hours of operation as per main M&M recycling site.**
6. **Access only from A40.**

7. **No floodlighting other than in accordance with any approved scheme.**
8. **No development prior to submission of additional tree screen landscaping belt and implementation of such within first planting season.**
9. **Silencers to vehicles and plant.**
10. **Haul and internal roads swept clean such that no mud deposited on public highway.**
11. **Skips only to be stored on concrete apron and not in vehicle turning area to western side of the site.**

MARTIN TUGWELL

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

October 2012

