

For: PLANNING AND REGULATION COMMITTEE - 19 FEBRUARY 2018

By: DIRECTOR FOR PLANNING AND PLACE

Development Proposed:

Continuation of the development permitted by P17/V0138 (MW.0005/17) (the demolition of existing asphalt plant and construction and operation of a replacement asphalt plant with ancillary plant and machinery, a new weighbridge and portable office) without according with condition 3, in order to allow extended hours of operation

Division Affected: Sutton Courtenay and Marcham

Contact Officer: Mary Thompson **Tel:** 07393 001 257

Location: Appleford Depot, Appleford Sidings, Appleford Road, Sutton Courtenay, Abingdon OX14 4PW

Application No: MW.0109/17 **District Ref:** P18/V0023/CM

Applicant: Hanson Quarry Products Europe Limited

District Council Area: Vale of White Horse

Date Received: 28 June 2017

Consultation Period: 11 January – 1 February 2018

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Recommendation

The report recommends that the application (MW.0109/17) be approved.

• Part 1 – Facts and Background

Location (see plan 1)

1. The site lies within Appleford Rail Sidings. This is located towards the centre of the Sutton Courtenay landfill complex, approximately 0.7 mile (1.1 km) south west of Appleford and 1 mile (1.7 km) east of Sutton Courtenay. Didcot lies 1 mile (1.7km) to the south east. The sidings run for approximately 1km west of the main Didcot to Oxford train line.

Site and Setting

2. The wider Sutton Courtenay site includes active waste management uses undertaken by FCC, including active landfilling, composting, waste transfer and a materials recovery facility (MRF) within 500 metres of the application site.
3. The application site is surrounded by rail sidings and a road stone depot to the north, a waste transfer building and open windrow composting area to the west, restored landfill to the east and south. The operational landfill and Didcot Power station also lie to the south. There is an electricity pylon adjacent to the site.
4. The closest properties lie to the east on Main Road and Chambrai Close in Appleford. These are approximately 800 metres from the application site.
5. The site area is 0.56 hectare and is in flood zone 1, the area of least risk.
6. The site is accessed from the internal road known as the Portway which is a Public Byway Open to All Traffic (10/Sutton Courtenay).

Details of the Development

7. Permission was granted for the demolition of an existing asphalt plant and erection of a new replacement asphalt plant (MW.0005/17) on 26 October 2017, following a resolution to approve by Planning and Regulation committee on 5 June 2017.
8. The previous asphalt plant had been in use for over 30 years and had reached the end of its operational life. The new plant permitted by MW.0005/17 will maintain throughput at 300 000tpa with no change to traffic levels. Coarse aggregates continue to be imported by rail through the adjacent railhead and end products are exported by lorry. The plant will produce hot rolled asphalt for use on roads, pavements and parking areas. Current asphalt production is being maintained through the temporary plant granted under a separate planning permission (see below).
9. In October 2017 a monitoring visit identified that the previous asphalt plant had been demolished and construction of the replacement plant had

commenced prior to the issue of the consent for MW.0005/17. However, this permission was issued later the same month. A temporary, mobile asphalt plant was erected (under consent MW.0137/16) to ensure continuity in asphalt production before the new plant became operational. Under the terms of its planning permission, the temporary plant must be removed by early April 2018.

10. The original asphalt plant permission had no restriction on working hours. However, when application MW.0005/17 was considered, it was understood that approximately 10% of annual production at the original plant took place during periods of 24 hour working for special contracts. The rest took place within the plant's normal operational hours, which were 6am to 6pm Mondays to Sundays.
11. When the replacement plant was proposed, no changes were proposed to the hours of operation. The committee report for MW.0005/17 states that the continuation of the same hours for the new plant should have a negligible impact as there had been no recent complaints. However, to address concerns raised by Sutton Courtenay Parish Council, a condition was imposed to ensure that the existing core hours (6am to 6pm Mondays to Sundays) are maintained and operations outside of those hours are subject to prior notification and approval by the Minerals Planning Authority. This does not prevent 24 hour working but enables the Parish Council to have prior warning of late working and ensures that 24 hour working remains under the control of the Minerals Planning Authority and does not become significantly more frequent than suggested in the application documents.
12. The applicant has applied to amend the condition which requires prior notification and approval of operations outside of the core hours. They have suggested alternative wording which would mean that the plant could be operated on a 24 hour basis on 180 days per calendar year. The applicant has stated that the present wording of the condition is impractical and unworkable because working outside of core hours will be required on many occasions and sometimes at short notice.
13. Night time working allows asphalt to be produced and exported whilst overnight road resurfacing works are taking place. The applicant has submitted asphalt production figures to illustrate that night time working has been a consistent proportion of production over the period 2012-2017.
14. A noise impact assessment has been submitted with this application, which reports noise monitoring which was undertaken at Church Mill Road and Frilsham Street in Sutton Courtenay and at Appleford Crossing and Hartwright House, Hill Farm, in Appleford. It concludes that noise levels from the new plant are predicted to be less than from the original plant, as it uses more recent technology. It states that predicted noise levels would be within the limits specified on the existing consent for the landfill and associated activities (P/14/V0479/CM MW.0009/14) and there is no reason

to assume that the proposed change to the condition would elevate noise levels at the selected sensitive receptors.

15. No other changes are proposed to the permitted development, approved plans or conditions.

• **Part 2 – Other Viewpoints**

Representations

16. No third party representations have been received.

Consultation Responses

17. Sutton Courtenay Parish Council – Object to the proposed extension of hours. The original restrictions were imposed for good reason. The proposal to work during the night for 6 months of the year seems excessive. The original condition should be imposed.
18. Appleford Parish Council – No response received.
19. Didcot Town Council – No response received.
20. Vale of White Horse District Council Planning – No objection but requests that the views of the Local Parish Council and residents are taken in to account. Suggest the conditions regarding noise levels and train unloading etc. are retained in the interest of neighbouring amenity.
21. Vale of White Horse District Council Environment Health – No objection. Not aware of any complaints relating to the operation of the plant, although there have been some related to train unloading and movement.
22. Environment Agency – No comments, do not need to be consulted on this type of application.
23. Natural England – No comments.
24. OCC Transport Development Control – No objection.
25. OCC Ecology Officer – No comments received
26. OCC – Landscape and Green Infrastructure – First response – request further details regarding lighting proposals. The change to working hours is likely to require greater use of artificial lighting. This is an area of moderate light pollution. Further details should be provided to confirm that existing levels of light pollution would not be exceeded, and ideally would be reduced.
27. OCC – Transport Development Control – No objections.

Part 3 – Relevant Planning Documents

Relevant Planning Policies – (see policy annex)

28. Development should be decided in accordance with the Development Plan unless material considerations indicate otherwise.
29. The relevant development plan documents are:
- Oxfordshire Minerals and Waste Local Plan Core Strategy (OMWCS)
 - Oxfordshire Minerals and Waste Local Plan 1996 (OMWLP) saved policies

 - The Vale of White Horse Local Plan 2011 (VLP 2011) saved policies
 - The Vale of White Horse Local Plan 2031 Part 1 (VLP1)
30. The Vale of White Horse Local Plan 2031 Part 2 (VLP2) publication version has been published and the publicity period closed on 22nd November 2017. Therefore, although it is not yet adopted, this document is at an advanced stage and can be given appropriate weight.

Relevant Policies

31. The relevant development plan policies are:
- Oxfordshire Minerals & Waste Local Plan Core Strategy (OMWCS)
 - C1 – Presumption in favour of sustainable development
 - C5 – Amenity

 - Oxfordshire Minerals & Waste Local Plan (OMWLP) 1996
 - SC3 – Routeing agreements in Sutton Courtenay area

 - Vale of White Horse Local Plan (VLP 2011)
 - DC9 – Neighbouring amenity

 - Vale of White Horse Local Plan 2031 Part 1 (VLP1)
 - Core Policy 1 – Presumption in favour of sustainable development
32. The relevant emerging plan policies are:
- Draft Vale of White Horse Local Plan 2031 Part 2 (VLP2)
 - Development Policy 21- External Lighting
 - Development Policy 23- Impact of Development on Amenity
 - Development Policy 25- Noise Pollution

Comments of the Director for Planning and Place

Amenity

33. OMWCS policy C5 states that proposals for minerals and waste development shall demonstrate that there would be no adverse impact on the local environment, human health or residential amenity, including from noise, dust, traffic, light pollution and air quality.
34. VLP 2011 policy DC9 states that development will not be permitted if it would unacceptably harm the amenities of neighbouring properties and the wider environment in terms of a number of factors including noise or vibration, dust, pollution or external lighting.
35. VLP2 development policy 21 states that development that involves external lighting will be permitted provided that there would not be an adverse impact on the character of the area, the amenity of neighbouring uses or on local biodiversity.
36. VLP2 development policy 23 states that development proposals should demonstrate that they will not result in significant adverse impacts on the amenity of neighbouring uses.
37. VLP2 development policy 25 states that noise generating development that would have an impact on environmental amenity or biodiversity will be expected to provide an appropriate scheme of mitigation. Development will not be permitted if mitigation cannot be provided within an appropriate design or standard.
38. Sutton Courtenay Parish Council have objected to this application as they consider that the original condition was necessary to protect the amenity of local residents. They consider allowing night working up to 6 months of the year to be excessive and against the intention of the original condition. However, there has been no objection from the Environmental Health Officer and the submitted noise report states that predicted noise limits from night time operation of the asphalt plant would be within acceptable limits. As stated by the Environmental Health Officer, past complaints have been in relation to unloading activities at the rail sidings, rather than the operation of the asphalt plant. The rail siding operations are subject to a separate planning consent (MW.0028/17) with its own conditions restricting operating hours and noise.
39. It is acknowledged that Sutton Courtenay Parish Council have concerns about the extent of night working proposed and understandable that they have objected to the amendment to a condition that was attached to address their concerns. However, the noise report submitted with this application demonstrates that the proposed night working would not cause significant harm to the amenity of local residents, who are located some distance from the plant. Therefore, in the light of the additional information produced since the original decision was made, it is not considered that

there are policy grounds for refusing the proposed change to the condition wording. However, it is recommended that an additional condition is attached to the consent setting a lower noise level limit for night time operations. The existing consent sets a noise limit of 54 dBLAeq, 1hr at listed properties. The noise report predicts a maximum noise level of 39 dBAeq 1 hr at these properties and therefore it recommended that a further condition is added to limit night time noise to 39 dBLAeq, 1hr in these locations to ensure that the predicted night time noise is not exceeded. Details of the proposed additional condition are provided in Annex 1.

40. Further information has been requested regarding the proposals for artificial lighting the site. At the time of writing the report, this had not been provided by the applicant. Additional night time working would extend the hours during which external lighting was in use, with potential impacts on light pollution affecting amenity and ecology. Therefore, further details of the proposed lighting must be provided and considered before a decision is made on this application. An update on this matter will be provided in an addendum. The recommendation below is subject to satisfactory details of lighting being submitted prior to a decision being taken.
41. The proposed change to the condition is considered to be in accordance with policies protecting amenity, including OMWCS policy C5, VLP 2011 DC9 and VLP2 policy 25, with regard to noise and dust. Further details of external lighting are required before a conclusion can be reached on compliance with the policies listed above and VLP2 policy 21 with regards to light pollution.

Traffic

42. OMWLP policy SC3 states that planning permission in this area will not be granted unless a routeing agreement has been secured to encourage HGVs to use the Didcot Perimeter Road and prevent HGVs from entering the villages of Sutton Courtenay, Appleford and Long Wittenham. This policy is assessed as being partially compliant with the NPPF.
43. OMWCS policy C5 states that proposals for minerals development shall demonstrate that they will not have an unacceptable impact on the environment or amenity in terms of traffic.
44. The existing routeing agreement for MW.0005/17 dated 19th October 2017 would automatically continue to apply to any new permission granted for the same development with updated conditions. Therefore, there would be no need for a new routeing agreement. Therefore, the proposal is in accordance with OMWLP policy SC3.
45. There would be no increase in traffic because of the proposed change to the condition, although it would result in an increase in traffic movements at night. The routeing agreement would ensure that all movements,

including the additional night time movements, would be restricted to suitable roads.

46. Transport Development Control has not objected to the application. Given the continued routeing restrictions, the proposed development is considered to be acceptable in terms of impact on traffic, in accordance with OMWLP policy SC3 and OWMCS policy C5.

Sustainable Development

47. The NPPF contains a presumption in favour of sustainable development which has environmental, economic and social roles and this is reflected in OMWCS policy C1 and Core Policy 1 of the VLP1.
48. This development would represent sustainable development as it would allow asphalt to be produced for overnight road works in the local area.

Conclusions

49. Subject to acceptable proposals for external lighting, the proposed change to the condition is in accordance with relevant development plan policy related to amenity, traffic and sustainability.

RECOMMENDATION

- 50. Subject to consideration of the further information with regard to the detailed external lighting proposals, it is RECOMMENDED that planning permission for application MW.0109/17 be approved subject to the conditions set out in Annex 2 to this report as amended by Annex 1 also to this report.**

SUSAN HALLIWELL
Director for Planning and Place

February 2018

Annex 1 – Proposed Changes to conditions

Condition 3 current wording:

3. Other than with prior notification to and written approval from the Mineral Planning Authority, no operations, including HGVs entering and leaving the site shall be carried out other than between 0600 and 1800 hours Mondays to Sundays.

Condition 3 proposed new wording:

3. Except on no more than 180 nights per year, no operations (including HGVs entering and leaving the site) shall take place other than between 0600 and 1800 hours Monday to Sunday. A record of all working between 1800 hours and 0600 hours will be kept and made available to the Mineral Planning Authority within 7 days of request

Additional condition for night time noise limits:

11. Between 1800 hours and 0600 hours, operations shall not cause a noise level of 39 dBLAeq 1hr to be exceeded at residential properties at Hill Farm, Church Mill Road, Frilsham Street and Appleford Crossing, as set out in the Noise Impact Assessment (Appendix D to the approved Planning Application Supporting Statement) as measured 3.5 metres from the façade of these buildings.

Reason: To minimise any noise disturbance experienced by residents of properties at Hill Farm, Church Mill Road, Frilsham Street and Appleford Crossing. Policy: OMWCS C5.

Other updates to conditions

- Update Plan references in condition 1 to include MW.0109/17 application documents.
- Clarify wording of condition 6 to make clear that the condition refers to day time noise limits (06.00-18.00)

Annex 2 – Conditions on Existing Consent MW.0005/17

1. The development shall be carried out strictly in accordance with the particulars of the development, plans and specifications contained in the application except as modified by conditions of this permission. The approved plans and particulars comprise:

- Application Form dated 14/12/2016 - Planning Application Supporting Statement (including Appendix D Noise Impact Assessment) - AECOM dated December 2016 - Appleford Depot Site Location – Drawing no. 60513403.MAP.001 dated 12/2016 - Appleford Depot Replacement Asphalt Plant Site Location and Access - Drawing no. 60513403.MAP.002 dated 11/2016 - Appleford Depot Replacement Asphalt Plant Site Site Area Plan - Drawing no. 60513403.MAP.003 dated 12/2016 - Appleford Depot Replacement Asphalt Plant Site Existing Site Layout- Drawing no. 60513403.MAP.004 dated 12/2016 - Appleford Depot Replacement Asphalt Plant Site Site Layout Aerial - Drawing no. 60513403.MAP.005 dated 12/2016 - Appleford Depot Replacement Asphalt Plant Proposed Layout - Drawing no. 60513403.MAP.006 dated 12/2016
- Appleford Depot Replacement Asphalt Plant Elevation - Drawing no. 60513403.MAP.007 dated 12/2016
- Appleford Depot Replacement Asphalt Plant Site Weighbridge Detail - Drawing no. 60513403.MAP.008 dated 12/2016
- Outline Drainage Scheme - Drawing no. 60513403.MA.009 dated 14/12/2016

Reason: To ensure the development is carried out as proposed.

2. No development shall commence until a drainage scheme including the following details has been submitted to and approved in writing by the Mineral Planning Authority: i) soakage test information, ii) details of the size/length to the filter trench draining the plant; and iii) information on how the weighbridge will drain. The approved scheme shall be implemented for the duration of the development.

Reason: To ensure the development is carried out in a manner that ensures the site is properly drained and no silt is drained off site. Policy: OMWCS C4.

3. Other than with prior notification to and written approval from the Mineral Planning Authority, no operations, including HGVs entering and leaving the site shall be carried out other than between 0600 and 1800 hours Mondays to Sundays.

Reason: To protect the amenities of local residents of Appleford, Sutton Courtenay and Didcot. Policy: OMWCS C5.

4. No coarse aggregate mineral shall be imported to the site other than that which has been delivered by rail to the Appleford rail sidings.

Reason: To protect the amenities of local residents of Appleford, Sutton Courtenay and Didcot. Policy: OMWCS C5

5. No reversing beepers or other means of audible warning of vehicles reversing shall be fixed to, or used on any vehicle operating on the site, other than vehicles transporting material to and from the site, and those which use white noise.

Reason: To minimise any noise disturbance experienced by local residents of Appleford, Sutton Courtenay and Didcot. Policy: OMWCS C5.

6. Operations shall not cause a noise level of 54 dBLAeq, 1hr to be exceeded at residential properties at Hill Farm, Church Mill Road, Frilsham Street and Appleford Crossing, as set out in the Noise Impact Assessment (Appendix D to the approved Planning Application Supporting Statement) as measured 3.5 metres from the façade of these buildings.

Reason: To minimise any noise disturbance experienced by residents of properties at Hill Farm, Church Mill Road, Frilsham Street and Appleford Crossing. Policy: OMWCS C5.

7. No mud or dust shall be deposited on the public highway.

Reason: In the interests of highway safety. Policy: OMWCS C10.

8. A sign shall be erected and thereafter maintained at the site exit, advising drivers of vehicles leaving the site to turn left and to only travel to the A4130 via the Portway on leaving the site and that returning drivers shall only access the site from the A4130 and by turning right into the site.

Reason: In the interests of highway safety. Policy: OMWCS C10.

9. No floodlighting shall be used before 0600 hours or after 1800 hours without prior notification to and approval in writing from the Mineral Planning Authority.

Reason: To protect the amenities of local residents of Appleford, Sutton Courtenay and Didcot. Policy: OMWCS C5.

10. The asphalt plant and all associated infrastructure shall be removed at such time as the rail sidings approved under planning permission nos. SUT/APF/616/7 and P17/V0789/CM or any subsequent application varying the conditions of either of those planning permissions cease to be used for the importation of mineral for a period of two years.

Reason: To protect the amenities of local residents of Appleford, Sutton Courtenay and Didcot. Policy: OMWCS C5.

Annex 3 - European Protected Species

European Protected Species (to include in Committee/Delegated reports as an Annex, not on Decision Notices)

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 a 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.

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

The recommendation:

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, and
- updating applicants and agents of any issues that may arise in the processing of their application and where possible suggesting solutions. For example in this case, further information was requested and provided in relation to lighting levels on the site.

