

For: PLANNING AND REGULATION COMMITTEE – 2 July 2018

By: DIRECTOR FOR PLANNING AND PLACE

Development Proposed:

Open storage area for empty containers, bins and packaging equipment, including the retention of the old Lab Smalls building for the storage of equipment

Division Affected: Benson and Cholsey

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

Location: Goulds Grove, Ewelme, Wallingford, OX10 6PJ

Applicant: Grundon Waste Management Ltd

Application No: MW.0025/18 **District Ref:** P18/S1301/CM

District Council Area: South Oxfordshire District Council

Date Received: 19 March 2018

Consultation Period: 19 April – 10 May 2018

Recommendation:

The report recommends that the application be approved.

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- **Part 1 – Facts and Background**

Site and Setting (see site plan Annex 1)

1. The site is within the Chilterns Area of Outstanding Natural Beauty (AONB), about half a kilometre (0.3 miles) south of Ewelme and half a kilometre (0.3 miles) east of RAF Benson.

2. The application site is 0.6ha in size and is part of the Ewelme no 1 site, which as well as the HWTs contains workshops, offices, and lorry and car parking. To the north west, lies the Icknield Way, Ewelme no 2 is across the road, and beyond that open countryside. Ewelme no2 is a partially restored landfill site that also has recycling operations on the site for the life of the landfill operation. Other than that, the site is surrounded by open countryside, some of which is restored landfill.
3. The application site is low lying and on the side that is not bordered by the waste management operations there is a 4m high bund with established trees.
4. The application site itself is surrounded by existing waste facilities, offices and associated uses on the rest of the waste complex. It is within the bunded area that is well screened from the surrounding countryside.
5. The nearest residential property is 135m west of the application site adjoining the Ewelme no 1 site. The existing workshops, offices and other waste related uses are between the application site and the house.
6. Benson footpath number 17 runs along the eastern edge of Ewelme no 1 site. This becomes Ewelme footpath number 30 as it crosses Ewelme no 2.

Planning History

7. The Ewelme site was granted planning permission for mineral extraction in 1955, and the site has been the subject of various planning permissions since then.
8. In 1977 planning permission was granted for waste disposal and restoration of the site (SO/W/24/77).
9. Permission for waste transfer operations of special wastes was granted in 1993 (P93/W0049), for a temporary period ending on 31st December 2007. A further two-year retention period was granted in 2007 and expired in 2009 (P07/W0749/CM). The land was required to be restored to farmland.
10. Planning permission was granted for a new hazardous Waste Transfer Station, first on a temporary basis (P10/W0076/CM), and then permanently (P12/S1854/CM) on land immediately to the north.
11. The application site, has since then been used for open storage in connection with the adjoining uses. It has had no permission for such a use and would fall to be restored in accordance with the 1977 permission.
12. There is also a Lab Smalls building located in the south-east corner of the old HWTs. It is of steel portal frame construction, with the external

walls of Van Dyke Brown colour (colour no. BS 4800 – 10 B 29). The building has a footprint of just over 120m, and is 4m high to the eaves of the roof, and 5.3m high at the highest point on the ridge of the roof.

13. This building was originally used for the reception and processing of laboratory chemicals, but these activities have now relocated elsewhere within the existing HWTS. The building is now used to store equipment and Personal Protective Equipment (PPE) for the Industrial Cleaning Service which provides specialist cleaning services including confined spaces cleaning, decontamination, site decommissioning, or pollution and spill control service. The building would only be used for the storage of equipment.

Details of the Development

14. This application is retrospective and seeks the permanent retention of the former Hazardous Waste Transfer Station for use as an open storage area for empty containers, bins and packaging equipment. It also seeks the retention of the old lab smalls building for the storage of equipment.
15. The site would be used in conjunction with the existing permanent Hazardous Waste Transfer facility.

Part 2 – Other Viewpoints

Representations

16. There are no third party representations for this application.

Consultations

17. South Oxfordshire District Council (Planning) – No objections.
18. South Oxfordshire District Council (EHO) – No observations.
19. Chilterns Conservation Board – Objects to the application because the Grundon site is an eyesore and one of the most problematic in the Oxfordshire section of the Chilterns AONB. Much of the concern raised relates to the Grundon operations generally. A package of proposals, including a sum of £15,000 for off site work with local community groups was put forward by the board. A site meeting took place to go through those proposals but agreement could not be reached as the proposals did not relate to the application, and the works that the applicant agreed to do would not satisfy the Board.
20. Environment Agency – no objection.
21. Ministry of Defence – no safeguarding objections.

22. Natural England – no comments to make on the application.
23. OCC (Environmental Strategy Officer) – no objection subject to conditions relating to restriction of operations, lighting, and measures to be agreed by the Chilterns Conservation Board.
24. OCC (Lead Flood Authority) – the drainage arrangements are satisfactory.

Part 3 – Relevant Planning Documents

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

25. Section 70 of the Town and Country Planning Act 1990 requires that planning applications are decided in accordance with the development plan, taking into account local financial considerations material to the application, and other material considerations. The relevant development plan documents are the Oxfordshire Minerals and Waste Local Plan Part 1 – Core Strategy, the South Oxfordshire Core Strategy, and the saved policies of the South Oxfordshire Local Plan 2011.

The Development Plan

26. Oxfordshire Minerals and Waste Local Plan Part 1 – Core Strategy September 2017 (OMWCS)
 - Policy W7: Management and disposal of hazardous waste
 - Policy C1: Sustainable development
 - Policy C5: Local environment, amenity and economy
 - Policy C7: Biodiversity and geodiversity
 - Policy C8: Landscape
 - Policy C11: Rights of way
27. South Oxfordshire Core Strategy December 2012 (SOCS)
 - Policy CS1 Presumption in favour of sustainable development
 - Policy CSEM4 Supporting economic development
 - Policy CSEN1 Landscape
 - Policy CSQ3 Design
 - Policy CSG1 Green infrastructure
 - Policy CSB1 Conservation and improvement of biodiversity
28. Saved Policies of the South Oxfordshire Local Plan 2011
 - There are no policies relevant to this application.

Other Material Considerations

29. National Planning Policy Framework (NPPF)
 - Paragraph 172 (Protection of AONB)

30. National Planning Practice Guidance (NPPG)
 - Natural Environment, Landscape Para 5 (8-005)
31. Chilterns AONB Management Plan 2014 – 2019 (CMP): L1, L5, L6, D11

• **Part 4 – Analysis and Conclusions**

Comments of the Director for Planning and Place

32. Policy C1 of the OMWCS states that a positive approach will be taken to minerals and waste development in Oxfordshire, reflecting the presumption in favour of sustainable development contained in the National Planning Policy Framework. This presumption in favour of sustainable development, is also set out in policy CS1 of the SOCS.
33. Policy W7 of the OMWCS states that permission will be granted for facilities for the management and disposal of hazardous waste where they are designed to manage waste produced in Oxfordshire. It further says that facilities likely to serve a wider area should demonstrate that they will meet a need that is not adequately provided elsewhere.
34. The Ewelme site is a hazardous waste facility that serves predominantly the Oxfordshire area and is a valuable local facility for the handling of hazardous waste from local industry. The proposed development should therefore be granted planning permission unless there are policy or material considerations that dictate otherwise. The main issues for the site are: landscape, local amenity, biodiversity, rights of way, economic development and design.

Landscape

35. 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. Proposals shall include adequate and appropriate measures to mitigate adverse impacts on landscape, and where this is not possible compensatory environmental enhancements shall be made. The policy stresses that great weight shall be given to conserving the landscape and scenic beauty of the AONB, and that proposals for major development should be subject to the 'major exceptions test' as set out in paragraph 172 (formerly 116) of the NPPF. The priority for conserving the AONB is also set out in policy CSEN1 of the SOCS.
36. Paragraph 172 of the NPPF states that planning permission should be refused for major applications other than in exceptional circumstances and where it can be demonstrated that it is in the public interest and sets out three tests that the application should be assessed against.
37. The proposed development is for permanent retention of the use of the former hazardous waste transfer station site and the lab smalls building,

within the existing waste complex. The application site not visible within the AONB because it is screened by bunds and planting, or by the other permitted activities on the site.

38. Paragraphs 5.65 and 5.66 of the OMWCS taken together identify the Ewelme site as serving a wider area and acknowledge that hazardous waste is likely to travel farther than non-hazardous waste. It also notes that the site handles waste from a wider area. In 2012 Oxfordshire produced 52,000 tonnes of hazardous waste, but only managed 31,000 tonnes within the county. The figure for arisings is predicted to rise in the long term to 79,000 tonnes per annum in 2031, however the latest figures showed that it had dropped to 43,000 tonnes in 2016. The nearest hazardous waste disposal facilities are landfills at Swindon, Cheltenham and in East Northamptonshire, and incinerators at Slough and Fawley (Southampton).
39. As there is a shortfall in the facilities for handling hazardous waste within the county, the proposed development would give greater storage space enabling the site to process waste more efficiently. Failure to provide facilities to dispose of hazardous waste would be detrimental to the local economy, particularly as Oxfordshire has a lot of science and research based companies. The wider Grundons site is also an important employer in the local area.
40. There is scope for developing a site for hazardous waste outside the AONB but in this case the proposal is for the land to be used as open storage in connection with the existing permanent hazardous waste transfer facility. It would not therefore be feasible to have open storage elsewhere that would enable such improvements to efficiency at the Ewelme site.
41. The proposed development would lead to a permanent loss of 0.6ha of land within the AONB. However, because the site is low lying and surrounded by a bund and established trees, the land that would be lost is entirely within the existing area of waste management facilities and associated uses. There would be little, if any, visual effect on the landscape, and it would not affect any opportunities for recreation, because the site would not be able to be used for recreation because of the health and safety issues of the surrounding uses. There would be some minor effect on the environment because of the permanent loss of agricultural land. There would be a wider environmental benefit in that the application would aid in the transfer and recycling of hazardous waste.
42. The applicant met with the Chilterns Conservation Board with a view to submitting a scheme that would moderate the development. They were not able to agree a scheme, but they are continuing to work together on ways to improve the AONB. If further details are forthcoming I will update the committee on that point.

43. The major applications test in paragraph 172 of the NPPF consists of:
 - a) The need for the development, including in terms of any national considerations, and the impact of permitting it or refusing it on the local economy.
 - b) The cost of and scope for, developing outside the designated area, or meeting the needs for it in some other way.
 - c) Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

44. In terms of point a) there is an identified need for hazardous waste facilities in Oxfordshire and Ewelme is the only site of note in the OMWCS. Facilities are needed to ensure the growth of the local economy which has a significant research and science based element. In relation to point b) the extra storage area can only realistically be provided on the site if it is to be practical. On point c) the effects on the environment would be limited only to a loss of land that would not be of any practical benefit to the AONB if it was restored to agriculture, and would not alone constitute a reason for refusal.

45. Policy L1 of the CMP states that the overall identity and character of the Chilterns should be recognised and managed positively. Policy L5 of the CMP states that developments which detract from the Chilterns' special character should be resisted.

46. The proposed development would not detract from the Chilterns, and would not undermine the overall identity and character of the AONB. This is due to the lack of effect on any of the visual or other amenity aspects of the AONB, as a result of the position of the application site.

47. Policy L6 of the CMP states that degraded aspects of the landscape should be enhanced including the removal or mitigation of intrusive developments and features. Policy D11 of the CMP adds that enhancement of the landscape of the AONB should be sought by the removal or mitigation of intrusive developments.

48. The proposed site would be an opportunity to remove a degraded element and enhance the landscape were it not for the location within the existing heavily used site. The context of the site is such that its removal and restoration would have little if any effect on the AONB as it would be surrounded by development, and the screening bund and planting.

49. One further piece of guidance is in the Paragraph 005 ID:8-005-20140306 of the National Planning Practice Guidance. It states that planning permission should be refused for major development in Areas of Outstanding Natural Beauty except in exceptional circumstances and where it can be demonstrated to be in the public interest. The guidance states that whether a proposed development is considered to be a major

development is a matter for the relevant decision taker, taking into account the proposal in question and the local context.

50. Given that the development is of only local significance and the context of the application is confined entirely within an already developed site, there is some question over whether the application should be considered to be a major application at all. However, I have considered this to be a major application in this case because of the nature of the waste on the site, and that the site as a whole serves a sub-regional area.
51. I conclude that there are exceptional circumstances in that the proposed area is very much contained in the existing site, it would be helpful in achieving better treatment of hazardous waste and would be in the public interest, and that to grant it planning permission would not have any significant effect on the landscape and scenic beauty of the AONB.

Local Amenity

52. Policy C5 of the OMWCS states that proposals for minerals and waste development shall 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.
53. The proposed development would be part of, and within an, existing locally important waste facility that is well screened and tightly controlled through permitting legislation. Given its context the proposed storage area would have no impact on the local environment. The controls of the site through the permit would ensure that the risks to human health are minimised. The proposed development is screened from the nearby footpath and the distance across the developed site would mean it would have no adverse impact on the residential property. Conditions should however be applied to ensure that the application site operates to the same constraints as the surrounding waste developments.

Biodiversity

54. Policy C7 of the OMWCS seeks a net gain in biodiversity from all minerals and waste applications, and policy CSB1 of the SOCS makes similar provision. Policy CSG1 also seeks improvements to biodiversity along with improvements to green infrastructure. The site has been heavily developed and does not contain any biodiversity value, nevertheless the application does not contain any improvements to biodiversity. The application is retrospective and it is not therefore possible to attach a pre-commencement condition to any permission given. The application would not lead to a loss of biodiversity, but equally it would not deliver a net gain. The applicant is drawing up a scheme to address this and I will update the committee once it is submitted.

Rights of Way

55. Policy C11 of the OMWCS seeks to maintain the integrity and amenity value of the rights of way network. The proposed development is set within the existing well screened site. It is screened from the footpath by the existing bund and the established planting. The proposed development would therefore have no effect on the rights of way network.

Supporting Economic Development

56. Policy CSEM4 of the SOCS states that permission will be granted for, among other things, the reasonable extension of premises on existing sites. The application site is within the Chilterns AONB and so would not be reasonable if it were extending the current built area of the waste development site. However, the location of the site within the existing developed complex would not cause significant harm to the AONB and is therefore a reasonable extension in this case.
57. Policy CSEM4 of the SOCS also seeks to support economic development. The Grundon site is a significant local employer and additionally the waste management facility supports local industry and research centres that require the disposal of hazardous wastes from their processes. The extra storage space would provide greater flexibility and allow more efficient processing of the waste. This would support the local economy directly and indirectly.

Design

58. Policy CSQ3 of the SOCS seeks high quality design that responds positively and respects the character of the site and its surroundings. The proposed development includes the retention of a building which is used to store safety equipment. The building is of a simple pitched roof design with walls of brown coloured steel panels and a silver grey roof. The building is not visible outside the existing waste complex. Although it is not a building of high quality design, it is of a style that might be seen on farms in the area, and there is limited visibility from views in the AONB outside the waste site.

Other Issues

59. Relevant conditions from the permission for the new hazardous waste transfer station need to be attached to any permission given in order to ensure that there is consistency between the permissions. In addition a condition restricting the site to open storage related to the hazardous waste operation would clarify the permission given.

Conclusion

60. The permanent retention of the former hazardous waste transfer station would enable the current hazardous waste operation to work more efficiently. There would not be any significant loss to the visual amenity of the landscape, there would be no harm to local amenity, biodiversity, or the rights of way network. There would be a permanent loss of land from agricultural use within the AONB, and there would be no net gain in biodiversity. On balance I do not consider these to be sufficient reasons to refuse the application when weighed against the benefits brought by the hazardous waste facility with which it is closely associated.

Recommendation

61. It is **RECOMMENDED** that planning permission for application no. **MW.0025/18** be approved subject to conditions to be determined by the Director for Planning and Place but to include the following:

- 1) The development shall be carried out strictly in accordance with the particulars of the development, plans and specifications contained in the application (and letters/e-mails of amendment) except as modified by conditions of this permission. The approved plans and particulars comprise:

- Application form dated 16/03/2018
- Planning application supporting statement dated March 2018.
- Drawing no 3A 9740 – Lab Smalls Building plan and elevations.
- Drawing no DG/Est/EWE1/HWTS/Ext/01 – Location Plan
- Drawing DG/Est/EWE1/HWTS/Ext/02 – Application and Ownership Plan
- Drawing no DG/Est/EWE1/HWTS/Ext/03 – Site Plan.

- 2) The site shall be used only for storage related to the adjoining hazardous waste transfer station.

- 3) Operations authorised by this permission, including vehicles entering or leaving the site, shall only take place:

07: 00 to 18.00 Mondays to Fridays
07:00 to 13:00 Saturdays.

No operations shall take place on Sundays, Bank or Public Holidays.

- 4) No mud or dust shall be deposited on the public highway.

- 5) No external lighting shall be erected on the site unless first approved in writing by the Waste Planning Authority. The lighting shall be implemented in accordance with the approved scheme.

- 6) **All vehicles, plant and machinery operated within the site shall be fitted with and use effective silencers.**
- 7) **The noise levels arising from the development shall not exceed 55 dB (LAeq) (1 hour), freefield at The Cottage and Goulds Grove Farm.**
- 8) **No reversing beepers or other means of audible warning of reversing vehicles shall be fixed to, or used on, any vehicle owned or leased by the operator of the site, other than those which use white noise.**

SUSAN HALLIWELL
Director of Planning and Place

December 2018

Compliance with National Planning Policy Framework

In accordance with paragraph 38 of the NPPF Oxfordshire County Council take a positive and creative 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. In this case the applicant did not take advantage of the opportunity. Any issues that occurred during the processing of the applications were raised with the applicant and this led to improvements rendering the development acceptable.

Objections on landscape grounds were raised late on in the process and the decision has been delayed to give the opportunity for the applicant and the objector to agree a scheme that would overcome the objection. Unfortunately, at the time of writing the report, that has not been resolved.

European Protected Species

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

1. Deliberate capture or killing or injuring of an EPS
2. Deliberate taking or destroying of EPS eggs
3. Deliberate disturbance of 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.

Our records, the habitat on and around the proposed development site and ecological survey results indicate that a European Protected Species is likely to be present.

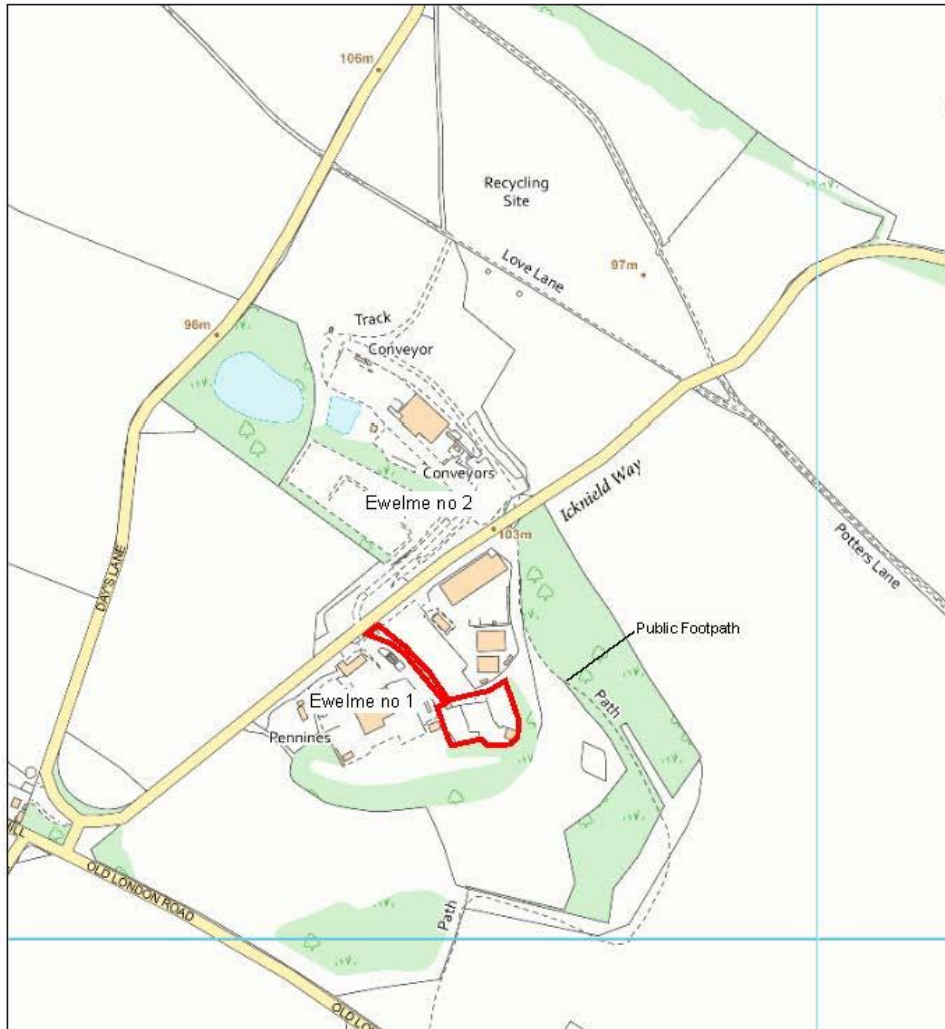
The mitigation measures detailed within previous applications are considered to be convincing and in your officers opinion will secure "offence avoidance" measures.

The recommendation:

Your officers consider that sufficient information has been submitted which demonstrates that measures can be introduced which would ensure that an offence is avoided. The application is therefore not considered to have an adverse impact upon protected species provided that the stated mitigation measures are implemented.



Application MW.0025/18 Ewelme Old Hazardous Waste Transfer Station



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