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Division(s): Deddington; Woodstock

PLANNING & REGULATION COMMITTEE - 19 OCTOBER 2009

RETROSPECTIVE APPLICATION FOR BUILDING SUPPLIES COMPOUND AND IMPORTATION OF AGGREGATES FOR SALE FROM SITE AT EAST QUARRY, DUNS TEW

Report by the Head of Sustainable Development

Location: Horsehay Quarry, Duns Tew

Applicant: Smith and Sons, Bletchingdon

Application no: 09/01105/CM (Cherwell)
09/0996/P/CM (West Oxfordshire)

Divisions: Deddington
Woodstock

District: West Oxfordshire and Cherwell District Councils

Introduction

1. This application is for a building supplies compound and the import of aggregate to Horsehay Quarry, Duns Tew. The operations have been taking place at the quarry for some time. However, recent monitoring visits have identified that these activities are not covered by the existing quarrying permission. The proposals include a storage yard for building materials and equipment to service the applicant's local construction and groundworks operations and the importation of up to 20,000 tonnes per year of aggregate primarily from Banbury railhead and Gill Mill Quarry.

Location

2. The quarry is located 0.8 km (½ mile) south of Duns Tew which is a small village just west of the A4260 about midway between Kidlington and Banbury. The quarry is split into the West Quarry and East Quarry, separated by the Duns Tew road. This application relates to the East Quarry, the northern part of which is in Cherwell District and the southern part of which is in West Oxfordshire District.

The Site and its Setting

3. The two quarries are surrounded by countryside. Apart from the boundary with the Duns Tew road the site is bounded on all sides by agricultural land. A

geological SSSI is located on the southern part of the site. The total application site area is just over one hectare.

4. The building supplies compound is situated within the worked out area of the western part of the East Quarry and is 0.17 hectare in area. The quarry floor is between 5 to 12 metres below adjacent original ground levels. The rest of the quarry floor is used for the stockpiling of sand and other aggregates and for processing.

Details of the Development

5. The East Quarry has permission until the end of 2018 for storage, processing and sale of sand. Sand is imported from the West Quarry via a crossing of the Duns Tew Road and the haul road on a campaign basis in the summer months. This development now proposed is to be temporary for the life of the quarrying operations. This will enable the quarry to be restored in full accordance with the approved plans of the existing permission.
6. The building supplies yard contains building materials and equipment typically including blocks, pipework, signage, tools and small plant. There is a shipping container on site providing secure storage for tools and a trailer. The site is visited once or twice a day.
7. This application seeks retrospective permission for both the building supplies compound and for aggregate import. This would allow the site to act as a one stop shop for aggregate products. Approximately 20,000 tonnes are imported to the site each year; 5,000 tpa of this total is used for blending with soft sand worked from the quarry and 15,000 tpa is sold unprocessed.
8. Most vehicle movements at the site relate to the import of aggregate to the site and the export of soft sand. A traffic flow survey was undertaken by the company in September 2006 in relation to a previous planning application at the quarry. The activities, the subject of this application, were taking place at that time and the Transport Assessment concluded that there were no issues of highway safety or road capacity.
9. This application is not proposing any change to the site access, operation practices or restoration proposals. It would not affect the legal and routing agreements that apply to the quarry. These would remain in force.

Consultation Responses (21 day consultation period ran to 4 September)

10. Cherwell District Council – Object. Not considered reasonably necessary for the activities to be carried out by the quarry and results in a new employment generating site in an unsuitable location, contrary to PPG4, PPG13, South East Plan M3 and SP3, Adopted Cherwell Local Plan policies C7, C13 and EMP4 and Non-Statutory Cherwell Local Plan policies EN34, TR16 and EMP4.

11. West Oxfordshire District Council – No response received.
12. Duns Tew Parish Council – No objections
13. Steeple Barton Parish Council – No response received
14. Westcote Barton Parish Meeting – No objection. Observe that the traffic movement data is from 2006 and it is not clear how it is relevant, or which movements relate directly to the quarry. Would not support an increase in the number of HGV movements along the B4030 due to its winding nature. Import of aggregates should be limited to 20,000 tonnes per year to limit vehicle movements, the applicant should actively encourage road safety by ensuring that drivers are fully aware of route and speed requirements. They should provide a telephone number through which the public can register complaints. Request that Oxfordshire County Council provide a more frequent level of inspection to ensure that there are no further breaches of conditions.
15. Environment Agency – First response – Object as no flood risk assessment has been submitted. The application lies within an area with a low probability of flooding. However, the scale of the development may create risks of flooding if surface water run off is not effectively managed. Second response – Withdraw objection. The proposal does not include any new development such as buildings, structures or the creation of impermeable surfaces. Suggest an informative regarding secondary imported aggregate.
16. Natural England – No objection. There will be no significant adverse impact on the nearby SSSI. Require condition for a 15 metre stand-off between the storage and processing activities and the geological features of interest.
17. Highway Authority – No objection, taking into account that the traffic information submitted includes the building supply element of the site and its associated trips i.e. importation and sales from the site and the fact that there is an existing routeing agreement.
18. Rights of Way – No objection
19. County Archaeologist – This is in an area that has been subject to ground disturbance and it is highly unlikely that below ground archeological features are surviving intact.
20. County Ecologist – No objection

Representations

21. No letters of representation have been received in relation to this application.

Relevant Planning Policies

22. The main policy matters concerning this proposal relate to development in the countryside, development in quarries and traffic and employment generation.

Development in the Countryside

23. Cherwell Adopted Local Plan (CLP) policy C7 states that development will not normally be permitted if it would cause demonstrable harm to the topography and character of the landscape.
24. CLP policy C13 designates the Ironstone Downs, the Cherwell Valley, the Thames Valley, North Ploughley, Muswell Hill and Otmoor as areas of high landscape value within which the council will seek to conserve and enhance the environment.
25. The non Statutory Cherwell Local Plan (NSCLP) policy EN34 states that proposals will not be permitted if they would cause undue visual intrusion in the open countryside, cause undue harm to important natural landscape features and topography, be inconsistent with local character, harm the setting of landmark features or harm the historic value of the landscape.
26. West Oxfordshire Local Plan (WOLP) policy BE2 states that development in the open countryside will only be permitted if it will be easily assimilated into the landscape.
27. WOLP policy NE1 states that proposals for development in the countryside should maintain or enhance the value of the countryside for its own sake.
28. Planning Policy Statement (PPS7) provides guidance on sustainable development in rural areas, including the protection of open rural areas and sustainable economic growth and diversification.
29. South East Plan (SEP) policy SP3 encourages planning authorities to formulate policies to encourage development within or adjacent to urban areas and on previously developed land.

Development in Quarries

30. Oxfordshire Minerals and Waste Local Plan (OMWLP) policy PB1 states that necessary buildings and industries associated with mineral working should be sited, designed, landscaped and maintained so as to minimise environmental disturbance. Any permission will be limited to the life of the mineral working.

Traffic

31. SEP policy T1 states that management policies and proposals should encourage development which is located and designed to reduce average journey lengths and include measures to minimise negative environmental impacts of transport and, where possible, to enhance the environment and communities through such interventions.

32. NSCLP policy TR16 states that development that would generate frequent heavy-goods-vehicle movements through residential areas or on unsuitable urban or rural roads will not be permitted.
33. Regional Planning Guidance (RPG)13 provides general guidance on transport planning and its objectives are to promote sustainable transport choices and accessibility by public transport and reduce the need to travel, especially by car. In order to reduce the need for commuting to jobs in urban areas it is important to promote adequate employment opportunities in rural areas. It also states that when considering development in rural areas planning authorities should not reject proposals where the expansion of small scale business would give rise to only modest additional daily vehicle movements in comparison to other uses which are permitted at the site and the impact on minor roads would not be significant.

Employment

34. NSCLP policy EMP4 states that proposals for employment generating development will be permitted within an existing acceptable employment site providing that the proposal can be carried out without any undue detriment to residential amenity, the highway network, village character, landscape and environment and that the development would not give rise to excessive or in appropriate traffic.
35. CLP policy EMP4 states that employment generating development will be permitted within acceptable existing sites provided that the proposal and any associated employment activities can be carried on without undue detriment to the appearance and character of the rural landscape and without harming the amenities of settlements or the special character and interest of a building of architectural or historic significance.
36. WOLP policy E7 states that proposals for the expansion of existing established businesses either within, adjoining or adjacent to the existing premises that are commensurate with the scale and character of the locality will be permitted.
37. Planning Policy Guidance (PPG)4 provides guidance on industrial, commercial development and small firms. Its main message is that economic growth and a high-quality environment have to be pursued together. It states that the locational needs of business should be considered.

Comments of the Head of Sustainable Development

38. The key issues to consider regarding this application relate to development in the countryside, development in existing quarries, the impact of traffic on the surrounding highway network and employment.

Development in the Countryside

39. The development would be situated within the existing quarry and it would not be possible to see the development from outside the site. The stockpiles do not exceed the height of the adjacent quarry sides. This can also be controlled by condition on any permission given. The proposed development on the quarry floor would not, in my view cause any significant harm to the character of this area of countryside. The activities are therefore considered to comply with local plan landscape policies, in this case CLP policies C7 and C13, NSCLP policy EN34 and WOLP policies BE2 and NE1.

Development in Quarries

40. It is the intention of this development to limit the life of the activities now applied for to fit with the timescales for the cessation of quarrying at the site. This would accord with OMWLP policy PB1. In addition, the location of the activities within the worked out part of the quarry would ensure minimal disturbance to the surrounding area in terms of visual impact and noise.

Traffic

41. This development would be covered by the existing routeing agreement which currently applies to the quarrying operations at the site. This would ensure that HGVs do not use roads which are considered by the Highway Authority to be unsuitable. This proposal does not involve any increase to existing vehicle movements and as such the Highway Authority have no objection to the development nor do they see any reason to limit the amount of material to be imported to the site. Therefore, the development is considered to accord with NSCLP policy TR16 and SEP policy T1.
42. RPG13 recognises that locating some types of development in the countryside can have sustainability benefits in terms of reduced journey lengths. The provision of a site providing both soft sand and imported aggregates for the local area has the potential to minimise the number and length of journeys for customers in North Oxfordshire in line with regional planning guidance.

Employment

43. This development would not give rise to any additional employment as it is a retrospective application covering activities which are already taking place at the quarry. They are closely associated with the sand extraction operations and would not remain beyond the life of the quarry. The proposal would not therefore be a new employment generating site as suggested by Cherwell District Council. As it presently exists, the site does not cause detriment to amenity, highways, local character or environment and the activities would be limited to the life of the quarry. The development broadly accords with employment policies in the NSCLP (policy EMP4) and CLP (policy EMP4 and WOLP E7).

44. In addition, given the situation of the proposed development within the bounds of an existing quarry, there would be no conflict between this economic activity and the surrounding countryside. There are also clear advantages in the location of these activities in the quarry. As such, in my view the proposal accords with the aims of PPG4 as described in paragraph 36.

Other Issues

45. Cherwell District Council have objected to the proposal on the basis that the development is not reasonably necessary for the activities carried out at the quarry and it would be a new employment generating site in an unsustainable location. The District Council also refer to SEP policy M3 in their objection. This policy provides the sub regional (countywide) apportionments for sand and gravel. However, this policy is not directly relevant to this application as it does not relate to extraction of sand. This is already permitted. The applicant does also state that the additional activities for which permission is now sought are important to the viability of the quarry. Without the aggregate import and building compound there is the distinct possibility that the site could close.
46. Westcote Barton Parish Meeting have requested that the County Council provides a more frequent level of inspection to this site. All minerals sites are regularly monitored by County Council staff and operators are often asked to submit planning applications to regularise any unauthorised activity. This is exactly what has happened in this case. The frequency of visits depends on previous compliance and this is taken into account in setting the frequency of future visits. The applicant has agreed to supply a company contact number, as requested by the Parish Meeting. The applicant has also confirmed his willingness to extend an invitation to the Parish Meeting to attend the existing liaison meeting already established with the other Parish Councils in the area.

RECOMMENDATION

47. **It is RECOMMENDED subject to compliance with the existing routeing arrangement that planning permission for application 09/01105/CM 09/0996/P/CM be granted subject to conditions to be determined by the Head of Sustainable Development but to include those matters set out below:**
- 1. Detailed compliance is in complete accordance with plans and particulars**
 - 2. Detailed duration - development to commence within 3 years**
 - 3. Development to end at the same time as the quarry operations – 2018**
 - 4. A 15 metre stand-off area between the storage and processing activities and the geological features of interest to be agreed and implemented.**
 - 5. Stockpiles of imported aggregate not to exceed the height of the adjacent quarry sides.**
 - 6. Standard hours of operation**

CHRIS COUSINS
Head of Sustainable Development
Environment & Economy

Background papers: Planning file held electronically in Speedwell House.
Contact case officer Mary Thompson on 01865 815 901
or mary.thompson@oxfordshire.gov.uk

October 2009

Relevant Development Plan and other Policies

South East Plan

T1, SP3

Oxfordshire Minerals and Waste Local Plan (OMWLP) 1996

PB1

Adopted Cherwell Local Plan

C7, C13, EMP4

Cherwell Non Statutory Local Plan

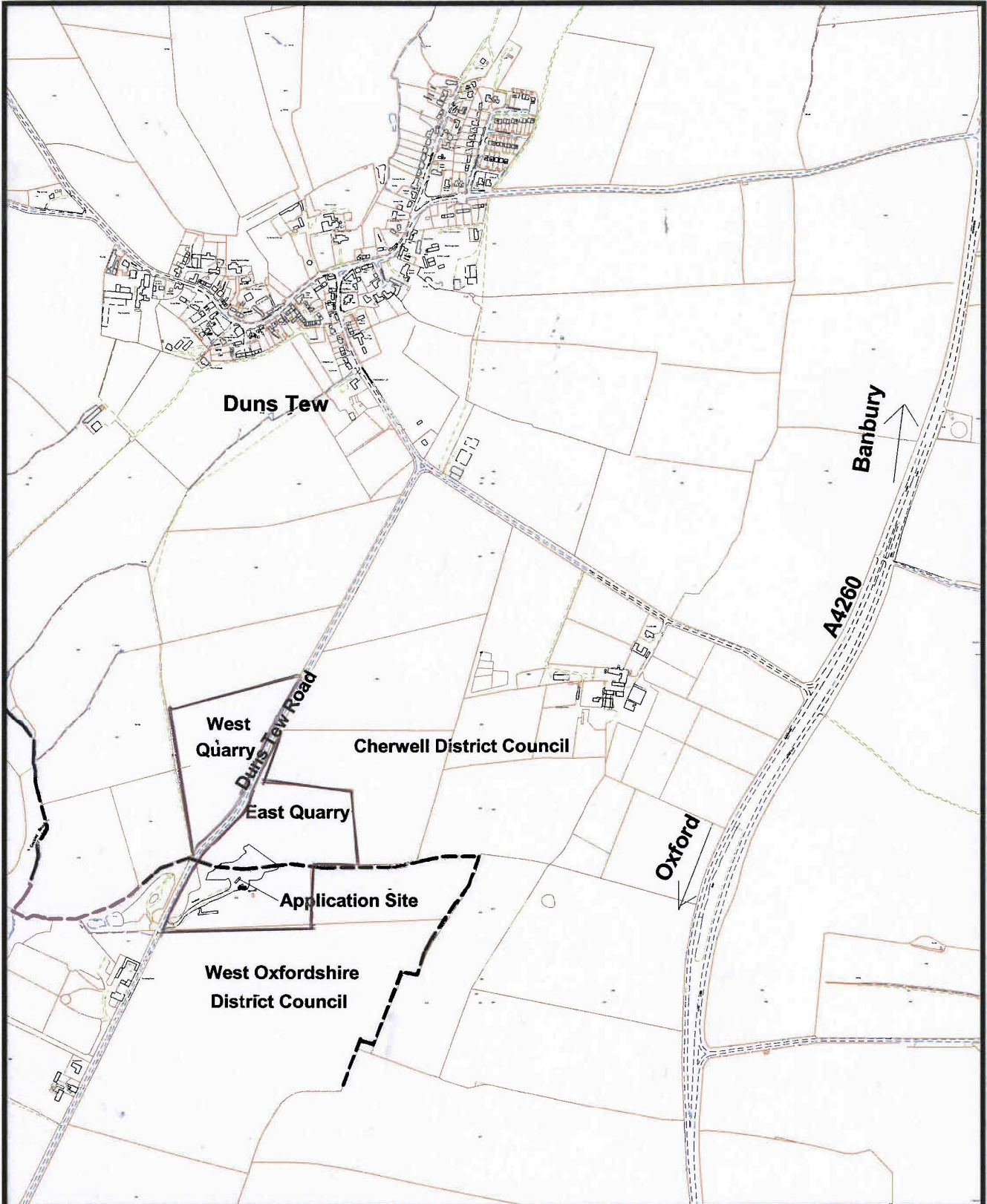
EN34, TR16, EMP4

PPS7 – Sustainable Development in Rural Areas

PPG13 – Transport

PPG4 - Industrial, Commercial Development and Small Firms

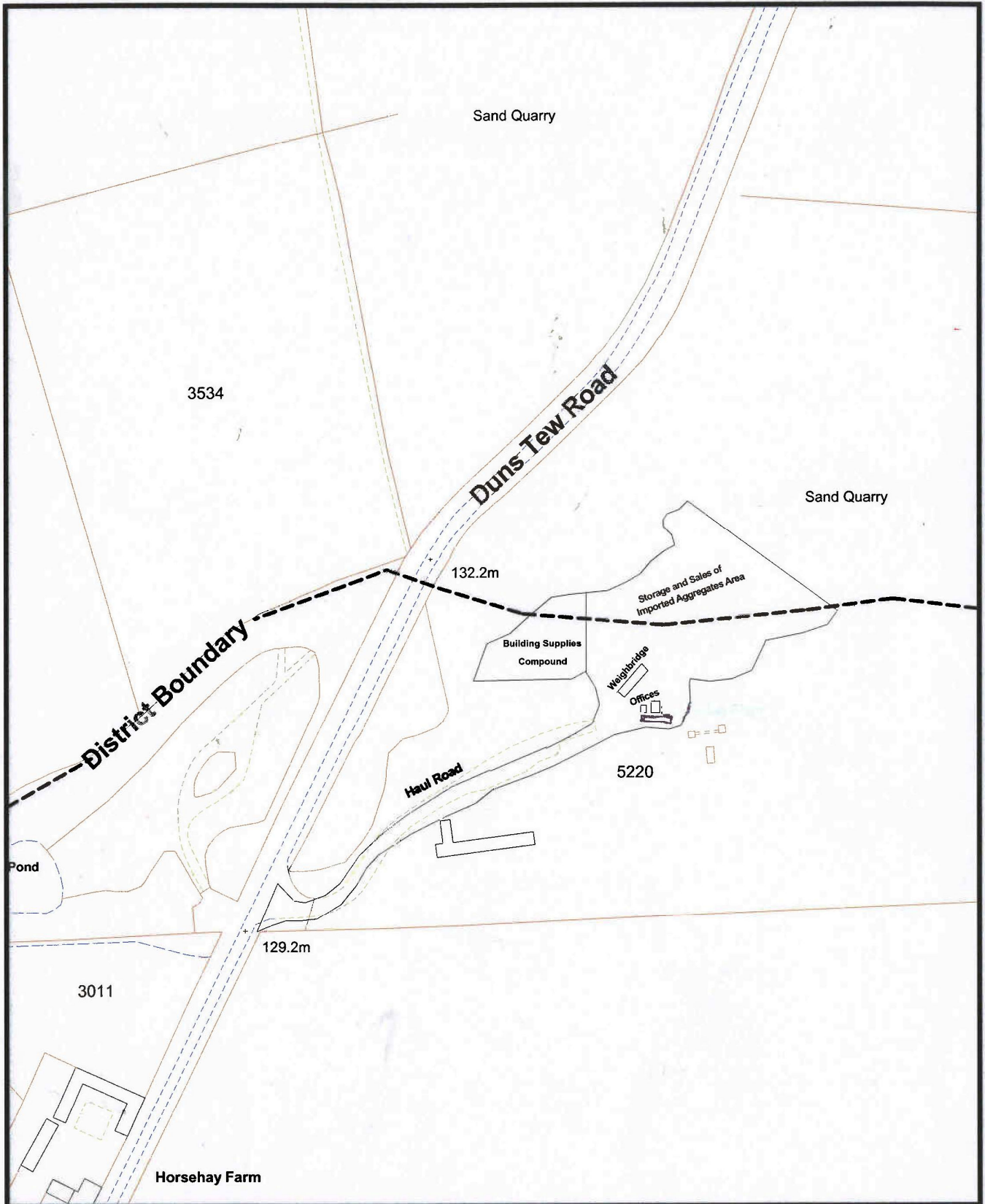
Plan 1



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Plan 2



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