

AGENDA MANAGEMENT SHEET

Name of Committee Regulatory Committee

Date of Committee 17th October 2006

Report Title Canalside Yard, Napton - Erection of Reception/Sorting Building for Tipping and Sorting of Waste

Summary This report recommends the refusal of planning permission for the erection of a reception/sorting building for tipping and sorting at Canalside Yard, Napton.

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Would the recommended decision be contrary to the Budget and Policy Framework? Yes/No

Background Papers Planning Application received 31/7/2006.
Letter from Stratford on Avon District Council, dated 18/9/2006.
Letter from Councillor Appleton, dated 23/8/2006.
Letter from Napton on the Hill Parish Council, dated 7/9/2006.

CONSULTATION ALREADY UNDERTAKEN:- *Details to be specified*

- Other Committees
- Local Member(s) Councillor J Appleton – Objection raised (see
(With brief comments, if appropriate) paragraph 2.1)
- Other Elected Members
- Cabinet Member
(Reports to The Cabinet, to be cleared with appropriate Cabinet Member)
- Chief Executive

- Legal I Marriott – comments incorporated
- Finance
- Other Chief Officers
- District Councils Stratford on Avon District Council – Object to the proposed development (see paragraph 2.2)
- Health Authority
- Police
- Other Bodies/Individuals See paragraph 2

FINAL DECISION **YES/NO** (*If 'No' complete Suggested Next Steps*)

SUGGESTED NEXT STEPS :

Details to be specified

- Further consideration by this Committee
- To Council
- To Cabinet
- To an O & S Committee
- To an Area Committee
- Further Consultation

Regulatory Committee - 17th October 2006

Canalside Yard, Napton - Erection of Reception/Sorting Building for Tipping and Sorting of Waste

Report of the Strategic Director for Environment and Economy

Recommendation

That the Regulatory Committee authorises the refusal of planning permission for the erection of a reception/sorting building for tipping and sorting of waste at Canalside Yard, Napton for the following reason:-

The proposed development is contrary to Policy RA1 (Rural Areas) of the Warwickshire Structure Plan 1996-2011, Policies 1 and 8 of the Waste Local Plan (adopted August 1999) and Policies PR.1, CTY.1, CTY.3 and DEV.1 of the Stratford on Avon District Local Plan Review 1996-2001 (adopted July 2006). It is considered that the proposed development would be unacceptable in the open countryside and have an adverse visual impact on the area as a whole.

Application No: S867/06CM019

Submitted By: C Stratton, Countryside Planning Services Ltd, 36 Lodge Crescent, Warwick, Warwickshire, CV34 6BB.

Received By: Strategic Director for Environment and Economy on 31st July 2006.

The Proposal: Erection of a reception/sorting bay for tipping and sorting of waste.

Site and Location: Canalside Yard, Brickyard Lane, Napton, CV47 8NT (grid ref: 445250.261450).

See plan at **Appendix A.**

1. Application Details

- 1.1 The proposed development is for the erection of a reception/sorting building for tipping and sorting of waste. The proposed building would be sited in the north west corner of the site, and would be 5 metres sq and 5 metres high. An additional 5 metre sq of concrete would be located immediately adjacent to the proposed building to allow for the storage of skips taking sorted/reclaimed material to be stored on.

2. Consultations

- 2.1 **Councillor J Appleton** – Objects to the application due to unsuitable location.

- 2.2 **Stratford on Avon District Council** – Object to the proposed development on the following grounds:-

- (i) The proposed development would allow for the expansion of activities on this site in conflict with the objectives of policies GD1 and RA1 of the Warwickshire Structure Plan 1996-2011, which direct most development to towns of over 8000 people and to limit development in rural areas to that justified by local needs in the context of community appraisals in the local plan process. The allowing of the proposals, which is unrelated to local need, would be likely to increase vehicular movements, including employees arriving by car, in a relatively remote location and therefore conflicts with sustainability objectives.
- (ii) Policy CTY1 of the adopted District Local Plan Review 1996-2011 resists all forms of development in the countryside, other than those in accordance with provisions elsewhere in the Local Plan. Proposals that are not covered elsewhere in the Plan will have to be fully justified and show that they would not be contrary to the overall strategy of the Plan and that their impact on the character of the area would not be harmful. The only policy against which this proposal could be assessed is policy CTY.3, which allows consideration of expansion of existing groups of rural buildings for industrial uses. In the Council's opinion, the proposed building fails to meet policy CTY.3 by reason of the site's unsustainable location and by reason of the inappropriate scale and nature of the proposed activities. The Council considers that the proposals have not been adequately justified and considers they would be contrary to the overall strategy of the Plan and would harm the character of the area.
- (iii) The proposal would allow the erection of a new building on a site in a visually sensitive and prominent location, at the foot of Napton Hill, abutting the Cotswold Special Landscape Area and adjacent to the Oxford Canal. The Council considers the erection of a new building would be detrimental to the character and visual amenities of the countryside and to the setting of the Cotswold Special Landscape Area and entails the outward expansion of the built form of Napton into open countryside. As such, the Council considers the proposed building to be in conflict with policy GD1 of the Warwickshire Structure Plan and policies PR1, EF2, DEV1 of the District Local Plan Review 1996-2011.

- (iv) The Council also considers the proposed use of the building would result in an unacceptable increase in traffic movements to and from this site, which would result in further damage to Brickyard Lane. The Parish Council has commented that the edges of this road are already being damaged by heavy lorries.
 - (v) The Council would wish to see the existing building on the adjacent land, which is under the same ownership, utilized for the proposed operations rather than a new building erected. The Council notes the comments of the applicant's agent in a letter dated 17th September, but this does not provide good reason why this is not an option. A lease could be agreed, subject to obtaining a Waste Management Licence, in the same way that sale of property is often agreed, subject to obtaining planning permission.
 - (vi) Nor does the Council accept the argument that if this building is not given planning permission that County Waste will remain outside the control of the County Council and the Environment Agency. This is clearly not the case as both of these bodies have enforcement procedures which can be instigated, if this is necessary, and the site therefore remains very much within the controls of both these bodies regardless of whether this building is permitted or not.
 - (vii) Finally, the Parish Council has expressed concern at the type and amount of waste that would be processed as a result of the application and has concerns regarding storage, security, enforcement and regulation of the site.
- 2.3 Notwithstanding the above, should the application be granted, the Council would wish to see conditions attached requiring the provision of passing places along Brickyard Lane and the provision of a landscaping scheme for the site.
- 2.4 **Napton on the Hill Parish Council** – Object to the proposed development for the following reasons:-
- (i) It is not an appropriate site for recycling general waste, including hazardous waste.
 - (ii) The site is close to residential properties.
 - (iii) The site is on the edge of a special landscape area.
 - (iv) The site is next to the canal.
 - (v) There is limited access along a narrow road.
 - (vi) The application does not state clearly the amount of hazardous waste which would be handled.
- 2.5 Napton on the Hill Parish Council also have concerns regarding storage, security, enforcement and regulation of the site.
- 2.6 **Environment Agency** – No comments received.

3. Representations

- 3.1 There have been no letters of representation received in relation to the proposed development, other than those referred to above.

4. Observations

Proposal

- 4.1 The proposed development is for the erection of a reception/sorting building for tipping and sorting of waste arising from a skip hire business. The proposed facility would be operated by County Waste who currently run a skip hire business, operating seven skip lorries from the site and storing empty skips on the site. The supporting information identifies that skips will be picked up from customers, and those which are not able to be taken directly to landfill will be transported back to the yard and sorted within the building. Skips being transported to the site will generally hold mixed waste and will require sorting into different categories prior to being exported off site for recycling or final disposal. It is proposed that full skips will be stored in the open, on an area of hard standing immediately adjacent to the proposed building.
- 4.2 The proposed building would be enclosed to two aspects and would be constructed of a steel portal frame, with steel channels and railway sleepers forming the structural walls, with cladding above. The building would be open to the north east (front) and south east (side) and have a sloping roof. Drainage from the building would be to a sealed sump.

Site and Surroundings

- 4.3 The 0.18 hectare application site occupies part of a larger site known as Canalside Yard, and is situated at the foot of Napton Hill adjacent to the Oxford Canal. The surrounding area is predominantly rural, with the overall site abutting the Cotswold Special Landscape Area. The site has a bund to the north west which screens the site from the surrounding farmland, however the north east of the site, adjacent to Brickyard Lane is fairly open with limited planting. There is currently a single storey unauthorised office building located within the application site which does screen some of the site from the highway, however this building is in a poor state of repair. This application does not include any proposal to regularise the unauthorised building, this is a matter being pursued by Stratford on Avon District Council.
- 4.4 Canalside Yard, including the application site, benefits from planning permission for the 'storage of plant and machinery and storage and processing of materials arising from demolition operations'. This permission was granted by Warwickshire County Council in 2004, following part of the site being granted a Certificate of Lawful Use (CLU) by Stratford on Avon District Council relating to the 'storage of hardcore, plant, machinery, vehicles and materials salvaged from demolition sites'. The 2004 permission regularised and consolidated operations on site as well as securing some environmental enhancement of the site. It is accepted that the site currently has permission for waste related operations, however, it is considered that the proposed development constitutes a Waste Transfer Station, which would include the deposit, storage and sorting of waste

(including waste arising from households) on site, not normally associated with demolition operations. It is therefore considered that the erection of the building needs to be assessed alongside the overall use of the site. The Parish Council have raised concerns relating to the application not stating the amount of hazardous waste that the site would handle. This facility should not be accepting hazardous material, however if the material is found within the skips they would be stored in a secure containment skip and disposed of at an appropriate site.

Policy

- 4.5 Policy GD.3 and GD.5 of the Warwickshire Structure Plan states that most new developments will be directed towards towns of over 8000 people (at 1991), should be well served by public transport and are easily accessible to town centre and services. The proposed location of the development does not fall within the locations as specified, and as such the development is contrary to policy.
- 4.6 The proposed development would increase the amount of built development in the open countryside, which is generally resisted unless specifically in accordance with the Local Plan. The development is not considered to accord with policy PR1 of the Stratford on Avon Local Plan, whereby development should respect, and where possible enhance the quality and character of the area. It is not considered that the design of the building either respects, or enhances the area, and is therefore not considered appropriate in the rural location. The proposed building would not adequately contain the proposed operation, which would be freely visible from the adjacent highway and therefore the operation could not be undertaken without visually affecting the area as a whole.
- 4.7 Policy CTY.1 of the Stratford on Avon Local Plan also looks to limit development within the countryside in order to preserve its character. Further intensification of built form on the site in this location is therefore not considered appropriate.
- 4.8 The location, outside of the green belt and near to existing rural buildings should be assessed and in accordance with Policy CTY.3 of the Stratford on Avon Local Plan to ensure that the scale and nature of activities are appropriate in the location and readily accessible by means of transport other than the private car. The nature and scale of the activities and built development, located adjacent to the Cotswold Special Landscape Area are not considered to be appropriate to be accommodated on site due to the site not being easily accessible by forms of transport other than the private car, and the proposed operations would be detrimental to the visual appearance of the site and locality as a whole. Policy EF.2 of the Stratford on Avon Local Plan identifies that Special Landscape Areas should be conserved and protected by resisting development that would have a harmful effect on the character and appearance of the area. It is considered that the small, open aspect building which would be used for waste deposit, sorting and storage operations will have a detrimental impact on the locality as a whole.
- 4.9 The design of the building is considered to be of insufficient size to accommodate the operations within the building and as such can not contain impacts such as dust, odour, litter and visual intrusion. It is therefore considered

that the proposal does not accord with Policy DEV.1 of the Stratford on Avon Local Plan.

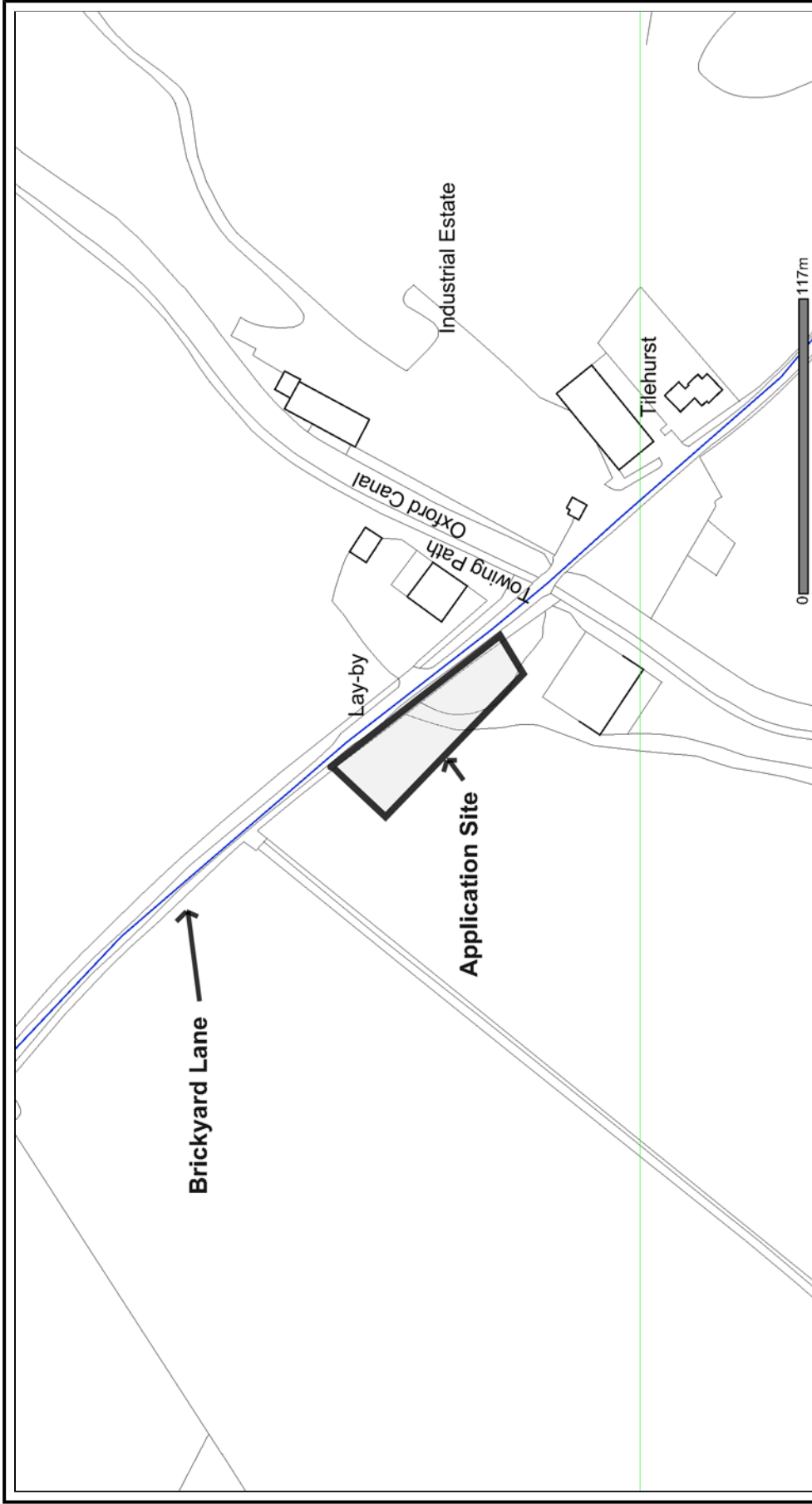
- 4.10 The proposed development would function as a Waste Transfer Station, it is therefore considered that the proposal should accord with Policy 8 of the Waste Local Plan. In order for Policy 8 to be met, Policy 1 should also be accorded with. It is considered that the proposal would have an adverse impact on the character and amenity of the area as a whole and will not adequately be contained within the building, this proposal is therefore considered to be contrary to Policy 1. In the absence of Policy 1 being met, it is not considered that the proposal accords with Policy 8 of the Waste Local Plan, although it is accepted that the proposed development is located adjacent to an existing waste facility.
- 4.11 Stratford on Avon District Council have raised objection to the proposed development. Their objections relate to the location of the development, including policy GD1 and RA1. It is agreed that the proposal is contrary to policy GD1, however policy RA1 specifically mentions that applications for minerals and waste development are not to be included within the policy.
- 4.12 The application refers to a maximum of 20 vehicular movements to and from the site in any one day. Having consulted the Highways Authority it is not considered that this number of vehicular movements is unacceptable, it should not therefore have an unacceptable impact on the local highway network. The Highways Authority have raised no objection to the proposal, subject to a £20,000 contribution towards improvements to Brickyard Lane. The objection from Stratford on Avon District Council is not therefore accepted as a reason for refusal.
- 4.13 The District Council have identified that the development would be contrary to policies CTY1 and CTY3 and would allow for development on a site in a visually sensitive and prominent location if planning permission were to be granted. As explained earlier in this report, it is considered that the development would not accord with these policies, the site is considered to be located within a visually sensitive location, it is therefore considered that the objections as raised by Stratford on Avon District Council are valid.


5. Conclusion

- 5.1 This site is not considered suitable for the development as outlined in the proposal. The building would have an unacceptable visual impact on the area due to its design, is not considered of sufficient size to contain the operations within the building and will therefore have an unacceptable impact on the area as a whole. The building is proposed to be located on a site adjacent to a Special Landscape Area and is located within the open countryside, both of which are contrary to development plan policies. In addition the site is located outside of the main towns and does not have suitable transport links other than the private car.

JOHN DEEGAN
Strategic Director for Environment and Economy
Shire Hall, Warwick
2nd October 2006

APPENDIX A OF AGENDA NO.



Scale 1: 2500	Ref No. S867/06CM019	Drawn Sue Broomhead
Regulatory Committee - 17th October 2006 Subject Reception/Sorting Building, Canalside Yard, Napton		
 Warwickshire County Council John Deegan Strategic Director for Environment and Economy Shire Hall, Warwick, CV34 4SX		
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