



To: **Members of the Planning & Regulation Committee**

***Notice of a Meeting of the Planning & Regulation
Committee***

Monday, 21 January 2019 at 2.00 pm

County Hall, New Road, Oxford

A handwritten signature in cursive script, appearing to read 'Yvonne Rees'.

Yvonne Rees
Chief Executive

January 2019

Committee Officer: **Graham Warrington**
Tel: 07393 001211; E-Mail:
graham.warrington@oxfordshire.gov.uk

Members are asked to contact the case officers in advance of the committee meeting if they have any issues/questions of a technical nature on any agenda item. This will enable officers to carry out any necessary research and provide members with an informed response.

Membership

Chairman – Councillor Les Sibley
Deputy Chairman - Councillor Jeannette Matelot

Councillors

Mrs Anda Fitzgerald-
O'Connor
Mike Fox-Davies
Stefan Gawrysiak
Bob Johnston

Glynis Phillips
G.A. Reynolds
Judy Roberts
Dan Sames

John Sanders
Alan Thompson
Richard Webber

Notes:

- **Date of next meeting: 4 March 2019**

Declarations of Interest

The duty to declare.....

Under the Localism Act 2011 it is a criminal offence to

- (a) fail to register a disclosable pecuniary interest within 28 days of election or co-option (or re-election or re-appointment), or
- (b) provide false or misleading information on registration, or
- (c) participate in discussion or voting in a meeting on a matter in which the member or co-opted member has a disclosable pecuniary interest.

Whose Interests must be included?

The Act provides that the interests which must be notified are those of a member or co-opted member of the authority, **or**

- those of a spouse or civil partner of the member or co-opted member;
- those of a person with whom the member or co-opted member is living as husband/wife
- those of a person with whom the member or co-opted member is living as if they were civil partners.

(in each case where the member or co-opted member is aware that the other person has the interest).

What if I remember that I have a Disclosable Pecuniary Interest during the Meeting?.

The Code requires that, at a meeting, where a member or co-opted member has a disclosable interest (of which they are aware) in any matter being considered, they disclose that interest to the meeting. The Council will continue to include an appropriate item on agendas for all meetings, to facilitate this.

Although not explicitly required by the legislation or by the code, it is recommended that in the interests of transparency and for the benefit of all in attendance at the meeting (including members of the public) the nature as well as the existence of the interest is disclosed.

A member or co-opted member who has disclosed a pecuniary interest at a meeting must not participate (or participate further) in any discussion of the matter; and must not participate in any vote or further vote taken; and must withdraw from the room.

Members are asked to continue to pay regard to the following provisions in the code that *“You must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself”* or *“You must not place yourself in situations where your honesty and integrity may be questioned.....”*.

Please seek advice from the Monitoring Officer prior to the meeting should you have any doubt about your approach.

List of Disclosable Pecuniary Interests:

Employment (includes *“any employment, office, trade, profession or vocation carried on for profit or gain”*.), **Sponsorship, Contracts, Land, Licences, Corporate Tenancies, Securities.**

For a full list of Disclosable Pecuniary Interests and further Guidance on this matter please see the Guide to the New Code of Conduct and Register of Interests at Members’ conduct guidelines.

<http://intranet.oxfordshire.gov.uk/wps/wcm/connect/occ/Insite/Elected+members/> or contact Glenn Watson on **07776 997946** or glenn.watson@oxfordshire.gov.uk for a hard copy of the document.

If you have any special requirements (such as a large print version of these papers or special access facilities) please contact the officer named on the front page, but please give as much notice as possible before the meeting.

AGENDA

1. **Apologies for Absence and Temporary Appointments**
2. **Declarations of Interest - see guidance note opposite**
3. **Minutes** (Pages 1 - 10)

To approve the minutes of the meeting held on 10 December 2018 (**PN3**) and to receive information arising from them.

4. **Petitions and Public Address**
5. **Chairman's Updates**
6. **New single storey three classroom teaching block, including withdrawal room, toilets, stores, ancillary rooms together with minor modifications to hard and soft landscaping and modified parking arrangements.** (Pages 11 - 48)

Report by the Director for Planning & place (PN6).

This is an update report following the submission of further information from the applicant in response to queries raised by Planning & Regulation Committee on 10 December 2018 when this application was deferred.

The application proposes a new single storey three classroom teaching block, including withdrawal room, toilets, stores, ancillary rooms together with minor modifications to hard and soft landscaping and modified parking arrangements. The site lies in a conservation area and there would be a loss of school playing field. Various objections have been received including on these issues but also including the impact on the local highway network of additional associated vehicle movements. The application is considered against development plan policies and other material considerations and recommended for the grant of conditional planning permission subject to the completion first of a unilateral undertaking to secure the payment of a School Travel Plan monitoring fee.

Subject to the applicant first providing a Unilateral Undertaking for the payment of the School Travel Plan monitoring fee of £1240 it is RECOMMENDED that planning permission for R3.0114/18 be approved subject to conditions to be determined by the Director of Planning and Place, to include the following:

- i. Detailed compliance;***
- ii. Permission to be implemented within three years;***
- iii. Provision of a School Travel Plan prior to the first occupation of the***

- development;*
- iv. Provision of additional scooter and cycle parking;*
- v. Submission, approval and implementation of a Construction Management Plan;*
- vi. Provision of external lighting scheme;*
- vii. Provision of bird boxes.*

7. Erection of a Noise Attenuation Bund at Shipton on Cherwell - Application No MW.00017/17 (Pages 49 - 58)

Report by the Director for Planning & Place (PN8).

This is a planning application to regularise an existing noise attenuation bund at the existing quarry site.

The report outlines the relevant planning policies, along with the comments and recommendations of the Director for Planning and Place.

The main issues with the application are the case for Very Special Circumstances for inappropriate development in the Green Belt, the effect on local amenity, and the effect on the local landscape.

It is RECOMMENDED that planning permission for application no. MW.0001/18 be approved subject to conditions to be determined by the Director of Planning and Place to include the following conditions:

- i. 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 6/12/2016
 - Planning Statement dated December 2016
 - Drawing no SHIPTSV1608 1 D – Site Location Plan
 - Drawing no SHIPEXT1610 2 A – Screening Bund
 - Drawing no SHIPTSV1608 3 C – Bund update survey 06.06.2016
 - Drawing no SHIPTSV1608 4 D – Noise Bund - cross sections
 - Technical Note dated 5 October 2016*
- ii. Within two months of the date of the permission, a scheme of planting shall be submitted to and approved by the Local Planning Authority. The scheme shall be implemented during the next planting season.*
- iii. The bund shall be removed by 17 June 2021.*

8. **Public Path Orders - Change in Practice Where Orders are Subject to Objection** (Pages 59 - 62)

Report by the Strategic Director for Communities (PN8)

The Council has powers to make Public Path Orders to divert and extinguish public footpaths, bridleways and restricted byways under the provisions of the Highways Act 1980 and the Town and Country Planning Act 1990. Applications may be made to the Council by landowners, developers, etc and a charge is made to cover the costs of processing them up to the Order-Making stage. Once an Order is made, it is within the public domain and the Council has no powers to recover its costs. All applications must follow a rigid legislative process and the Council will determine whether to make the Order requested based on the legal tests contained in the relevant legislation.

Presently, any decision as to whether an Order is made, or the application rejected, is delegated to the Strategic Director for Communities. If an Order is made and no objections are received, the Order is confirmed and brought into effect. However, where an Order does receive an objection, the individual case is referred for consideration by this Committee to determine whether to either abandon the Order or authorise its referral to The Planning Inspectorate to determine.

The report outlines a change in this procedure so that such cases are not routinely referred to the Committee, thereby shortening the decision-making process.

The Committee is RECOMMENDED to NOTE that decisions to refer Public Path Orders to The Planning Inspectorate where objections have been made will be referred to the Committee only in those cases where: -

- (a) ***the Strategic Director for Communities considers a case to be significantly contentious or of sufficient importance to warrant consideration by members; and/or***
- (b) ***concerns are raised by the local County Councillor.***

9. **Relevant Development Plan and Other policies** (Pages 63 - 88)

Paper by the Director for Planning & Place (PN9).

The paper sets out policies in relation to Items 6 and 7 and should be regarded as an Annex to each report.

Pre-Meeting Briefing

There will be a pre-meeting briefing at County Hall on **Monday 21 January 2019** at **12 midday** for the Chairman, Deputy Chairman and Opposition Group Spokesman.

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PLANNING & REGULATION COMMITTEE

MINUTES of the meeting held on Monday, 10 December 2018 commencing at 2.00 pm and finishing at 4.17 pm

Present:

Voting Members:

Councillor Les Sibley – in the Chair

Councillor Jeannette Matelot (Deputy Chairman)

Councillor Mrs Anda Fitzgerald-O'Connor

Councillor Mike Fox-Davies

Councillor Stefan Gawrysiak

Councillor Bob Johnston

Councillor Glynis Phillips

Councillor G.A. Reynolds

Councillor Judy Roberts

Councillor Dan Sames

Councillor John Sanders

Councillor Richard Webber

Councillor Liam Walker (In place of Councillor Alan Thompson)

Other Members in Attendance:

Councillor Mark Gray (for Agenda Item 10)

Officers:

Whole of meeting

G. Warrington & J. Crouch (Law & Governance); D. Periam (Planning & Place)

Part of meeting

Agenda Item

Officer Attending

6 & 7

K. Broughton (Planning & Place)

8 & 10

M. Hudson (Planning & Place)

9

C. Hodgkinson (Planning & Place)

The Committee considered the matters, reports and recommendations contained or referred to in the agenda for the meeting, together with a schedule of addenda tabled at the meeting and decided as set out below. Except as insofar as otherwise specified, the reasons for the decisions are contained in the agenda, reports and schedule, copies of which are attached to the signed Minutes.

45/18 MINUTES

(Agenda No. 3)

The minutes of the meeting held on 29 October 2018 were approved and signed.

Minute 42/18 – Chairman’s Updates – Wicklesham Quarry

Officers advised that Grundons, in response to representations made to them regarding inadequate gradient levels achieved as part of restoration work carried out at the site, had submitted a non-material amendment application. However, officers had responded to say that in their view such an amendment would be unacceptable as they felt that the levels achieved varied significantly from what was stipulated in the planning permission and the issue was, therefore, a material one. Grundons now intended submitting a S73 application.

46/18 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

(Agenda No. 1)

<i>Apology for Absence</i>	<i>Temporary Appointment</i>
Councillor Alan Thompson	Councillor Liam Walker

47/18 PETITIONS AND PUBLIC ADDRESS

(Agenda No. 4)

<i>Speaker</i>	<i>Item</i>
Marian Fox (Resident) Gemma Crossley (for the Applicant)) 6. Shipton on Cherwell Quarry)
Veronique Bensedou (for the Applicants)	7. Goulds Grove, Ewelme
County Councillor Mark Gray (Local Member)	10. Benson CE School

48/18 PROPOSED EXTRACTION OF MINERAL AND RESTORATION BY INFILLING WITH IMPORTED INERT MATERIALS TO AGRICULTURE ON LAND TO THE SOUTH EAST OF SHIPTON ON CHERWELL QUARRY - APPLICATION NO. MW.0046/18

(Agenda No. 6)

The Committee considered (PN6) a planning application to allow extraction of limestone as an extension to the existing Quarry at Shipton on Cherwell with restoration to agriculture and biodiversity use.

Mr Broughton presented the report and confirmed in response to Councillor Sames that although the site was subject to a SSSI it was a geological SSSI and none of the geological features would be harmed by the proposed works.

Marian Fox speaking on behalf of local residents referred to issues of:

Dust and noise which created a health hazard as well as nuisance. This had been discussed at the Liaison Group but as yet nothing had been done to mitigate the effects. The haul road was also a major source of dust and although an undertaking had been given to scrape and clear nothing had been done. Work started on site at 7am and although the bund was 9 metres high in places it didn't prevent noise carrying to Thrupp a mile away. If this application was approved it would bring work even closer. Residents had concerns regarding breaches of conditions. Vehicles were restricted by condition to 318 per day but that was being exceeded. The site had been in existence for 80 years and if this application were approved that would affect timescales for restoration and exacerbate concerns regarding conservation areas around the canal.

She then responded to questions from:

Councillor Johnston – she was a resident of Jerome Way, Shipton-on-Cherwell.

Councillor Gawrysiak – the existing bund to some extent did mitigate the effects of working but there was a persistent noise although she accepted that might not exceed legal levels.

Mr Broughton advised that the Environment agency had lodged an objection to an application for another noise attenuation bund. That was waiting to be resolved.

Gemma Crossley spoke on behalf of the applicants. The Shipton-on-Cherwell site was not within the strategic resources area but did accord with policy M4 and therefore met the requirements of the spatial strategy. The site was enclosed by topography and openness was not seriously affected. The County Council was currently meeting its landbank requirement but there was an urgent need for reserves now with sale of rock increasing over the last few years and mineral in high demand. The limestone material at this site met a high specification and was one of a few sites in the south east able to supply this material. It was a small logical extension to an existing quarry with no significant amenity or environmental impacts and the bund did not affect the openness. Quite simply there was a demand for the material which demonstrated a need.

She then responded to questions from:

Councillor Phillips – parts of the site would be visible from the canal with a narrow field of view of about 25 metres where the edge of the site could be seen.

Councillor Gawrysiak – she confirmed that although the material was not unique there were only 2 bands in the county. There were 2 different types of geological limestone and not all were able to meet the highest specification.

Councillor Webber – bunds would be constructed from material stripped from the surface prior to working and so material would be in place prior to working.

Councillor Roberts – although not completely out of date the Minerals Plan relied to some extent on information gathered over a period of time. That had included years of recession and it was widely recognised that there had been some changes in levels of demand.

Councillor Sanders – the site was still a very active site and was being sequentially restored. Quarrying was a dusty activity but the EIA submitted had considered issues of dust which didn't travel very far and was within guidelines.

Councillor Walker – there would be no increase in permitted vehicle movements. Also she had met representatives from Oxford airport along with county officers to discuss the issue of bird strikes and it had been concluded that the pond in the extension area would not attract large birds or flocks of birds. Other small ponds could be netted.

RESOLVED: (on a motion by Councillor Johnston, seconded by Councillor Phillips and carried by 12 votes to 0, with one abstention) that planning permission for application no. MW.00046/18 be refused on the grounds that:

- 1 The site is not situated within the principal locations for aggregate minerals extraction. The development is therefore contrary to policies M3 and M5 of the Oxfordshire Minerals and Waste Local Plan Part 1: Core Strategy;
- 2 The development would constitute inappropriate development in the Green Belt for which Very Special Circumstances have not been demonstrated. It is therefore contrary to policy C12 of the Oxfordshire Minerals and Waste Local Plan Part 1: Core Strategy and policy ESD14 of the Cherwell Local Plan 2031; and
- 3 The development would cause harm to the local amenity of residents on Jerome Way through noise, dust and visual intrusion contrary to policy C5 of the Oxfordshire Minerals and Waste Local Plan Part 1: Core Strategy.

49/18 OPEN STORAGE AREA FOR EMPTY CONTAINERS, BINS AND PACKAGING EQUIPMENT, INCLUDING THE RETENTION OF THE OLD LAB SMALLS BUILDING FOR THE STORAGE OF EQUIPMENT - APPLICATION NO. MW.0025/18

(Agenda No. 7)

The Committee considered (PN7) a retrospective application seeking permanent retention of the former Hazardous Waste Transfer Station for use as an open storage area for empty containers, bins and packaging equipment and retention of the old lab smalls building for the storage of equipment.

Mr Broughton presented the report drawing attention to the objection from the Chiltern Conservation Board regarding loss of biodiversity which, despite further consultation with them they had been unwilling to withdraw.

Speaking for the applicants Veronique Bensadou explained that the application would allow the applicants to maximise its operation. They had put together a package of measure to address the objection by the Conservation Board despite the site being well screened and not visible from the outside. The site had been there for 60 years, provided a valuable facility for the disposal of hazardous waste and there had been no third-party objections.

She then responded to questions from:

Councillor Johnston – the Lab Smalls building had in the past been used to carry out some chemical testing and analysis to enable safe disposal of waste.

Councillor Phillips – the application was for storage of equipment for the main operation. Increased space would increase efficiency with no increase in tonnage through the site.

Responding to Councillor Fox-Davies Mr Broughton confirmed that monitoring would be carried out and enforcement action taken if conditions were not observed.

Responding to Councillor Walker he confirmed the site was well screened and little of it could be seen from outside. The objection by the Conservation Board also referred to parts of the site which were not subject to this application and, furthermore, went beyond what could be expected under the 6 tests set out in the National Planning Policy Framework. That had included a request for £15,000 towards a package of mitigation proposals.

RESOLVED: (on a motion by Councillor Johnston, seconded by Councillor Phillips and carried unanimously) 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 should 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 comprised:

- 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 should 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, should only take place:

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

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

- 4) No mud or dust should be deposited on the public highway.
- 5) No external lighting should be erected on the site unless first approved in writing by the Waste Planning Authority. The lighting should be implemented in accordance with the approved scheme.
- 6) All vehicles, plant and machinery operated within the site should be fitted with and use effective silencers.
- 7) The noise levels arising from the development should 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 should be fixed to, or used on, any vehicle owned or leased by the operator of the site, other than those which used white noise.

50/18 SUTTON WICK QUARRY

(Agenda No. 8)

The Committee considered (PN8) two Section 73 applications to amend the conditions on existing consents.

Mary Hudson presented the report and responded to questions from:

Councillor Webber – she was not aware of issues regarding flooding in the past 5 years.

Councillor Fitzgerald-O'Connor – odour would not be an issue as the site was used for inert waste.

Councillor Roberts – separation of the bridleway was not considered necessary and in any event beyond the scope of this application. There would be less quarry traffic and that issue had been covered in the report.

RESOLVED: (on a motion by Councillor Johnston, seconded by Councillor Sibley and carried unanimously) that planning permission for:

- (a) application MW.0098/18 be approved subject to the existing conditions on consent MW.0139/18, amended as set out in Annex 1 to the report PN8;
- (b) application MW.0099/18 be approved subject to the existing conditions on consent MW.0124/13, amended as set out in Annex 2 to the report PN8.

51/18 PROGRESS REPORT ON MINERALS AND WASTE SITE MONITORING AND ENFORCEMENT

(Agenda No. 9)

The Committee considered a report (PN9) updating members on regular monitoring of minerals and waste planning permissions for the 2018 financial year and progress of enforcement cases.

Presenting the report Mr Hodgkinson clarified the charging regime available to the County Council.

Responding to Councillor Reynolds Mr Hodgkinson confirmed that he had contacted the operators at Ferris Hill Farm regarding the issue of mud on the road and regarding Hill Farm, Great Tew he was working with the agent there to secure the submission of a CLOPUD application and would keep the parish council informed on progress.

Members discussed the need to continue funding the temporary monitoring and enforcement officer post for at least one further year after October 2019 and possibly as a permanent post in the longer term. Members agreed that it was important to ensure decisions taken were enforced.

RESOLVED: (on a motion by Councillor Sibley, seconded by Councillor Phillips and carried unanimously):

- (a) that the Schedule of Compliance Monitoring Visits at Annex and the Schedule of Enforcement cases at Annex 2 to the report PN9 be noted;
- (b) that the Committee supports consideration being given by the council through the service and Resource process to the continued funding of the temporary Monitoring and Enforcement post so that it was retained for at least one further year after October 2019 and potentially as a permanent post thereafter.

52/18 NEW SINGLE STOREY THREE CLASSROOM TEACHING BLOCK, INCLUDING WITHDRAWAL ROOM, TOILETS, STORES, ANCILLARY

ROOMS TOGETHER WITH MINOR MODIFICATIONS TO HARD AND SOFT LANDSCAPING AND MODIFIED PARKING ARRANGEMENTS. - APPLICATION NO. R3.0114/18

(Agenda No. 10)

The Committee considered (PN10) an application for a new single storey three classroom teaching block, including withdrawal room, toilets, stores, ancillary rooms together with minor modifications to hard and soft landscaping and modified parking arrangements at Benson CE School.

Mary Hudson presented the report and referred to two emails received following publication of the report. In the first District Councillor Felix Bloomfield had referred to the Benson Neighbourhood Development Plan which acknowledged and supported the need for school expansion on sustainability grounds and to the strategic need for this school extension for the future education of the children of Benson and surrounding villages. He urged that the application be approved along with the transport management plan conditions to ease congestion on Oxford Road at peak times (at the beginning and end of the school day) and reinstate Oxford road as two-way at these times.

The second from Chris Hambleton of Frank Wise Associates the architects for the scheme explained the reasoning behind the current proposal and how during the design stage a number of options had been considered. The relatively compact layout of the existing school had been a defining factor which meant that a direct extension or building location closer to the existing school had not been deemed a feasible solution and realistically only allowed for some form of expansion either to the north or the east of the main building. Any extension of the school building eastwards would have a significant impact upon the existing teaching facilities with potential problems maintaining adequate daylight penetration and ventilation into existing classrooms. Also building an extension onto the existing school would likely cause considerable disruption to the operations of the school during the construction of the new building. The need to maintain safe routes into and around the existing school was paramount particularly during the construction process as was the need to secure access to play spaces. There were site constraints from both land ownership boundaries which did not allow sufficient space to expand north and the majority of the trees on the site being listed.

Bearing in mind the levels of new housing proposed for this area Councillor Matelot felt it imperative for this expansion to go ahead and therefore supported the recommendation.

Councillor Phillips agreed with the need for increased classroom space but had some reservations regarding the need to build on a conservation area and why construction work could not be carried out during school holidays and whether or not these issues could be explored further.

Councillor Webber expressed concern over the apparent disconnect between the property and education resource.

Councillor Mark Gray referred to recently agreed proposals for a 1000 new house build in Benson agreed to help secure a new bypass for the village. That would inevitably lead to an increased demand for school places and potentially require further development at the school and so he questioned why efforts had not been made to secure a new build school as part of the proposed housing. The current proposals for the school would remove 20% of an already small playing field space and while acknowledging the support of the local district councillor he pointed out that there were others who were very concerned that this proposal in its current form did not appear to secure the best deal for the school or the village. There were a number of questions which remained unanswered and he felt the best option would be to defer to explore all alternatives.

Mr Periam advised that deferral was an option. However, he pointed out that the Committee could not in his view consider matters which might or might not happen in the future and which were not pertinent to this application.

Councillor Sames, however, felt that the loss of 20% space was a material consideration and with regard to potential development at the school raised the issue of whether the school would be fit for purpose in the future. In his view whether the county was able to provide adequately for what was happening locally was a material consideration which the Committee needed to consider.

RESOLVED: (on a motion by Councillor Sames, seconded by Councillor Walker and carried by 12 votes to 0) to:

- (a) defer consideration of Application R3.0114/18 to enable further consideration of the following issues:
 - 1) could the building be an extension to the existing and so limiting the impact on the conservation area (and keeping the children dry...) and whether there was any scope for it to be located elsewhere within the school site anyway with less impact on the conservation area e.g. using the existing netball/hard play area;
 - 2) why the design of the building couldn't be more reflective of the fact that it was in the conservation area rather than just a reflection of the existing, arguably poorly designed, main school building;
 - 3) whether additional development could be provided for by building upwards rather than outwards – strong foundations on any extension granted now to cater for any possible future additional requirement for additional accommodation with a second storey;
 - 4) investigate if there was any potential to obtain a replacement school site from housing developers undertaking a 1000 house development in the village;
 - 5) whether or not these proposals reflected NPPF guidelines in so far as planning policies and decisions should ensure that developments would function well and add to the overall quality of the area, not just in the short term but over the lifetime of the development;
 - (6) cost of the development in the context of how it would compare with building a new school taking into account the income from selling the existing school site for development.

- (b) the architect and/or agent be asked to attend the meeting when this matter would to be reconsidered.

..... in the Chair

Date of signing

PLANNING AND REGULATION COMMITTEE – 21 JANUARY 2019

DIRECTOR FOR PLANNING AND PLACE

Development proposed:

New single storey three classroom teaching block, including withdrawal room, toilets, stores, ancillary rooms together with minor modifications to hard and soft landscaping and modified parking arrangements.

Division Affected: Benson and Cholsey

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

Location: Benson CE School, Oxford Road, Benson, Oxfordshire

Application No: R3.0114/18

District Reference: P18/S3366/CC

Applicant: Oxfordshire County Council

District Council: South Oxfordshire District Council

Date Received: 28 September 2018

Consultation Period: 11 October – 1 November 2018

Contents:

- Part 1 – Facts and Background
- Part 2 – Other Viewpoints
- Part 3 – Relevant Planning Documents
- Part 4 – Analysis and Conclusions

Recommendation

The report recommends that the applications MW.0114/18 be **APPROVED**.

Update from previous committee report dated 10th December 2018

1. Consideration of this application was deferred by Planning and Regulation Committee on 10 December 2018. Further information was sought from the applicant in relation to the reasons for deferral, as detailed in the minutes.
2. The original report is provided at Annex 1 and sets out full details of the proposal and relevant development plan policy. There are no changes to the proposals or the assessment against policy.
3. The applicant's response to the questions posed by committee are provided at Annex 2. This response was accompanied by a copy of an Option Appraisal report dated November 2016. This is provided at Annex 3.
4. As information is now available to allow further consideration of the issues raised by committee in December 2018, this application is now being brought back to Committee for determination.
5. The further information submitted does not change the conclusions and recommendation of the original report.

RECOMMENDATION

6. **Subject to the applicant first providing a Unilateral Undertaking for the payment of the School Travel Plan monitoring fee of £1240 it is RECOMMENDED that planning permission for R3.0114/18 be approved subject to conditions to be determined by the Director of Planning and Place, to include the following:**
 - i. **Detailed compliance;**
 - ii. **Permission to be implemented within three years;**
 - iii. **Provision of a School Travel Plan prior to the first occupation of the development;**
 - iv. **Provision of additional scooter and cycle parking;**
 - v. **Submission, approval and implementation of a Construction Management Plan;**
 - vi. **Provision of external lighting scheme;**
 - vii. **Provision of bird boxes.**

SUSAN HALLIWELL
Director for Planning & Place

January 2019

PLANNING AND REGULATION COMMITTEE – 10 DECEMBER 2018

DIRECTOR FOR PLANNING AND PLACE

Development proposed:

New single storey three classroom teaching block, including withdrawal room, toilets, stores, ancillary rooms together with minor modifications to hard and soft landscaping and modified parking arrangements.

Division Affected: Benson and Cholsey

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

Location: Benson CE School, Oxford Road, Benson, Oxfordshire

Application No: R3.0114/18

District Reference: P18/S3366/CC

Applicant: Oxfordshire County Council

District Council: South Oxfordshire District Council

Date Received: 28 September 2018

Consultation Period: 11 October – 1 November 2018

Contents:

- Part 1 – Facts and Background
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Recommendation

The report recommends that the applications MW.0114/18 be approved subject to the completion of a Unilateral Undertaking.

Site Location

1. Benson CE School is in Benson, in the south east of Oxfordshire, approximately 12 miles (19 km) south east of Oxford and 1.5 miles (2.5 km) north east of Wallingford. The school is in the west of the village.
2. The main school building is located in the eastern part of the application site. The proposed new building would be located in the middle of the site, west of the existing building, partly on an existing hard play area and partly on the existing playing field. The western part of the school site comprises playing fields.
3. The main entrance to the school is from Oxford Road, between the existing building and the proposed new building. There are three further pedestrian accesses; to the north onto Littleworth Road, to the east onto Horseshoe Lane and to the west to Benson Youth Hall. The school has 21 parking spaces including two disabled spaces and two informal spaces.
4. The site is entirely located in flood zone 1, the area of least flood risk. The school is surrounded by residential development. The closest residential properties to the proposed new building include properties on the south side of Littleworth Road, approximately 30 metres from the proposed new building, and properties on the south side of Oxford Road, a similar distance from the building but separated by the proposed new car parking area and Oxford Road. There are residential properties to the north, east and south and Benson Youth Hall lies to the west.
5. The boundary of Benson Conservation Area cuts through the school site and the area proposed for the new teaching block falls within this. Trees along the school site boundaries to the north, north east and south have Tree Preservation Orders. There are no listed buildings in close proximity to the site. The closest is the Three Horseshoes public house (Grade II) on the corner of Oxford Road and Horseshoes Lane, approximately 90m from the proposed new building, and a residential property opposite (Grade II).

Details of the Development

6. It is proposed to construct a new teaching block including three new classrooms and associated withdrawal room, storage areas, toilets and plant room. This is to meet the additional demand for school places from housing growth in and around the village.
7. The three new classrooms proposed would help to facilitate the expansion of the school from 1 form entry with an admission number of 30 to 1.5 form entry with an admission number of 45, in order to

provide enough school places for additional housing proposed in Benson.

8. The new building would be single storey with dual pitched roofs creating 288m² of additional internal floorspace with a footprint of approximately 360 m2. It would have buff coloured facing brick with large windows and a metal roof. The new building would be approximately 8m high at the ridge and 3.5 metres high at the eaves. There would be high level windows on the eastern elevation for lighting and ventilation. With the additional tarmac areas around the building and the proposed car park, the total developed area would be approximately 1,059 m2.
9. As part of the development, the existing parking area would be relocated to the south of the new block adjacent to the southern boundary of the school site. The school currently has 23 full-time equivalent members of staff and a pupil capacity of 210. It is anticipated that over time the new classrooms would accommodate 9 full-time additional members of staff and bring the pupil capacity to 315. Six additional car parking spaces are proposed as part of the car park relocation. The school has existing arrangements for the use of the car parks at the Three Horseshoes Pub and the Parish Council for pupil picking-up and dropping-off times. It is anticipated that around 50 additional vehicle trips could be generated during these times should the development be carried out but these could be reduced due to the use of after-school clubs and car-sharing. At present 48% of the pupils travel to school by foot, scooter, cycle or public bus.
10. External lighting mounted on the building would be provided around external doorways. The roof would overhang the new entrance to provide shelter when entering.
11. The area on which it is proposed to construct the new building and relocated car park is currently a grassed area. The site area contains playing field markings that would need to be adjusted to accommodate the new building and car park. The application states the school would be provided with a new off-site playing field under a Section 106 agreement associated with a housing development. Planning permission P16/S1139/O was granted in January 2018 and permits 241 dwellings north of Littleworth Road. The development includes a piece of land that would be provided to OCC as part of a Section 106 legal agreement, to provide a playing field for Benson Primary School. This lies approximately 200 metres north west of the proposed block, on the north side of Littleworth Road.
12. The relocated parking area would be located largely on the grassed area and partly on the existing hardstanding used for parking. Most of the existing parking area would be used as surfaced open space between the existing building and the new teaching block.
13. In terms of sustainability, the applicant has stated that:

- Photovoltaics can be added if future funding becomes available.
- The building has been thermally modelled to ensure maximum performance.
- Daylight penetration and natural cross ventilation have been maximised helping reduce the demand for artificial lighting and mechanical ventilation minimising energy consumption and creating a healthy teaching environment.
- The proposed use of high energy low NOx gas fired boilers will reduce emissions.
- The proposed installation of low energy LED lighting with passive infrared sensors and daylight dimming will be energy saving.
- The use of higher thermally performing materials will enhance the energy rating of the new building.
- Where possible materials will be locally sourced with a robust waste management plan in place - the contractor operates a Smartwaste policy with a 90% target of all materials taken away as waste being recycled.
- The contractor aims to employ 80% of sub-contractors from within a 40 miles radius of site.

Representations

14. Seven objections have been received by members of the public. An objection has also been received from Sue Cooper, SODC councillor for Benson & Crowmarsh. The points raised are set out at Annex 1. The main concerns were related to the impact on the playing field, design and traffic on Oxford Road. Many people who wrote felt that a better solution could be found to accommodate the forecasted growth in pupil numbers, either by expanding the existing school without affecting the playing field, or providing a new school.

Consultations

15. South Oxfordshire District Council Planning – Object. The overly large scale and prominent location of the classroom block and the prominent location of the proposed car park would erode the openness of the site failing to respect the distinctive character and appearance of the conservation area in the locality. The development would be contrary to policies CSEN3 and CSQ3 of the SOCS and policies CON7 and D1 of the SOLP. A revised scheme could be brought forward involving some vegetative screening, less obtrusive buildings design and relocated car park. The general principle of the development is supported by policy. The development would improve school facilities within Benson, although the loss of part of the playing field is undesirable. It is unfortunate to locate the car park where it would have the most severe visual impact. This could possibly be mitigated by alternative materials. The proposals are considered unacceptable having regard to the harm to the character and appearance of the conservation area. Support the provision of the new playing field prior to the development commencing. Additional off-street parking should be provided if possible to meet demand.

Appreciate that the proposed extension to the school does not offer significant opportunities for the provision of drop off areas. There should be a condition for a construction management plan to mitigate impacts on amenity but not concerned about harm to amenity post construction due to separation distance.

16. South Oxfordshire District Council Conservation Officer – The siting is within an important open space in the conservation area. The supporting statement does not identify which steps have been taken to address the existing character or mitigate the impact. The scheme would be much improved by siting the block much closer to the existing building to keep the built form contained within the site. The architectural style is consistent with modern extensions at the school and is not in itself objectionable.
17. South Oxfordshire District Council Environmental Health – No objection. Concerned that construction works could cause disturbance to local residents by means of noise and dust. Conditions should be used to control noise and limit construction and demolition hours to 8am-6pm Monday to Friday and 8am-1pm on Saturdays with no works on Sundays or bank holidays. Conditions should also be used to control dust.
18. Benson Parish Council – Strongly object. The design is not in keeping with the surroundings in a conservation area. There would be a loss of public amenity space. The car parking provision is too large. The proposal would not satisfy the long-term needs of the village. Traffic congestion outside of the school would increase.
19. Sport England – First response 09.10.18 – Holding objection. Request further information to show that the site will still be able to accommodate a football pitch of the same size of that currently on the site and also a consideration of paragraph 97 of the NPPF. Final Response – No objection, subject to a condition to ensure that the new playing field permitted under the District consent (P16/S1139/O) is delivered and available for use before there is any development on the existing school playing field. Final response – no requirement for condition following confirmation of continued availability of the remainder of the existing playing field pending completion of the replacement.
20. Historic England – Responded, no comments.
21. Natural England - Responded, no comments.
22. OCC Transport Development Control/School Travel Team - A full travel plan is required for this expansion to mitigate the travel impact of the increase in staff and pupil numbers. A travel plan should be produced prior to occupation of the new build because the school is already operating and has an existing community in-situ. A travel plan monitoring fee of £1,240 is required to enable the travel plan to be monitored for a period of five years. Please could consideration be

given to increasing cycle and scooter parking on site as part of the expansion. Reason – to increase the potential for staff and families to travel to school by bike or scooter. Condition - Prior to first occupation of the new build a full school travel plan shall be submitted to and approved by the Local Planning Authority.

23. OCC Rights of Way – Responded, no comments
24. OCC Biodiversity – No comments. The proposed new building and parking area will be located on existing amenity grassland and as such will not affect any potential protected species habitat.
25. OCC Lead Local Flood Authority – No objection.
26. The Environment Agency – No comments.

Policy Background

27. The relevant Development Plan policies include:

South Oxfordshire Local Plan 2011 (SOLP 2011) (saved policies):

- G2 – Protection and enhancement of the environment
- C6 – Biodiversity conservation
- CON7 – Conservation areas
- EP2 – Noise and vibration
- EP3 – Light pollution
- CF1 – Safeguarding recreational facilities
- D1 – Good design
- D2 - Parking

South Oxfordshire Core Strategy (adopted 2012) (SOCS)

- CSS1- Overall strategy
- CS1 – Presumption in favour of sustainable development
- CSQ3 - Design
- CSM1 – Transport
- CSEN3 – Historic Environment
- CSB1 – Biodiversity

28. Benson Parish Council’s Neighbourhood Plan (BNP) was made by South Oxfordshire District Council in August 2018 and, therefore, is now part of the Development Plan for this area. The final version of the plan has not yet been published but the referendum version of the plan is available.

- NP6 – Conservation and Heritage
- NP7 – Design
- NP22 – New Green Space
- NP23 – Biodiversity
- NP30 – Sustainable Drainage Systems

29. The Government's National Planning Policy Framework (NPPF) was published in 2012 and updated in 2018. This is a material consideration in taking planning decisions. Paragraph 94 states that LPAs should give great weight to the need to create, expand or alter schools through decisions on applications and work with school promoters to identify and resolve key planning issues prior to submission of applications.
30. South Oxfordshire District Council is developing a Local Plan 2033 and are currently in the process of reassessing the main housing sites proposed in that plan. This draft plan has not yet been submitted for examination. Therefore, although this plan is a material consideration, it has not been adopted and its policies can only be given limited weight.

Planning Analysis

31. The CLG letter to the Chief Planning Officers dated 15th August 2011 set out the Government's commitment to support the development of state funded schools and their delivery through the planning system. The policy statement states that:

"The creation and development of state funded schools is strongly in the national interest and that planning decision-makers can and should support that objective, in a manner consistent with their statutory obligations." State funded schools include Academies and free schools as well as local authority maintained schools.

It further states that the following principles should apply with immediate effect:

- There should be a presumption in favour of the development of state-funded schools;
- Local Authorities should give full and thorough consideration to the importance of enabling the development of state funded schools in their planning decisions;
- Local Authorities should make full use of their planning powers to support state-funded school applications;
- Local Authorities should only impose conditions that clearly and demonstrably meet the tests as set out in Circular 11/95;
- Local Authorities should ensure that the process for submitting and determining state-funded schools' applications is as streamlined as possible;
- A refusal of any application for a state-funded school or the imposition of conditions, will have to be clearly justified by the Local Planning Authority.

This approach is endorsed in paragraph 94 of the National Planning Policy Framework which states that great weight should be given to the need to expand or alter schools through decisions on applications.

Design

32. SOCS policy CSQ3 seeks to secure high quality design, including development which responds positively to and respects the character of the site and its surroundings, creates a sense of place and uses appropriate materials.
33. SOLP policy D1 also seeks good design and the reinforcement of local distinctiveness, through good quality site and building design with appropriate materials. BNP policy NP7 states that all new development should be of a high-quality design that respects the distinctive character of the locality. New development should be in accordance with the Principles set out in the Design Statement that accompanies the BNP.
34. Some concerns have been raised about the design of the building. Representations have suggested that the design should be improved and solar panels, cycle parking and electric car charging points added. SODC have stated that they are concerned about the scale of the block and its separation from the main building.
35. In my view the design and materials are consistent with the school setting and the construction would be sustainable. I note comments that additional classrooms would have a lesser impact on open space if built as an extension to the main school building, rather than a standalone building. However, the applicant has explained that extending the existing school building would cause disruption and cause problems in maintaining adequate sunlight and ventilation to existing classrooms and so to the pupils and staff. In any case, the application that has been submitted must be determined on its merits. Overall, I consider that the new building is acceptable in design terms and complies with SOLP policy D1 and SOCS policy CSQ3.

Historic Environment

36. SOLP 2011 policy CON7 states that that planning permission will not be granted for development which would harm the character or appearance of a conservation area. It also sets out things which should be considered when determining applications for development in conservation areas, including that the design and scale of new work should be in sympathy with the established character of the area and traditional materials should be used when this is appropriate to the character of the area.
37. SOCS policy CSEN3 states that conservation areas will be conserved and enhanced for their historic significance and their important contribution to local distinctiveness, character and sense of place through the determination of planning applications. BNP policy NP6 seeks also to conserve and enhance the special interest, character and appearance of the Benson conservation area, with regard for its setting and context as part of a longer linear historic settlements and for the wider relationship with the River Thames, the Ewelme Stream (Benson Brook), and the agricultural landscape.

38. The application is within the conservation area and both the District Council and Parish Council have objected to it on this ground. Comments have been received from the Conservation Officer at SODC. They have commented that the site is located on an important area of open space within the conservation area and it would be better if the building was closer to the existing building. The Conservation Officer considers that the concern is related to the siting and the design is not objectionable.
39. There have also been representations objecting to development within the conservation area and the design of the building in this context.
40. It is acknowledged that the proposed building would extend the built form of the school into an area of open space which is within the conservation area and that it clearly does impact on its character and appearance. It is unfortunate that it was not possible to locate the additional classrooms closer to the existing school building. However, the school site would still have open grassed areas at its western end and so although the area of open space would be reduced, a substantial proportion of it would be retained. Whilst the concerns raised by the District Council and Parish Council are noted, the expansion of the school is intended to serve the local growth in population through local housing developments. The impact on the character and appearance of the conservation area has to be weighed against the strong national policy support for the expansion of schools. In the Design and Access Statement included with the application, the applicant has set out that other options were explored but that this was the considered the best option for the following reasons:
- The proposed new teaching block is positioned close enough to the existing school, such that it will have minimal impact upon the setting or character of these assets whilst reflecting some of the dominant characteristics of the main school.
 - The proposed positioning of the new block does not impact upon the existing nature of the approach to the school entrance with minimal impact upon the existing sports and soft play facilities found within the site.
 - The proposed positioning of the new block avoids the removal of existing trees on the site.
 - The proposed building is located within the secure site boundary with new entrances located to connect with existing routes within the school site.
 - It would allow for future expansion should the educational needs of the school change.
41. The impact on the character and appearance of the conservation area is a key consideration in the determination of this application. However, unfortunately it does not seem that there is anywhere else within the

existing school site where the required extension could be practically accommodated without having an impact on the existing school environment.

Amenity

42. SOLP policy G2 states that the district's countryside, settlements and environmental resources will be protected from adverse developments.
43. SOLP policy EP2 states that proposals which would have an adverse effect on existing occupiers, by reason of noise, will not be permitted until there are effective mitigation measures.
44. SOLP policy EP3 states that proposals for external lighting that would have an adverse effect on neighbours or biodiversity will not be permitted, unless effective mitigation measures will be implemented.
45. It is not considered that the proposed new building and car park would result in unacceptable light or noise impacts for neighbouring properties, because of its central location within the school site. However, it is proposed that a condition requiring details of external lighting be attached to any planning permission prior to first occupation of the development. There is the potential for some nuisance arising during construction works and therefore, it is recommended that a condition is added for a construction management plan to ensure that appropriate mitigation is in place. Subject to this, the development is considered to be in accordance with SOLP policy EP3.

Transport

46. SOCS policy CSEN3 states that the use of sustainable modes of transport will be encouraged and traffic management measures and environmental improvements which increase safety and improve air quality will be promoted and supported.
47. The Benson Neighbourhood Plan refers to Oxford Road as a bottle neck and states that it always has parked cars during school times making progress difficult and it is particularly dangerous during school drop off and pick up. There is parking overspill onto adjacent roads. The plan includes a parking strategy, which includes ensuring that new developments provide sufficient on-site parking. Elsewhere the plan states that consideration should be given to lowering the speed limit to 20mph in the vicinity of the school when the school is active.
48. A number of objections have referred to concerns about traffic, including the increase in traffic on Oxford Road, the fact that pupils from new developments are more likely to travel by car as they live further from the school and that positive steps must be taken to deter car transport to the school.
49. The Transport Development Control/School Travel Plan team has not objected but has requested that a condition be attached requiring a

School Travel Plan to be provided prior to occupation of the building and that a travel plan monitoring fee of £1,240 is required to enable the travel plan to be monitored for a period of five years. A School Travel Plan would clearly seek to encourage sustainable modes of transport in line with the aims of policy CSEN3. This would need to be provided for through a Unilateral Undertaking prior to the grant of any planning permission. A condition should also be attached requiring the provision of additional cycle and scooter parking.

Parking

50. SOLP policy D2 states that permission will not be granted for developments that fail to incorporate adequate, safe and secure parking for vehicles. Vehicle parking should be provided in a discreet and sensitive manner. The application proposes the relocation of the existing car park and the addition of six extra spaces. It is considered that this additional provision is satisfactory in the context that staff journeys will also be included as part of the School Travel Plan.
51. A number of concerns have been raised about the location of the car parking area on the southern boundary of the school site where it would be prominent from Oxford Road and take up open space in the conservation area. This is noted, although there are existing mature trees planted along the school's southern boundary and these serve to break up views into the school site, albeit that the screening value will be reduced in the winter months. The impact on the character and appearance of the conservation area has been addressed above.

Biodiversity

52. SOLP 2011 policy C6 and SOCS policy CSB1 protect biodiversity and require that there is no net loss. BNP policy NP23 states that development proposals should maintain and enhance existing on-site biodiversity assets, and provide for wildlife needs on site, where possible. Where appropriate on-site biodiversity enhancements such as new roosting features for bats or nesting features for birds should be incorporated into the fabric of the development.
53. This proposal is not considered to have any adverse impacts on ecology due to the location of the building on an existing amenity grassland area. The applicant has agreed to provide bird boxes as an enhancement to biodiversity and this can be provided for through a condition should planning permission be granted. Therefore, the proposal is in accordance with these policies.

Playing fields/green space

54. A main concern raised in representations on this application is the site location on existing open space which is used as playing fields. They state that this is well used open green space which is important to the village. The school playing field is not however designated as green space to be protected in the Benson Neighbourhood Plan. BNP policy

NP22 seeks to see the creation of new areas of green space as part of new developments.

55. NPPF paragraph 97 states that existing open space, including playing fields should not be built on unless a) an assessment has been undertaken showing that the open space is surplus to requirements, b) the loss would be replaced by equivalent or better provisions in terms of quality and quantity in a suitable location or c) the development is for alternative sports and recreational provision, the benefits of which outweigh the loss of the former use.
56. SOLP policy CF1 states that proposals that result in a loss of a recreational facility will not be permitted unless suitable alternative provision is made or it is not needed. In this case the applicant is proposing suitable alternative playing field provision in an off-site location and this is already secured through an existing legal agreement related to a planning permission for housing. Sport England has no objection to the application.
57. The development would not lead to the creation of additional green space. However, it would not be practicable within the school site to do so. The existing playing field, other than that required for the development will remain as an open area and in recreational use.
58. The development is considered to be in accordance with the aims of SOLP policy CF1 and NPPF paragraph 97.

Other Issues

59. One representation has questioned the urgency of the need for the development and stated that the rate of occupation of new housing is less than expected. Representations have also suggested that a new school would be a better solution to the need for new classrooms. A number of other alternative solutions have been proposed in representations including other buildings close to the school, upwards expansion of the school, an extension rather than a new block. As set out above, the application that has been submitted must be determined on its merits and there is strong central government policy support for the expansion of existing schools.
60. BNP Policy NP30 seeks to see Sustainable Drainage Systems provided as part of new development. The application includes a drainage scheme which is satisfactory to the Lead Local Flood Authority.
61. SOCS policy CS1 sets out a general presumption in favour of sustainable development, in line with the NPPF. SOCS policy CSS1 contains the overall strategy for the district and states that the strategy will support and enhance the larger villages, including Benson as local service centres. It is considered that the proposed development is in accordance with the aims of these policies.

Conclusion

62. The proposal seeks to expand an existing village school in one of the larger villages in South Oxfordshire where future growth is planned.
63. There is some conflict with relevant development plan policy including with regard to the impact on the character and appearance of the conservation area. However, it is considered that the proposed development is needed in order to help meet local housing growth and the NPPF requirement to give great weight to the need to expand schools is considered on balance to outweigh these concerns.

RECOMMENDATION

64. **Subject to the applicant first providing a Unilateral Undertaking for the payment of the School Travel Plan monitoring fee of £1240 it is RECOMMENDED that planning permission for R3.0114/18 be approved subject to conditions to be determined by the Director of Planning and Place, to include the following:**
 - i. **Detailed compliance;**
 - ii. **Permission to be implemented within three years;**
 - iii. **Provision of a School Travel Plan prior to the first occupation of the development;**
 - iv. **Provision of additional scooter and cycle parking;**
 - v. **Submission, approval and implementation of a Construction Management Plan;**
 - vi. **Provision of external lighting scheme;**
 - vii. **Provision of bird boxes.**

Compliance with National Planning Policy Framework

In accordance with paragraph 38 of the NPPF Oxfordshire County Council takes a positive and creative approach and to this end seeks to work economic, social and environmental conditions of the area. We seek to approve applications for sustainable development where possible.

We work with applicants in a positive and creative 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 the applicant agreed to provide bird boxes as a biodiversity enhancement.

Representations

Development on school playing field

- Playing fields are much valued green space presented to the school by the village to be used as a playing field
- Less green space for community use
- Loss of playing field space for children
- Remote playing field not satisfactory due to journey time to get there and busy road
- Benson Neighbourhood Plan notes the need for more green space to compensate for the loss of part of the playing field, this should form part of the application
- An extension to the existing school building would mean less loss of green space
- There should be no development on the green space until replacement is provided
- Contrary to NPPF paragraph 97 as new playing field would not be provided until after the new classrooms are needed.
- Playing field was already reduced in size when the infant and junior schools merged.
- Construction stage will disrupt use of the field
- Not clear that this would benefit school children

A new school is needed

- The current school site cannot accommodate the level of growth needed for the proposed new housing in Benson
- If permission is given for this, another 3-classroom block will be needed in future leading to further loss of open space
- The current school hall is inadequate and no additional office, kitchen or staff space is proposed in relation to the additional pupils.
- This development would not provide enough capacity for all spaces needed if the existing housing permissions in Benson are taken up
-

Alternative provision should be made at school site

- Ruined house to the north could be ideal for new classrooms, youth hall could be moved, caretaker's cottage could be used, land at Keable Cottage could be used
- Distance between main building and proposed new block will cause hazards in bad weather – extension preferable
- The school should expand upwards
- Staff car parking should be remote and this area used
- Construction of a pedestrian/cycle bridge over Littleworth Road to encourage pupils from the Hopefield Grange development to walk or cycle to school

Development within the Conservation Area

- Proposed block not in keeping with the buildings of local note bordering the northern side of the field.

Car park

PN7

- Large car parking area adjacent to Oxford Road would be prominent and take up green space and should be moved

Traffic

- Transport Statement is flawed and does not appreciate that pupils from new housing are more likely to arrive by car than children living closer
- Should only be permitted if positive steps are taken to deter car transport
- Increase in traffic on Oxford Road

Fencing

- Oxford Road fencing would be unattractive and spoil view across field

Urgency

- Rate of occupation of new housing is less than expected and therefore it is unlikely that the extra accommodation will be necessary by September 2019

Improvements to the scheme are required

- Design of the teaching block should be improved
- Solar panels should be added to the roof
- Cycle parking and electric car charging points should be included

Environment and amenity impacts

- Security lighting would have adverse impacts on properties adjacent to the field
- The development would lead to the destruction of trees and wildlife.

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 –
 - b) to affect significantly the local distribution or abundance of the species to which they belong.
 - 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
4. Damage or destruction of an EPS breeding site or resting place.

Our records and the habitat on and around the proposed development site indicate that European Protected Species are unlikely to be present.

Therefore, no further consideration of the Conservation of Species & Habitats Regulations is necessary.

European Protected Species are unlikely to be present. Therefore, no further consideration of the Conservation of Species & Habitats Regulations is necessary.

Annex 2 – Applicant response to request for further information

Benson Primary School

Supporting statement for Planning Officer report to Planning Committee meeting 21 January 2019

Question: Why can't the building be an extension to the existing building, which would limit the impact on the conservation area and be more convenient for pupils?

An Options Appraisal for the expansion of Benson PS was produced in November 2016. Option A was selected as the best solution for expanding Benson from 1FE to 1.5FE and then to 2FE. This option was approved in the Outline Business Case.

It is not feasible to build an extension to the existing building for a number of reasons:

Extending Eastwards

There is potential for extending the existing school building eastwards. However, there are a number of considerations which rule this option out:

- This would have a significant impact upon the current teaching and learning environment in the existing classrooms because it wouldn't be possible to maintain adequate daylight penetration and ventilation into these areas meaning that these classrooms would no longer perform to Building Bulletin standards.
- In addition, because of the current teaching arrangements anything constructed to the east of the existing school building would have a detrimental impact upon the secure external play facilities provided to the early years classrooms. **Outdoor play** and outdoor exploration **plays** an important role in the learning and development in the early years as it allows children to explore, investigate and expand their minds. Any impact on the existing external play facilities would therefore impact upon teaching and learning.
- Because space is limited, any extension to the east may require a two-storey solution which would not be ideal.
- The construction cost for expanding the existing school building would be higher compared to providing a stand-alone building. The construction programme would also be longer.
- There would be considerable disruption to the school during the construction period if the existing building were to be extended.
- Maintaining safe routes into and around the existing school particularly during the construction process and having access to play spaces, greatly

complicates the construction logistics and lengthens the construction period.

Extending Westwards

There is potential for extending the existing school building westwards. However, there are a number of considerations which rule this option out:

- This would have a significant impact upon the current teaching and learning environment in the existing classrooms because it wouldn't be possible to maintain adequate daylight penetration and ventilation into these areas meaning that these classrooms would no longer perform to Building Bulletin standards.
- This option would require the re-location of the hard play and would mean bringing it further into the conservation area.
- The construction cost for expanding the existing school building would be higher compared to providing a stand-alone building. The construction programme would also be longer.
- There would be considerable disruption to the school during the construction period if the existing building were to be extended.
- Maintaining safe routes into and around the existing school particularly during the construction process and having access to play spaces, greatly complicates the construction logistics and lengthens the construction period.

Extending Northwards

There is no potential for extending the existing school building northwards because land ownership boundaries do not provide sufficient space for this. In addition, there are also a number of other considerations which rule this option out:

- Most of the trees on the site are listed – see Appendix 1 below. To the north of the existing school there are four trees which have a tree preservation order on them. Any expansion in this area would require an agreement for the disposal of protected trees bringing with it an additional cost and risk to the project.
- The space available northwards is not sufficient for an expansion because of the land ownership boundaries and the position of the trees.
- This would have a significant impact upon the current teaching and learning environment in the existing classrooms because it wouldn't be possible to maintain adequate daylight penetration and ventilation into these areas meaning that these classrooms would no longer perform to Building Bulletin standards.
- The construction cost for expanding the existing school building would be higher compared to providing a stand-alone building. The construction programme would also be longer.

- There would be considerable disruption to the school during the construction period if the existing building were to be extended.
- Maintaining safe routes into and around the existing school particularly during the construction process and having access to play spaces, greatly complicates the construction logistics and lengthens the construction period.

Question: In the justification for a separate building, reference was made to reducing disruption to pupils and staff. Could building work done in school holidays to lessen impact?

The construction programme is 30 weeks with an additional 4 weeks for site mobilisation for the stand-alone building. This programme would be substantially longer if it were for an extension of the existing school because of the added complexity and logistics of this.

Although some of the construction work will inevitably take place during school holidays periods this will only account for a small amount of the time taken for construction.

Question: Why can't the building be located elsewhere within the school site with less impact on the conservation area, for example the existing netball/hard play area?

As can be seen from Appendix 1, most of the school site is within the conservation area. Finding an area big enough for the extension which does not impinge on the conservation area is not possible.

For example, if the building was located on the netball/hard play area (part of which is outside of the conservation area) this provision would need to be re-located anyway elsewhere on the site and would be in the conservation area.

Question: Why can't the design of the building reflect the conservation area rather than the existing, arguably poorly designed, main school building?

The existing school is a well-designed building. It was a conscious decision to emulate this building. Determining a design which reflects the conservation area is difficult. The local vernacular is a mixture of differing architectural styles of varying quality and merit. The nearest non-residential building located within the site is a single storey sports building of no architectural significance.

Question: Could the new block be designed so that if further classrooms were required in future it could be extended upwards with a second storey to prevent further development on open space?

It could be designed to take a second storey. However, a two-storey block would be out of context with the rest of the school. A two-storey building of such a small size is inefficient in terms of circulation and hence would add significant cost. The School does not like the idea of two storeys from a

school functionality point of view. The practicalities of building a second storey over a live teaching environment are also disruptive and costly.

Question: Why wasn't a replacement school site secured as part of the housing development?

The expansion of Benson CE Primary School is required to mitigate the impact of new housing. The County Council is only able to require developers to provide mitigating measures commensurate with the scale of their development. With planned and permitted housing in Benson village, the latest pupil forecasts indicate that the cumulative impact on primary school places is a need to provide for an additional 0.5 form of entry. This need will be met by the proposal to expand Benson CE Primary School from 1 form entry to 1.5 form entry.

A request for land and funding to provide a replacement 1FE primary school would not be commensurate with the scale of housing development. In addition, the land would be located within approved housing sites and would therefore attract residential development value. It is also important to note that the new housing in Benson is being provided across multiple sites with no single developer responsible for the impact of the additional housing.

SODC implemented the Community Infrastructure Levy with effect from April 2016 however the County Council has secured via a S106 agreement land within one of the developments for use as a playing field for Benson CE Primary School to support the proposed expansion.

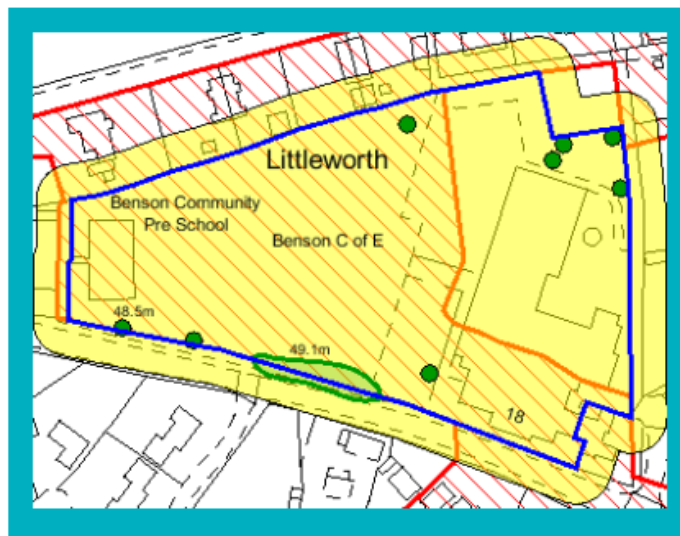
Questions were also raised about the cost of the development. It would be helpful to have some information available when this goes back to committee in case it comes up again.

OCC do not own the existing site and buildings so cannot assume any capital receipt. In practice the school trustees may support disposal/relocation provided their interest is replicated in the ownership of a new site. The Trust that own the playing field may be less likely to consider disposal/relocation. Very roughly minimum development land values can be considered to generate circa £235k per acre subject to the proportion of land that is developable. In this case it may be the case that much of the site could be developable which could increase values to circa £800k per acre. The existing school site is just under 3 acres so might attract a maximum value in the region of £2.4m. The costs of reconstructing a 1FE school on an alternative site would be circa £5m plus on-costs of circa £1m based upon data already provided to the district planning authority.

This would result in a funding gap of circa £3 - £3.5m (assuming a new school site could be delivered without additional cost), consequently expansion of the existing site is the only viable means of mitigating the impact of new housing.

B.5. Benson CE Primary School Conservation Area and TPOs

TPO and Conservation Area Search



Map Layers

- Selected property
- Protected trees
- Protected groups/areas
- Conservation areas
- Search area

The following Tree Preservation Orders were found within the highlighted search area.

**Benson CE (VC) Primary School -
Proposed Expansion from 1FE to 1.5FE & 2FE**

Option Appraisal

November 2016



CONTENTS

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 - **Site Area**
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 - **Expansion to 1,5FE Option A**
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- 7. Cost Estimate – REMOVED as IBC has updated costs**
- 8. Risks and Issues**
- 9. Conclusion**

10. Appendices

- **Existing Site and Block Drawings**
- **ICPCC**
- **Expansion Checklist**

1. Introduction and Background

A Service Instruction was issued on 27 September 2016, to review the options of how Benson Primary School could expand from 1FE to 1.5FE and to 2FE. CEF have advised that it is probable that the initial expansion will be to 1.5FE, and therefore this Option Appraisal reviews how the school could expand to 1.5FE and also how a future expansion from 1.5FE to 2FE could be achieved at a later date.

The village used to have separate Infants' and Junior Schools until 2005, when the former Benson Junior School was extended to become Benson CE (VC) Primary School, as it is today.

A Housing Developer has proposed to create a significant number of dwellings on land to the north side of Littleworth Road. Within this development, the proposal includes a piece of land that will be provided to OCC as part of a S106 Agreement, for use as a playing field for Benson Primary School. This proposal has been accepted by OCC and as the remote playing field will meet the soft outdoor PE requirement for both 1.5FE and 2FE, this Option Appraisal focuses on the capacity of the existing site, excluding the soft outdoor PE provision.

2. Executive Summary

The existing school site can accommodate the additional building footprint and external areas required to expand to 1.5FE and 2FE, subject to the provision of the remote playing field.

With regards to the Government's proposed increase in Early Years provision; it has been assumed that the existing Nursery provision is sufficient for 1.5FE & 2FE as there is an alternative Early Years provider in the village.

There looks to be 2 possible options to expand to 1.5FE, as detailed in Section 6. The estimated costs for the 2 options are:

- £1.376m - Expansion to 1.5FE (Option A)
- £1.631m - Expansion to 1.5FE (Option B)

Should the school expand further from 1.5FE to 2FE, then the estimated cost of that phase would be an additional £1.110m.

3. The Site

Site Ownership

The site is partially owned by the Oxford Diocesan Board of Finance and partially owned by 'The Trustees of The Benson School Playing Field'.

OCC lease in 2 pieces of land owned by 'The Trustees of Benson School Playing Field', which covers the existing playing field and the majority of the hard play and car park. These are outlined in blue on Drawing B.4. in the Appendices.

Due to the site layout, the only location for any new build or additional hard play would be on land owned by 'The Trustees of Benson School Playing Field' and therefore their approval would be required prior to the feasibility study commencing.

Site Restrictions

There are a number of Tree Preservation Orders (TPO) on trees within the school grounds, of which 4 are to the north of the existing building. These TPOs will prevent extending the building to the north and another tree with a TPO will affect where any hard play extension is located. See drawing B.5. in Appendices.

The majority of the site is within a Conservation Area, which would require liaison with SODC to obtain approval for the location of any proposed new build and hard play.

4. Existing External Areas – Suitability for Expansion to 1.5FE and to 2FE

Site Area for 1.5FE & 2FE

As the remote playing field will provide the required soft outdoor PE provision for both a 1.5FE and a 2FE school; the existing site need only cater for any accommodation expansion and any increased external provision for hard play, informal soft play and Foundation Stage external play area.

Hard Play

The existing hard play provision (PE and social & Informal) is approximately 1,388m².

Hard Play for 1.5FE

BB103 recommends a minimum hard play area of 1,388m² for a 1.5FE school (873m² PE, 515m² Social) and therefore the requirement is met.

Hard Play for 2FE

BB103 recommends a minimum area of 1,650m² for a 2FE school (1,030m² PE, 620m² Social), and therefore the existing provision would present a shortfall of 262m² of hard play should the school expand to 2FE.

Should the new accommodation be located on the hard play area, then the hard play provision should be re-provided to meet the area guidance above.

Soft Play

As the remote playing field will meet the recommendation for the soft outdoor PE provision for both a 1.5FE and a 2FE school; only the social & informal soft

play provision is assessed for its suitability. The existing playing field area is circa 4,764m².

Soft Social & Informal Play for 1.5FE and 2FE

BB103 recommends a minimum social and informal playing field area of 1,230m² for a 1.5FE school, and a minimum area of 1,440m² for a 2FE school. Therefore there would be over 3,300m² of surplus playing field for a 2FE school.

Should the expansion project result in the full hard play provision being relocated onto the existing playing field, then the recommended area for social & informal soft play for a 2FE school would still be met.

Foundation Stage External Play Area

The existing external play area used by Nursery and Reception pupils is 575m².

FS External Play for 1.5FE

Using the calculation of 9m² for the first 30 pupils and 7m² per pupil thereafter; a 1.5FE school should have a minimum area of 557m² (based on 45 Reception pupils and 26 Nursery pupils). Therefore the provision is already met.

FS External Play for 2FE

For a 2FE school (based on 60 Reception pupils and 26 Nursery pupils), the guidance is for 662m² and therefore there would be a shortfall of 87m².

Car Parking

There are currently 21 parking spaces, including 3 disabled parking bays.

Car Parking Requirement for 1.5FE

The guidance for a 1.5FE school is for 22 spaces based on 2.5 spaces for the Nursery and 1.5 spaces per class, plus 3 for visitors/disabled parking; and therefore there is a shortfall of 1 space. However there is space within the car park for 1 or 2 cars to park outside of the marked bays and so it isn't proposed to increase the parking provision for 1.5FE.

Car Parking Requirement for 2FE

The guidance for a 2FE school is 27 spaces (based on the above calculation) and therefore there would be a shortfall of 6 spaces should the school expand to 2FE.

5. Existing Accommodation – Suitability for Expansion to 1.5FE and to 2FE

Nursery Accommodation for 1.5FE and 2FE

The Nursery classroom is 63m² and so is sufficient for 27 pupils, using the calculation of 2.3m² per pupil, taken from the Statutory Framework for the Early Years Foundation Stage (EYFS). It is not anticipated that the Nursery numbers will grow beyond 26, and therefore the current classroom will be sufficient for both a 1.5FE and a 2FE school.

There are currently 3 pupil toilets that serve the Nursery, which is sufficient for up to 30 pupils, at a 1:10 ratio.

ReceptionAccommodation

Thecurrent Reception classroom is 68m².

Reception Accommodation for 1.5FE

For a 1.5FE school, Reception would have accommodate up to 45 pupils. The minimum area required would be 104m² (as per the EYFS). Therefore the current Reception classroom would be insufficient for a 1.5FE school.

Reception Accommodation for 2FE

For a 2FE school, 2 Reception classrooms would be required @ 69m² each to accommodate 60 pupils. Therefore an additional 70m² classroom would be required or the school to accommodate 60 Reception pupils.

There are currently 3 Reception toilets, and to operate at 1.5FE, 5 toilets are required at the guidance of 1:10 ratio (for 45 pupils) and for 2FE, 6 toilets are required (for 60 pupils).

To future-proof the provision for a possible future expansion to 2FE; it is recommended to provide 2 classrooms and 6 toilets for expansion to 1.5FE.

KS1 / KS2 Teaching and Toilets

There are currently 6 classrooms used for KS1/KS2 teaching and another 57m² room that is used for SEN/Withdrawal/Music.

1.5FE Requirement

To operate at 1.5FE, a total of 9 KS1/KS2 classrooms are required. If the Music room is used as a classroom, then an additional 3 classrooms are required.

2FE Requirement

A 2FE school needs a total of 12 KS1/KS2 classrooms. In addition to the 3 classrooms required to expand the school to 1.5FE, a further 3 classrooms would be needed to expand further to 2FE.

Toilets

There are 23 toilets for KS1/KS2 pupils, which exceeds the recommended number of 18 for a 2FE school. However it is assumed at this stage that a

stand-alone block will be the solution, and therefore toilets will be required to serve the new classrooms.

Withdrawal Rooms

The school use 3 rooms for Withdrawal: a Food Tech room at the FS end of the school; an ex-classroom that is also used for Music and the main SEN room that houses the school's SENCo.

For expansion, it is proposed to use the large room as a classroom but this will still leave sufficient provision in the existing building. However it is proposed to include a Withdrawal Room in the new accommodation, to serve the new classrooms.

Library and ICT

The library is 45m², although the usable area is reduced as it is used as circulation. It is not proposed to enlarge or relocate the library as the maximum area recommended for a 2FE school (using the EFA schedule of accommodation toolkit) is 32m².

The ICT Room is 68m² and could become surplus to requirements should the school move to a wireless system, and use laptops. If this is agreeable with the school, then (due to its location adjacent to the hall) it is proposed to use the room as a Studio for Drama, Music etc.

Hall and Studio

The hall is 148m² and is therefore above the 140m² that BB103 recommends as the minimum area required (for 1.5FE & 2FE) for KS2 PE, dining, drama and assemblies.

There is no Studio at present, but the current ICT room could become a Studio with minimal works to remove the ICT benching.

Staff Areas

Staffroom

The staffroom is 67m² which is above the 41m² recommended in the EFA SoA toolkit for a 2FE school. The staffroom will be sufficient for a 2FE school and no changes are recommended.

Access to the staffroom is up 3 steps and so while the room is large enough for a classroom, it wouldn't be ideal as would be inaccessible for non-ambulant pupils, and for this reason it has been discounted as a proposed future classroom. It is also in a central location with internal views to the corridor and external views onto the FS garden and so its current location is ideal, whereas if it was used as a classroom, the new staffroom would probably be located in the new block, and would be too remote from the main school building.

Admin Office

The existing admin office is 22m², which is above the EFA guidance of 20m² for both a 1.5FE school and a 2FE school, and is in a good location.

Headteacher's Office

The existing Headteacher's office is 12m² and in a good location, opposite to the admin office. This is below the EFA guidance of 16m² for both a 1.5FE school, and a 2FE school. However as it is only 4m² below the recommended size; and as it isn't a statutory requirement, it isn't proposed to enlarge or relocate the office.

Staff Toilets

There are 5 toilets dedicated for staff use, of which 2 are accessible toilets. The accessible toilets are located near to the main entrance, for visitor use and within the FS area. This is deemed sufficient based on the requirements of the H&S Workplace Regulations and therefore additional staff toilets are not required.

Kitchen

The kitchen is 66m² which is above the requirement for a 2FE school and has good adjacent storage and its own delivery access. It is not proposed to make any changes to the kitchen.

6. Expansion Proposals

There are 2 realistic options of expanding to 1.5FE:

- Option A – new 3-class KS2 block
- Option B – new 3-class FS block

For both options, it is assumed that the room currently used for Withdrawal & Music will be used as a classroom, and the current ICT room will become the Studio.

It is assumed that the new accommodation will be through a stand-alone block as extending onto the south, east or north of the existing building isn't possible due to site restrictions (boundary and trees); and extending onto the west side of the existing building would block out natural light to existing classrooms.

Option A – 3 Class KS2 Block (See Drawing B.2.)

This option relocates the Nursery classto where Reception is currently, and utilises the 2 classrooms at the end of the block for Reception. By opening up the corridor walls, the 2 classrooms will feel more of a single teaching environment for Reception.

The FS garden would need extending so that it encompasses the door at the

top of the corridor. The pathway would be re-routed around the perimeter of the FS garden.

The remaining 6 classrooms are in groups of 3 and could be used for years 1, 2, 3 & 4, leaving a need for an additional 3 KS2 classrooms to be provided through new build.

Option A Pros and Cons

FS remain where it is, with continued use of the well-developed external area, and it can remain should expansion to 2FE be required. The remaining 6 classrooms are in groups of 3 (which is ideal for a 1.5FE school).

This option would be favourable for future expansion to 2FE as the new 3-class KS2 block (required for expansion to 1.5FE) could be extended with a further 3 classrooms, which would create 6 KS2 classrooms, keeping the year groups in pairs.

Option A - Proposed New Accommodation

KS1 / KS2 Block	Area m ²	Comments
3 x Classrooms @ 62m ²	186	A 62m ² includes cloaks and wet / resource area
3 x Teaching Storage @ 1.5m ²	4.5	
1 x Cleaner's Store	1.5	
1 x Withdrawal Room	9	Located directly off of circulation
Sub Total	201	
Circulation @ 31%	62	
Unisex Accessible Toilet	7	Can double up used as a staff toilet
2 x (Sets of 3)Pupil Toilets @ 9m ² each	18	3 male, 3 female
Total Area	288	

Option A - Internal Alterations

Room	Area m ²	Comments
Create an opening within the corridor walls at the FS end of the school say	50	
Total	50	

Option B – FS Block (See Drawing B.3.)

All existing 9 classrooms (including the Music room) become teaching for years 1-6, and then a new FS black would be required with its own secure external play area.

Option B Pros and Cons

This option contains all years' 1-6 classrooms in the main building with no adaptations required.

The downside to this option is relocating the FS away from their current external area, although a replacement external area would be created and some of the current play equipment could be relocated.

For future expansion to 2FE an additional 3 KS1/KS2 classes would be required, which would mean separating one of the year groups as it wouldn't be possible to keep them in pairs.

Option B - Proposed New Accommodation

FS Block	Area m ²	Comments
3Classrooms @ 69m ²	207	2 Reception, 1 Nursery
1 x Withdrawal Room	9	Located directly off of circulation
FS Staff / Workroom / Kitchen	10	
FS Utility / Laundry Room	4	
Storage	16	3 x 4m ² internal stores and 4m ² external store
Cloaks	18	
1 x Cleaner's Store	1.5	
Sub Total	265.5	
Circulation @ 31%	82.3	
Accessible Toilet / Changing Room	7	Can double up as a staff toilet
6 Reception Toilets	18	6 toilets will future-proof the building should the school expand further to 2FE
3Nursery Toilets	9	
Total Area	382	

Expansion to 2FE

The FS accommodation would be sufficient for 2FE as the provision for the 1.5FE expansion (2 Reception classrooms and 1 Nursery classroom) is the same.

For either option, to expand further to 2FE, an additional 3 KS1/KS2 classrooms would be required, as shown on the table below:

Expansion to 2FE - Proposed New Accommodation

KS1 / KS2 Block	Area m ²	Comments
3 x Classrooms @ 62m ²	186	A 62m ² includes cloaks and wet / resource area
3 x Teaching Storage @ 1.5m ²	4.5	
Sub Total	191	

Circulation @ 31%	59	
2 x (Sets of 2) Pupil Toilets @ 6m ² each	12	2 male, 2 female
Total Area	262	

Externally, additional hard play provision would be required to replace any hard play utilised for the new build and to meet the recommendations of BB103; and additional car parking would be required. The exact areas of additional hard surfacing would be reviewed during the feasibility stage.

7. Cost Estimate

The cost estimates have been removed as the IBC has a revised cost estimate

8. Risks and Issues (over and above standard project risks and issues)

The feasibility study will identify all design and construction risks, and a risk register will be created so that all risks are known. Outside of the standard risks and issues, it should be highlighted that:

- Should the remote playing field not materialise, then expansion to 1.5FE on the existing site would leave the school with external play provision well-under the recommended minimum areas.
- Whilst the planning stage will take into account that most of the site is within a Conservation Area, and that there are many trees with Preservation Orders on them, it should be noted at this stage that these will restrict where any new build and hard play can be located.
- As mentioned in Section 3, 'The Trustees of Benson School Playing Field' lease the land to OCC on which any new build and hard surface would be located, and therefore their provisional approval to the expansion would be necessary at the beginning of the feasibility stage.

9. Conclusion

Expansion to 1.5FE

The provision of the remote playing field will enable the school to expand to 1.5FE as the existing site provides sufficient area for the necessary accommodation and external provision; and the remote field will provide the soft outdoor PE provision.

Assuming approval is obtained from the landowner, the site does allow for an additional teaching block and extended hard surfacing, whilst retaining a large area of playing field for social & informal outdoor play, and therefore the

remote field would then only be needed for PE.

By increasing the Reception accommodation to 2 classrooms, instead of only the 1.5 classrooms needed for 45 pupils; the Reception accommodation is future-proofed should further expansion to 2FE be required.

Expansion to 2FE

Expansion from 1.5FE to 2FE would be possible on the existing site, but would have the same constraints, with the Conservation Area, TPOs and land leased in by OCC. It is proposed that an extension to the new block (required for the 1.5FE expansion) would provide the necessary accommodation, with the hard surfacing needing to be extended onto the existing playing field to provide the recommended provision for car parking and hard play.

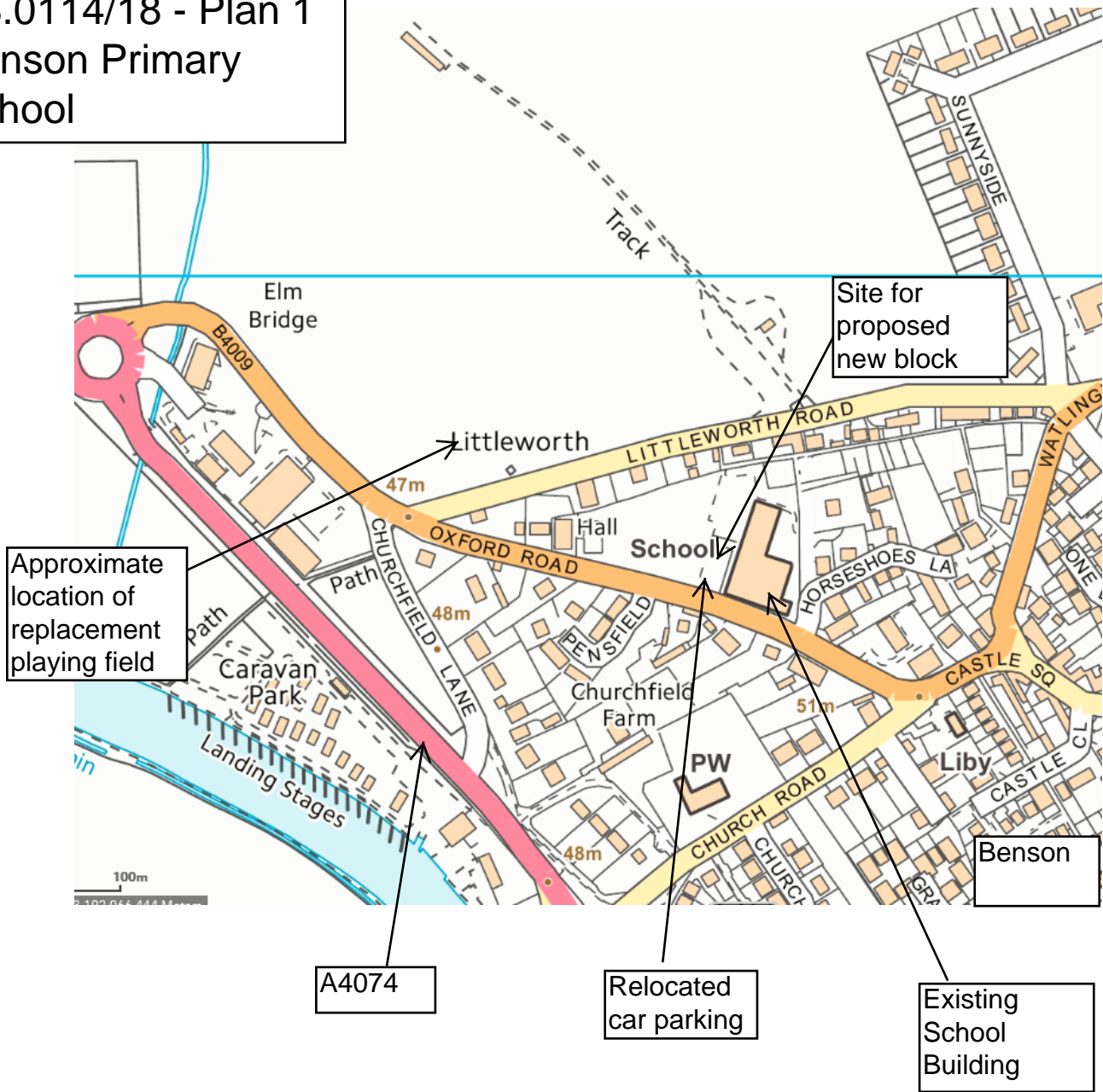
Recommendation

Whilst both options meet the need; Option A is the less-expensive solution and should the school expand further to 2FE, then the (Option A) new block would end up with 6 KS1/KS2 classrooms; and so would keep the year groups in pairs. Therefore Option A is the recommended solution.

10. [Appendices](#)(* *The appendices include a number of spreadsheets each with a number of tabs so if you would like to view these clicking on the highlighted hyperlink Appendices link will take you to the documents.*)

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R3.0114/18 - Plan 1
Benson Primary
School



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For: PLANNING AND REGULATION COMMITTEE – 21 JANUARY 2018

By: DIRECTOR FOR PLANNING AND PLACE

Development Proposed:

Erection of a Noise Attenuation Bund.

Division Affected: Kidlington and Yarnton

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

Location: Shipton-on-Cherwell Quarry, Bunkers Hill, Shipton-on-Cherwell, OX5 3BA

Applicant: Mr Philip Copplestone, Shipton Ltd.

Application No: MW.00017/17 **District No:** 17/00436/CM

District Council Area: Cherwell

Date Received: 7 February 2017

Consultation Period: 23 February – 16 March 2017

Contents:

- Part 1 – Facts and Background
- Part 2 – Other Viewpoints
- Part 3 – Relevant Planning Documents
- Part 4 – Analysis and Conclusions

Recommendation: Approval

• Part 1 – Facts and Background

Location (see site plan Annex 1)

1. The quarry is situated 10km (6.2 miles) north-west of Oxford, immediately north of the village of Shipton-on-Cherwell and east of the A4260. Bletchingdon lies 2km (1.2 miles) to the east of the site. To the north-west of the site is the linear settlement of Bunkers Hill, separated from the quarry by the A4095. Oxford Airport lies 1km (0.6 miles) to the south west. The site lies within the Oxford Green Belt.

2. The quarry is in open countryside covering 71 hectares, of which most of the site comprises a largely worked out dormant limestone quarry. The site also includes an aggregate recycling facility (ARF) located in a central 3.5 hectares area of the quarry, immediately east of the permitted haul road. The ARF is covered by a separate planning permission.
3. To the north-eastern boundary of the quarry, the land falls away to the Oxford Canal/River Cherwell. The Birmingham to Oxford railway line runs along the eastern boundary.
4. The quarry has been designated a County Wildlife Site and parts of it are designated as a geological Site of Special Scientific Interest (SSSI). A public right of way skirts the site to the north and south. Parts of the site are contaminated and are subject to remediation measures required by conditions attached to the extant planning permission.
5. The nearest dwellings to the proposed aggregate recycling site are in Jerome Way (in Shipton-on-Cherwell village) 400 metres to the north-west.
6. The nearest property to the application site is a house 28m to the south.

Background

7. In September 2006 the County Council approved a proposal for the comprehensive restoration and development of the quarry. This development incorporated:
 - Import and deposit of inert waste in order to raise the quarry floor above water level and create a development platform.
 - Re-establishment of rail sidings, construction of a rail aggregates depot and rail storage depot.
 - Mineral extraction.
 - B8 industrial use.
 - Demolition and recycling of existing structures.
 - Wildlife and geological conservation areas.
 - Temporary car storage (15 years).
 - Woodland for managed timber production (after 15 years).
 - Improvements to A4260 / A4095 junctions.
8. Section 73 planning permissions to vary the conditions of that application have been granted, the latest of which is reference number MW.0001/18.
9. Planning and Regulation Committee on 10 December 2018 refused a planning application for an extension to the quarry which included a noise attenuation bund. This proposal differs from that application in that the noise attenuation bund in this case is to mitigate activities that currently have planning permission.

Details of the Development

10. This application seeks retrospective planning permission for the construction of a noise attenuation bund at the southern end of the quarry near the housing at Shipton on Cherwell.
11. The bund was constructed using inert materials to cut down the noise to the residential properties, particularly during the demolition of the old cement works area. The demolition works have now been completed, but the applicant considers it preferable to retain the bund for the duration of the quarrying and restoration works at the site, in order to provide noise mitigation against any potential noise impacts associated with the use of plant and machinery within the operational parts of the site.
12. The noise bund covers an area of 18,600m² and at its maximum is 9.8m high. It is made from overburden/interburden and quarry processing waste.
13. The bund is proposed to be retained on a temporary basis, providing noise mitigation for the life of the operational quarry. It would be removed during the restoration of the site and used to complete the infilling and restoration of the final phase in accordance with the phasing plans. The site has to be restored by 17th June 2036 following 15 years of car storage. The bunds should therefore be removed by 17th June 2021 so that the material can be used in the restoration and once the recycling operations cease.

Part 2 – Other Viewpoints

Representations

14. There has been one third party response objecting on the grounds of noise, dust and traffic.

Consultations

15. Cherwell District council – no objection.
16. Environment Agency – no objection.
17. Natural England – no objection.
18. Network Rail - no objection in principle, but give comments and requirements for the safe operation of the railway.
19. County Transport Development Control Officer – no objection.
20. County Ecology Officer – no objection.
21. County Rights of Way Officer – no objection.

Part 3 – Relevant Planning Documents

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

22. Planning applications are decided in accordance with the development plan taking into account material considerations.
23. The principle of the mineral extraction, recycling and restoration of the site are already permitted. This application is only considering whether the material should be stored as noise attenuation bunds prior to being used as restoration. The relevant development plan policies are:
24. Oxfordshire Minerals and Waste Local Plan Part 1: Core Strategy (OMWCS)
 - C1 – Sustainable development
 - C4 – Water environment
 - C5 – Local environment, amenity and economy
 - C7 – Biodiversity and Geodiversity
 - C8 – Landscape
 - C12 – Green Belt
25. Cherwell Local Plan 2011 – 2031 (CLP)
 - PSD1: Presumption in Favour of Sustainable Development
 - ESD 8: Water Resources
 - ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment
 - ESD 13: Local Landscape Protection and Enhancement
 - ESD 14: Oxford Green Belt
26. The National Planning Policy Framework [NPPF] and its technical guidance are also material considerations. The Cherwell Local Plan review is under way, but it is at a very early stage and there are, as yet, no policies that would apply to this application.

Comments of the Director for Planning and Place

27. Policy PSD 1 of the CLP seeks a positive approach to development generally, and Policy C1 of the OMWCS states that a positive approach will be taken to minerals and waste development in line with the presumption in favour of sustainable development in the NPPF. The proposed development should therefore be granted planning permission unless policies or material considerations dictate otherwise.

Landscape

28. Policy C8 of the OMWCS states that proposals should respect and where possible enhance local landscape character. It further states that where significant adverse impacts cannot be avoided or adequately mitigated, compensatory environmental enhancements shall be made to offset the residual landscape and visual impacts. Policy ESD13 of the CLP seeks opportunities to enhance local landscape character.

29. The bund is a visual intrusion and is not in keeping with the local landscape character. It is made worse by the fact that it has not been subject to any planting. The proposal could be softened by attaching a planting condition to any permission given, but it would not be sufficient to overcome the harm to the landscape caused by the bund. The proposal is therefore contrary to policy C8 of the OMWCS and policy ESD13 of the CLP.

Effect on the Local Amenity

30. Policy C5 of the OMWCS states that proposals for mineral and waste development should not have an unacceptable impact on the local environment, human health and safety, residential amenity, and the local economy.
31. The bund does provide noise attenuation. It also serves to reduce the impact of dust arising from within the site. Complaints about noise and dust are periodically received, by the County's Monitoring and Enforcement Team, about noise and dust that emanate from activities within the quarry site. The bund has helped to reduce those complaints. However, concerns have been raised through the County's monitoring and enforcement team, that some dust is being blown off the bund itself. A condition to secure planting on the bund would mitigate that concern and ensure a positive outcome for the local residents in terms of human health and safety.
32. In terms of the local environment and residential amenity, the intent is to improve both those by reducing noise arising from the quarry. It also provides a barrier to dust which is also a positive impact. The bund itself causes harm to the visual amenity of the area because of its scale and setting. I consider that the improvements in limiting the noise and dust emanating from the site are such that they outweigh the temporary harm to visual amenity.
33. There would be no significant impact in terms of the local economy. The proposed development does therefore accord with policy C5 of the OMWCS.

Other Issues

34. Policy C7 of the OMWCS and policy ESD10 of the CLP seek a net gain in biodiversity. Prior to the development taking place, an Extended Phase 1 Habitat Survey identified the area as tall ruderal and ephemeral/short perennial vegetation. The bund has not led to the loss of any significant species, but it has not shown a net gain in biodiversity either. The condition requiring a planting scheme should also require a mix that would lead to an increase in biodiversity during the time that the bund is in place, which would make the application compliant with policies C7 and ESD10.
35. Policy C4 of the OMWCS and policy ESD8 of the CLP seek to protect water resources. The Environment Agency had initially objected to the application, but upon receiving further information from the applicant they have withdrawn their

objection. The proposed development would not therefore harm the water environment and would be compliant with both policies.

Green Belt

36. The proposed development used inert materials arising on the site to create a bund, which affects the openness of the Green Belt and is therefore inappropriate. Policy C12 of the OMWCS states that proposals that constitute inappropriate development in the Green Belt will only be permitted in Very Special Circumstances. Policy ESD 14 of the CLP states that Development within the Green Belt will only be permitted if it maintains the Green Belt's openness and does not conflict with the purposes of the Green Belt or harm its visual amenities.
37. The proposal has created a noise bund to protect local amenity while the existing permitted operations within the quarry are taking place on the site. These can only be carried out in the location in the Green Belt and, once the bund is no longer needed for noise attenuation, it would be removed and the material from which it is constructed would be used in the restoration of the quarry.
38. The proposal benefits the local residential amenity by the protection it affords from the activities within the quarry. That benefit must be weighed against the harm caused to the Green Belt and the harm to the local landscape. The harm to the Green Belt and the local landscape would however be temporary and would be removed once no longer needed to mitigate the noise and dust from activities on the site. A condition could be added to ensure the removal of the bund at the end of the waste recycling activities on the site.

Conclusion

39. The development constitutes inappropriate development in the Green Belt, however the bund does provide improvements to the local amenity in terms of noise attenuation and there does not appear to be any other means of achieving these. To require its removal would be likely to lead to additional impacts on residential amenity. Even taking into account the loss of amenity caused by the visual effect of the bund, and the harm caused to the local landscape, the overall improvements to amenity are such as to amount to very special circumstances. With the conditions set out in the report there would be a net gain in biodiversity, and there is no other significant harm caused by the bund.

RECOMMENDATION

40. **It is RECOMMENDED that planning permission for application no. MW.0001/18 be approved subject to conditions to be determined by the Director of Planning and Place to include the following conditions:**
 - i. **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 6/12/2016**
- **Planning Statement dated December 2016**
- **Drawing no SHIPTSV1608 1 D – Site Location Plan**
- **Drawing no SHIPEXT1610 2 A – Screening Bund**
- **Drawing no SHIPTSV1608 3 C – Bund update survey 06.06.2016**
- **Drawing no SHIPTSV1608 4 D – Noise Bund - cross sections**
- **Technical Note dated 5 October 2016**

ii. Within two months of the date of the permission, a scheme of planting shall be submitted to and approved by the Local Planning Authority. The scheme shall be implemented during the next planting season.

iii. The bund shall be removed by 17 June 2021.

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.

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

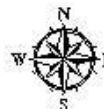
Compliance with National Planning Policy Framework

In accordance with paragraph 38 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;

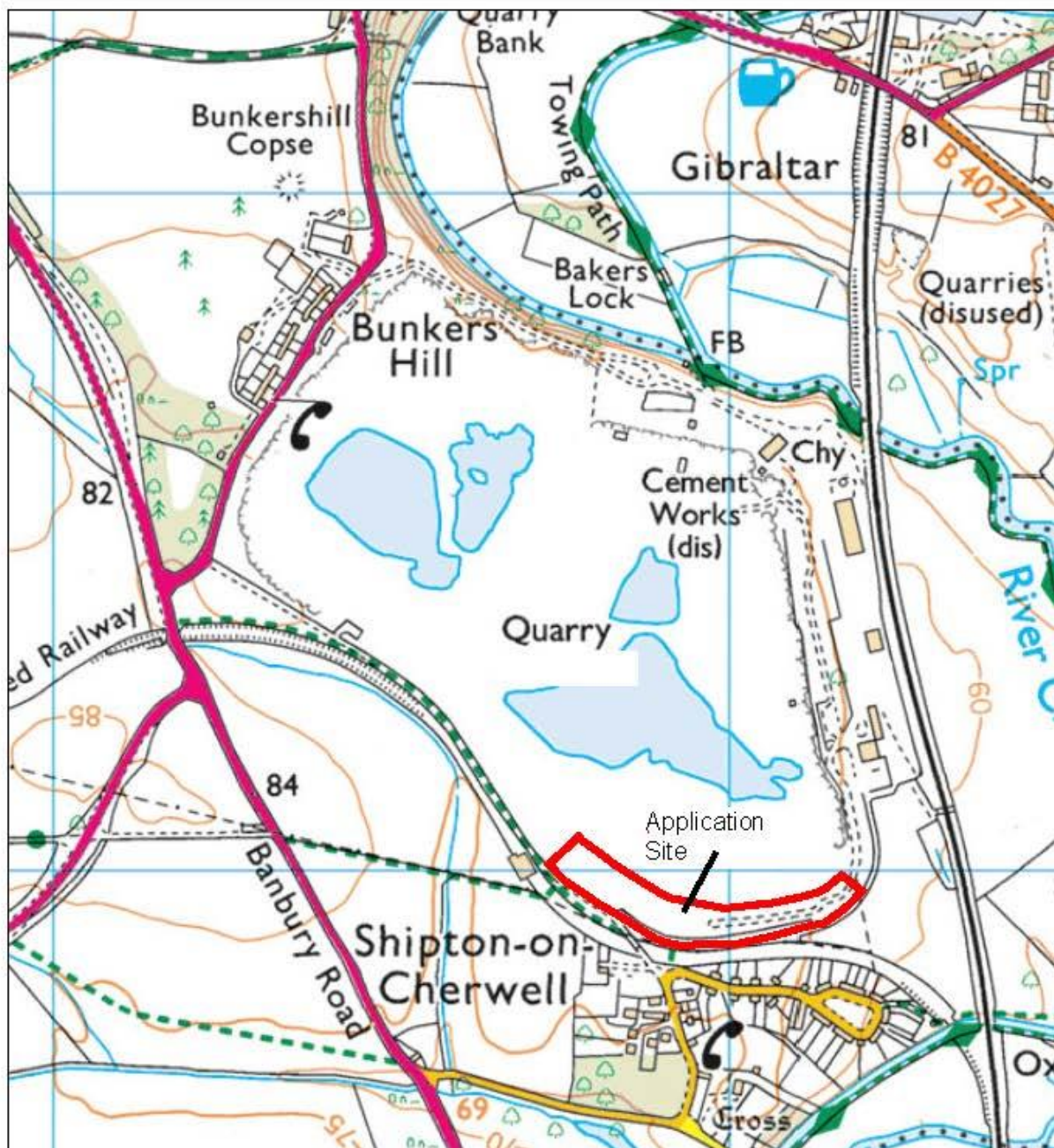
- offering a pre-application advice service, and

- updating applicants and agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

There was active engagement with the applicant and a decision on the application was delayed to give time for the applicants to provide further information, which after some correspondence led to the Environment Agency removing their objection.



OCC Map Viewer



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Oxfordshire County Council

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Division(s): N/A

PLANNING AND REGULATION COMMITTEE – 21 January 2019

PUBLIC PATH ORDERS – CHANGE IN PRACTICE WHERE ORDERS ARE SUBJECT TO OBJECTION

Report by Strategic Director for Communities

Recommendation

1. The Committee is **RECOMMENDED** to NOTE that decisions to refer Public Path Orders to The Planning Inspectorate where objections have been made will be referred to the Committee only in those cases where: -
 - (a) the Strategic Director for Communities considers a case to be significantly contentious or of sufficient importance to warrant consideration by members; and/or
 - (b) concerns are raised by the local County Councillor.

Executive Summary

2. The Council has powers to make Public Path Orders to divert and extinguish public footpaths, bridleways and restricted byways under the provisions of the Highways Act 1980 and the Town and Country Planning Act 1990.
3. Applications may be made to the Council by landowners, developers, etc and a charge is made to cover the costs of processing them up to the Order-Making stage. Once an Order is made, it is within the public domain and the Council has no powers to recover its costs.
4. All applications must follow a rigid legislative process and the Council will determine whether to make the Order requested based on the legal tests contained in the relevant legislation.
5. Presently, any decision as to whether an Order is made, or the application rejected, is delegated to the Strategic Director for Communities. If an Order is made and no objections are received, the Order is confirmed and brought into effect. However, where an Order does receive an objection, the individual case is referred for consideration by this Committee to determine whether to either abandon the Order or authorise its referral to The Planning Inspectorate to determine.
6. This report outlines a change in this procedure so that such cases are not routinely referred to the Committee, thereby shortening the decision-making process.

Introduction

7. This report refers to Public Path Orders made in accordance with the following provisions: -
 - I. Highways Act 1980 section 26 creation of a footpath, bridleway or restricted byway by Order
 - II. Highways Act 1980 section 118 stopping up a footpath, bridleway or restricted byway that is not needed for public use
 - III. Highways Act 1980 section 119 diverting a footpath, bridleway or restricted byway in the interests of the owner, lessee or occupier of land crossed by the way or of the public.
 - IV. Highways Act 1980 section 118a / 119a stopping up or diverting a footpath, bridleway or restricted byway crossing a railway
 - V. Highways Act 1980 section 118b / 119b stopping up or diverting a footpath, bridleway or restricted byway for the purposes of crime prevention, or which crosses land occupied for the purposes of a school
 - VI. Highways Act 1980 section 119d diverting a footpath, bridleway or restricted byway for protection of sites of special scientific interest
 - VII. Town and Country Planning Act 1990 section 257 stopping up or diverting a footpath, bridleway or restricted byway affected by development
 - VIII. Town and Country Planning Act 1990 section 258 extinguishing a footpath, bridleway or restricted byway over land held for planning purposes
 - IX. Town and Country Planning Act 1990 section 261 temporarily stopping up a footpath, bridleway or restricted byway affected by mineral workings

8. Presently, it is standard practice for decision making on opposed orders to be referred to Committee for decision even where there is only a single objection. This is not mandatory under the scheme of delegation to officers. The Committee determines if it wishes to take the matter further. This can cause delays in addressing the matter due to the Committee cycle and the need for the responsible officer to compile a report and necessary papers.

9. All applications submitted to change the public rights of way network are given thorough consideration and reach the Order-making stage once the officer is satisfied that the legal tests are met to the Council's satisfaction in accordance with its policies and following a full informal consultation process that includes the local County Councillor.

10. Once an Order is made, it is advertised and held on deposit for receipt of any objections or representations for a four-week period. This puts the matter into the wider public domain. It is not unusual that objections are made to the proposed change and these are lodged for any reason that the individual sees fit and not necessarily to address the legal tests. As the law currently stands, the Council is in no position to ignore objections that it considers irrelevant or that do not address the legal tests or that take a position with which the Council does not concur and must, instead, refer the Order to the Planning Inspectorate. A process will then follow involving either, a written representation procedure, or the holding of a local hearing or a public inquiry.

11. The Council must bear the cost of any post Order-making activity including the preparation of bundles and Statements of Case to The Planning Inspectorate and attending any hearing or public inquiry.

12. In seeking to improve customer service to applicants and to speed the process, the blanket referral to Committee for every case is to be amended so that only those cases considered by the Strategic Director for Communities as being particularly contentious or would otherwise demand scrutiny by the Committee, are referred.

Legal Implications

13. There are no legal implications associated with this decision as this is merely an internal change to procedure.

Equalities Implications

14. There are no particular implications. Nevertheless, the Council is providing a service paid for, for the most part, by the applicant and this ought to be undertaken as expeditiously as possible.

Financial and Staff Implications

15. There is presently a cost impact in pausing the process whilst reports and papers are put together for consideration by the Committee as well as a delay caused by the Committee cycle. This is chargeable to the applicant as it is part of the Order-making process.
16. Nevertheless, there is an impact on officer time and an effect on the overall service to the customer (the applicant).
17. Amendment to this process would improve timescales and service where referral to the Committee for decision need not be made in every case where there are objections.
18. Any Order referred to the Secretary of State would be at a cost to the Council although this is only after there has been careful consideration of the legal tests set out in the relevant legislation.

Risk Management

19. Any implications in respect of this decision are very low risk. Where there is even a single objection to a public path order, the Council is not the final arbiter. The Order would have to be referred to the Secretary of State to be determined if it were to be confirmed, where any objection would be taken into consideration.

BEV HINDLE

Strategic Director for Communities

Background papers: None

Contact Officer: Mike Walker
November 2018

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PLANNING & REGULATION COMMITTEE – 21 JANUARY 2019

Policy Annex (Relevant Development Plan and other Policies)

Oxfordshire Minerals and Waste Core Strategy 2017 (OMWCS)

POLICY M2: PROVISION FOR WORKING AGGREGATE MINERALS

Provision will be made through policies M3 and M4 to enable the supply of:

- sharp sand and gravel - 1.015 mtpa giving a total provision requirement of 18.270 million tonnes
- soft sand - 0.189 mtpa giving a total provision requirement of 3.402 million tonnes
- crushed rock - 0.584 mtpa giving a total provision requirement of 10.512 million tonnes

from land-won sources within Oxfordshire for the period 2014 – 2031 inclusive.

Permission will be granted for aggregate mineral working under policy M5 to enable separate landbanks of reserves with planning permission to be maintained for the extraction of minerals of:

- at least 7 years for sharp sand and gravel;
- at least 7 years for soft sand;
- at least 10 years for crushed rock;

in accordance with the annual requirement rates in the most recent Local Aggregate Assessment, taking into account the need to maintain sufficient productive capacity to enable these rates to be realised.

POLICY M3: PRINCIPLE LOCATIONS FOR WORKING AGGREGATE MINERALS

The principal locations for aggregate minerals extraction will be within the following strategic resource areas, as shown on the Policies Map:

Sharp sand and gravel

in northern Oxfordshire (Cherwell District and West Oxfordshire District):

- The Thames, Lower Windrush and Lower Evenlode Valleys area from Standlake to Yarnton;

in southern Oxfordshire (South Oxfordshire District and Vale of White Horse District):

- The Thames and Lower Thame Valleys area from Oxford to Cholsey;
- The Thames Valley area from Caversham to Shiplake.

Soft sand

- The Corallian Ridge area from Oxford to Faringdon;
- The Duns Tew area.

Crushed rock

- The area north west of Bicester;
- The Burford area south of the A40;
- The area east and south east of Faringdon.

Specific sites (new quarry sites and/or extensions to existing quarries) for working aggregate minerals within these strategic resource areas will be allocated in the Minerals & Waste Local Plan: Part 2 – Site Allocations Document, in accordance with policy M4.

Specific sites for extensions to existing aggregate quarries (excluding ironstone) outside the strategic resource areas may also be allocated in the Minerals & Waste Local Plan: Part 2 – Site Allocations Document provided they are in accordance with policy M4.

Sites allocated for sharp sand and gravel working (including both new quarry sites and extensions to existing quarries, including any extensions outside the strategic resource areas), to meet the requirement in policy M2 will be located such that approximately 25% of the additional tonnage requirement is in northern Oxfordshire and approximately 75% of the additional tonnage requirement is in southern Oxfordshire, to achieve an approximately equal split of production capacity for sharp sand and gravel between northern and southern Oxfordshire by 2031.

POLICY M5: WORKING OF AGGREGATE MINERALS

Prior to the adoption of the Minerals & Waste Local Plan: Part 2 – Site Allocations Document, permission will be granted for the working of aggregate minerals where this would contribute towards meeting the requirement for provision in policy M2 and provided that the proposal is in accordance with the locational strategy in policy M3 and that the requirements of policies C1 – C12 are met.

Permission will be granted for the working of aggregate minerals within the sites allocated further to policy M4 provided that the requirements of policies C1 – C12 are met.

Permission will not be granted for the working of aggregate minerals outside the sites allocated further to policy M4 unless the requirement to maintain a steady and adequate supply of aggregate in accordance with policy M2 cannot be met from within those sites and provided that the proposal is in accordance with the locational strategy in policy M3 and the requirements of policies C1 – C12 are met.

Permission will exceptionally be granted for the working of aggregate minerals outside the sites allocated further to policy M4 where extraction of the mineral is required prior to a planned development in order to prevent the mineral resource being sterilised, having due regard to policies C1 – C12.

Permission will exceptionally be granted for borrow pits to supply mineral to associated construction projects, having due regard to policies C1 – C12, provided that all of the following apply:

- the site lies on or in close proximity to the project area so that extracted mineral can be conveyed to its point of use with minimal use of public highways and without undue interference with footpaths and bridleways;
- the mineral extracted will only be used in connection with the project;

- it can be demonstrated that supply of the mineral from the borrow pit would have less environmental impact than if the mineral were supplied from an existing source;
- the borrow pit can be restored without the use of imported material, other than that generated by the project; and
- use of the borrow pit is limited to the life of the project.

Notwithstanding the preceding paragraphs, permission for working of ironstone for aggregate use will not be permitted except in exchange for an agreed revocation (or other appropriate mechanism to ensure the non-working) without compensation of an equivalent existing permission in Oxfordshire containing potentially workable resources of ironstone and where there would be an overall environmental benefit.

POLICY M10: RESTORATION OF MINERAL WORKINGS

Mineral workings shall be restored to a high standard and in a timely and phased manner to an after-use that is appropriate to the location and delivers a net gain in biodiversity. The restoration and after-use of mineral workings must take into account:

- the characteristics of the site prior to mineral working;
- the character of the surrounding landscape and the enhancement of local landscape character;
- the amenity of local communities, including opportunities to enhance green infrastructure provision and provide for local amenity uses and recreation;
- the capacity of the local transport network;
- the quality of any agricultural land affected, including the restoration of best and most versatile agricultural land;
- the conservation of soil resources
- flood risk and opportunities for increased flood storage capacity;
- the impacts on flooding and water quality of any use of imported material in the proposed restoration;
- bird strike risk and aviation safety;
- any environmental enhancement objectives for the area;
- the conservation and enhancement of biodiversity appropriate to the local area, supporting the establishment of a coherent and resilient ecological network through the landscape-scale creation of priority habitat;
- the conservation and enhancement of geodiversity;
- the conservation and enhancement of the historic environment; and
- consultation with local communities on options for after-use.

Planning permission will not be granted for mineral working unless satisfactory proposals have been made for the restoration, aftercare and after-use of the site, including where necessary the means of securing them in the longer term.

Proposals for restoration must not be likely to lead to any increase in recreational pressure on a Special Area of Conservation.

POLICY W6: LANDFILL AND OTHER PERMANENT DEPOSIT OF WASTE TO LAND

Non-hazardous waste

Provision for disposal of Oxfordshire's non-hazardous waste will be made at existing non-hazardous landfill facilities which will also provide for the disposal of waste from other areas (including London and Berkshire) as necessary. Further provision for the disposal of non-hazardous waste by means of landfill will not be made.

Permission may be granted to extend the life of existing non-hazardous landfill sites to allow for the continued disposal of residual non-hazardous waste to meet a recognised need and where this will allow for the satisfactory restoration of the landfill in accordance with a previously approved scheme.

Permission will be granted for facilities for the management of landfill gas and leachate where required to fulfil a regulatory requirement or to achieve overall environmental benefit, including facilities for the recovery of energy from landfill gas. Provision should be made for the removal of the facilities and restoration of the site at the end of the period of management.

Inert waste

Provision for the permanent deposit to land or disposal to landfill of inert waste which cannot be recycled will be made at existing facilities and in sites that will be allocated in the Minerals and Waste Local Plan: Part 2 – Site Allocations Document. Provision will be made for sites with capacity sufficient for Oxfordshire to be net-self-sufficient in the management of inert waste.

Priority will be given to the use of inert waste that cannot be recycled as infill material to achieve the satisfactory restoration and after use of active or unrestored quarries. Permission will not otherwise be granted for development that involves the permanent deposit or disposal of inert waste on land unless there would be overall environmental benefit.

General

Proposals for landfill sites shall meet the requirements of policies C1 – C12.

Landfill sites shall be restored in accordance with the requirements of policy M10 for restoration of mineral workings.

POLICY W7: MANAGEMENT AND DISPOSAL OF HAZARDOUS WASTE

Permission will be granted for facilities for the management and disposal of hazardous waste where they are designed to manage waste produced in Oxfordshire. Facilities that are likely to serve a wider area should demonstrate that they will meet a need for waste management that is not adequately provided for elsewhere.

Proposals for new waste management facilities shall meet the requirements of policies W4, W5 and C1 – C12.

POLICY C1: SUSTAINABLE DEVELOPMENT

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 and the aim to improve economic, social and environmental conditions of the area.

Planning applications that accord with the policies in this plan will be approved, unless material considerations indicate otherwise. Where there are no policies relevant to the application, or relevant plan policies are out of date, planning permission will be granted unless material considerations indicate otherwise, taking into account whether:

- any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of the proposed development when assessed against the National Planning Policy Framework; or
- specific policies in the National Planning Policy Framework indicate that the development should be restricted.

POLICY C2: CLIMATE CHANGE

Proposals for minerals or waste development, including restoration proposals, should take account of climate change for the lifetime of the development from construction through operation and decommissioning. Applications for development should adopt a low carbon approach and measures should be considered to minimise greenhouse gas emissions and provide flexibility for future adaptation to the impacts of climate change.

POLICY C3: FLOODING

Minerals and waste development will, wherever possible, take place in areas with the lowest probability of flooding. Where development takes place in an area of identified flood risk this should only be where alternative locations in areas of lower flood risk have been explored and discounted (using the Sequential Test and Exceptions Test as necessary) and where a flood risk assessment is able to demonstrate that the risk of flooding is not increased from any source, including:

- an impediment to the flow of floodwater;
- the displacement of floodwater and increased risk of flooding elsewhere;
- a reduction in existing floodwater storage capacity;
- an adverse effect on the functioning of existing flood defence structures; and
- the discharge of water into a watercourse.

The opportunity should be taken to increase flood storage capacity in the flood plain where possible, particularly through the restoration of sand and gravel workings.

POLICY C4: WATER ENVIRONMENT

Proposals for minerals and waste development will need to demonstrate that there would be no unacceptable adverse impact on or risk to:

- The quantity or quality of surface or groundwater resources required for habitats, wildlife and human activities;
- The quantity or quality of water obtained through abstraction unless acceptable provision can be made;
- The flow of groundwater at or in the vicinity of the site; and
- Waterlogged archaeological remains.

Proposals for minerals and waste development should ensure that the River Thames and other watercourses and canals of significant landscape, nature conservation, or amenity value are adequately protected from unacceptable adverse impacts.

POLICY C5: LOCAL ENVIRONMENT, AMENITY AND ECONOMY

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;
including from:
 - noise;
 - dust;
 - visual intrusion;
 - light pollution;
 - traffic;
 - air quality;
 - odour;
 - vermin;
 - birds;
 - litter;
 - mud on the road;
 - vibration;
 - surface or ground contamination;
 - tip and quarry-slope stability;
 - differential settlement of quarry backfill;
 - subsidence; and
 - the cumulative impact of development.

Where necessary, appropriate separation distances or buffer zones between minerals and waste developments and occupied residential property or other sensitive receptors and/or other mitigation measures will be required, as determined on a site-specific, case-by-case basis.

POLICY C6: AGRICULTURAL LAND AND SOILS

Proposals for minerals and waste development shall demonstrate that they take into account the presence of any best and most versatile agricultural land.

Significant development leading to the permanent loss of best and most versatile agricultural land will only be permitted where it can be shown that there is a need for the development which cannot reasonably be met using lower grade land and where all options for reinstatement without loss of quality have been considered taking into account other relevant considerations.

Development proposals should make provision for the management and use of soils in order to maintain agricultural land quality (where appropriate) and soil quality, including making a positive contribution to the long-term conservation of soils in any restoration.

POLICY C7: BIODIVERSITY AND GEODIVERSITY

Minerals and waste development should conserve and, where possible, deliver a net gain in biodiversity.

The highest level of protection will be given to sites and species of international nature conservation importance (e.g. Special Areas of Conservation and European Protected Species) and development that would be likely to adversely affect them will not be permitted.

In all other cases, development that would result in significant harm will not be permitted unless the harm can be avoided, adequately mitigated or, as a last resort, compensated for to result in a net gain in biodiversity (or geodiversity). In addition:

- (i) Development that would be likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other development) will not be permitted except where the benefits of the development at this site clearly outweigh both the impacts that it is likely to have on the Site of Special Scientific Interest and any broader impacts on the national network of Sites of Special Scientific Interest.
- (ii) Development that would result in the loss or deterioration of irreplaceable habitats, including ancient woodland and aged or veteran trees, will not be permitted except where the need for and benefits of the development in that location clearly outweigh the loss.
- (iii) Development shall ensure that no significant harm would be caused to:
 - Local Nature Reserves;
 - Local Wildlife Sites;
 - Local Geology Sites;
 - Sites of Local Importance for Nature Conservation;
 - Protected, priority or notable species and habitats,except where the need for and benefits of the development in that location clearly outweigh the harm.

All proposals for mineral working and landfill shall demonstrate how the development will make an appropriate contribution to the maintenance and enhancement of local habitats, biodiversity or geodiversity (including fossil remains and trace fossils),

including contributing to the objectives of the Conservation Target Areas wherever possible. Satisfactory long-term management arrangements for restored sites shall be clearly set out and included in proposals. These should include a commitment to ecological monitoring and remediation (should habitat creation and/or mitigation prove unsuccessful).

POLICY C8: LANDSCAPE

Proposals for minerals and waste development shall demonstrate that they respect and where possible enhance local landscape character, and are informed by landscape character assessment. Proposals shall include adequate and appropriate measures to mitigate adverse impacts on landscape, including careful siting, design and landscaping. Where significant adverse impacts cannot be avoided or adequately mitigated, compensatory environmental enhancements shall be made to offset the residual landscape and visual impacts.

Great weight will be given to conserving the landscape and scenic beauty of Areas of Outstanding Natural Beauty (AONB) and high priority will be given to the enhancement of their natural beauty. Proposals for minerals and waste development within an AONB or that would significantly affect an AONB shall demonstrate that they take this into account and that they have regard to the relevant AONB Management Plan. Major developments within AONBs will not be permitted except in exceptional circumstances and where it can be demonstrated they are in the public interest, in accordance with the 'major developments test' in the NPPF (paragraph 116). Development within AONBs shall normally only be small-scale, to meet local needs and should be sensitively located and designed.

POLICY C9: HISTORIC ENVIRONMENT AND ARCHAEOLOGY

Proposals for minerals and waste development will not be permitted unless it is demonstrated, including where necessary through prior investigation, that they or associated activities will not have an unacceptable adverse impact on the historic environment.

Great weight will be given to the conservation of designated heritage assets: Blenheim Palace World Heritage Site; scheduled monuments; listed buildings; conservation areas; historic battlefields; registered parks and gardens; and non-designated archaeological assets which are demonstrably of equivalent significance to a scheduled monument; and the setting of those assets.

Where an application would affect a non-designated heritage asset, the benefits of the proposal will be balanced against the scale of harm to or loss of the heritage asset and its significance.

Where, following assessment of an application, the loss (wholly or in part) of a heritage asset is considered acceptable in principle, the applicant will be required to record and advance understanding of that asset, proportionate to the nature and level of the asset's significance, and to publish their findings.

Proposals for mineral working and landfill shall wherever possible demonstrate how the development will make an appropriate contribution to the conservation and enhancement of the historic environment.

POLICY C10: TRANSPORT

Minerals and waste development will be expected to make provision for safe and suitable access to the advisory lorry routes shown on the Oxfordshire Lorry Route Maps in ways that maintain and, if possible, lead to improvements in:

- the safety of all road users including pedestrians;
- the efficiency and quality of the road network; and
- residential and environmental amenity, including air quality.

Where development leads to a need for improvement to the transport network to achieve this, developers will be expected to provide such improvement or make an appropriate financial contribution.

Where practicable minerals and waste developments should be located, designed and operated to enable the transport of minerals and/or waste by rail, water, pipeline or conveyor.

Where minerals and/or waste will be transported by road:

- a) mineral workings should as far as practicable be in locations that minimise the road distance to locations of demand for the mineral, using roads suitable for lorries, taking into account the distribution of potentially workable mineral resources; and
- b) waste management and recycled aggregate facilities should as far as practicable be in locations that minimise the road distance from the main source(s) of waste, using roads suitable for lorries, taking into account that some facilities are not economic or practical below a certain size and may need to serve a wider than local area.

Proposals for minerals and waste development that would generate significant amounts of traffic will be expected to be supported by a transport assessment or transport statement, as appropriate, including mitigation measures where applicable.

POLICY C11: RIGHTS OF WAY

The integrity and amenity value of the rights of way network shall be maintained and if possible it shall be retained in situ in safe and useable condition. Diversions should be safe, attractive and convenient and, if temporary, shall be reinstated as soon as possible. If permanent diversions are required, these should seek to enhance and improve the public rights of way network.

Improvements and enhancements to the rights of way network will generally be encouraged and public access sought to restored mineral workings, especially if this can be linked to wider provision of green infrastructure. Where appropriate,

operators and landowners will be expected to make provision for this as part of the restoration and aftercare scheme.

POLICY C12: GREEN BELT

Proposals that constitute inappropriate development in the Green Belt, will not be permitted except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Conditions may be imposed on any permission granted to ensure that the development only serves to meet a need that comprises or forms an 'other consideration' in the Green Belt balance leading to the demonstration of very special circumstances.

Oxfordshire Minerals & Waste Local Plan (OMWLP) 1996

POLICY SW2: ACCESS TO SUTTON WICK AREA

The County Council will not permit access onto the B4016 between I and Sutton Courtenay, or to south Abingdon via Peep O'Day Lane.

POLICY SW3: STONEHILL LANE

Access will be via Stonehill Lane and particular attention will be paid to the needs of the other users of the lane.

POLICY SW4: RATE OF PRODUCTION IN SUTTON WICK AREA

Because of the access difficulties, future planning permissions will seek to limit the rate of production from the area.

Cherwell Local Plan 2011-2031 (CLP)

POLICY ESD 8: WATER RESOURCES

The Council will seek to maintain water quality, ensure adequate water resources and promote sustainability in water use.

Water quality will be maintained and enhanced by avoiding adverse effects of development on the water environment. Development proposals which would adversely affect the water quality of surface or underground water bodies, including rivers, canals, lakes and reservoirs, as a result of directly attributable factors, will not be permitted.

Development will only be permitted where adequate water resources exist, or can be provided without detriment to existing uses. Where appropriate, phasing of

development will be used to enable the relevant water infrastructure to be put in place in advance of development commencing.

POLICY ESD 9: PROTECTION OF THE OXFORD MEADOWS SAC

Developers will be required to demonstrate that:

- During construction of the development there will be no adverse effects on the water quality or quantity of any adjacent or nearby watercourse
- During operation of the development any run-off of water into adjacent or surrounding watercourses will meet Environmental Quality Standards (and where necessary oil interceptors, silt traps and Sustainable Drainage Systems will be included)
- New development will not significantly alter groundwater flows and that the hydrological regime of the Oxford Meadows SAC is maintained in terms of water quantity and quality
- Run-off rates of surface water from the development will be maintained at greenfield rates.

POLICY ESD 10: PROTECTION AND ENHANCEMENT OF BIODIVERSITY AND THE NATURAL ENVIRONMENT

Protection and enhancement of biodiversity and the natural environment will be achieved by the following:

- In considering proposals for development, a net gain in biodiversity will be sought by protecting, managing, enhancing and extending existing resources, and by creating new resources
- The protection of trees will be encouraged, with an aim to increase the number of trees in the district
- The reuse of soils will be sought
- If significant harm resulting from a development cannot be avoided (though locating on an alternative site with less harmful impacts), adequately mitigated, or as a last resort, compensated for, then development will not be permitted
- Development which would result in damage to or loss of a site of international value will be subject to the Habitats Regulations Assessment process and will not be permitted unless it can be demonstrated that there will be no likely significant effects on the international site or that effects can be mitigated
- Development which would result in damage to or loss of a site of biodiversity or geological value of national importance will not be permitted unless the benefits of the development clearly outweigh the harm it would cause to the site and the wider national network of SSSIs, and the loss can be mitigated to achieve a net gain in biodiversity/geodiversity
- Development which would result in damage to or loss of a site of biodiversity or geological value of regional or local importance including habitats of species of principal importance for biodiversity will not be permitted unless the benefits of the development clearly outweigh the harm it would cause to the site, and the loss can be mitigated to achieve a net gain in biodiversity/geodiversity

- Development proposals will be expected to incorporate features to encourage biodiversity, and retain and where possible enhance existing features of nature conservation value within the site. Existing ecological networks should be identified and maintained to avoid habitat fragmentation, and ecological corridors should form an essential component of green infrastructure provision in association with new development to ensure habitat connectivity
- Relevant habitat and species surveys and associated reports will be required to accompany planning applications which may affect a site, habitat or species of known or potential ecological value
- Air quality assessments will also be required for development proposals that would be likely to have a significantly adverse impact on biodiversity by generating an increase in air pollution
- Planning conditions/obligations will be used to secure net gains in biodiversity by helping to deliver Biodiversity Action Plan targets and/or meeting the aims of Conservation Target Areas. Developments for which these are the principal aims will be viewed favourably
- A monitoring and management plan will be required for biodiversity features on site to ensure their long term suitable management

POLICY ESD 11: CONSERVATION AREA TARGETS

Where development is proposed within or adjacent to a Conservation Area Target Area biodiversity surveys and a report will be required to identify constraints and opportunities for biodiversity enhancement. Development which would prevent the aims of a Conservation Target Area being achieved will not be permitted. Where there is potential for development, the design and layout of the development, planning conditions or obligations will be used to secure biodiversity enhancement to help achieve the aims of the Conservation Target Area.

POLICY ESD 13: LOCAL LANDSCAPE PROTECTION AND ENHANCEMENT

Opportunities will be sought to secure the enhancement of the character and appearance of the landscape, particularly in urban fringe locations, through the restoration, management or enhancement of existing landscapes, features or habitats and where appropriate the creation of new ones, including the planting of woodlands, trees and hedgerows.

Development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Proposals will not be permitted if they would:

- Cause undue visual intrusion into the open countryside
- Cause undue harm to important natural landscape features and topography
- Be inconsistent with local character
- Impact on areas judged to have a high level of tranquillity
- Harm the setting of settlements, buildings, structures or other landmark features, or
- Harm the historic value of the landscape.

Development proposals should have regard to the information and advice contained in the Council's Countryside Design Summary Supplementary Planning Guidance, and the Oxfordshire Wildlife and Landscape Study (OWLS), and be accompanied by a landscape assessment where appropriate.

POLICY ESD 15: THE CHARACTER OF THE BUILT AND HISTORIC ENVIRONMENT

Successful design is founded upon an understanding and respect for an area's unique built, natural and cultural context. New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. All new development will be required to meet high design standards. Where development is in the vicinity of any of the District's distinctive natural or historic assets, delivering high quality design that complements the asset will be essential.

New development proposals should:

- Be designed to deliver high quality safe, attractive, durable and healthy places to live and work in. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions
- Deliver buildings, places and spaces that can adapt to changing social, technological, economic and environmental conditions
- Support the efficient use of land and infrastructure, through appropriate land uses, mix and density/development intensity
- Contribute positively to an area's character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features, including skylines, valley floors, significant trees, historic boundaries, landmarks, features or views, in particular within designated landscapes, within the Cherwell Valley and within conservation areas and their setting
- Conserve, sustain and enhance designated and non designated 'heritage assets' (as defined in the NPPF) including buildings, features, archaeology, conservation areas and their settings, and ensure new development is sensitively sited and integrated in accordance with advice in the NPPF and NPPG. Proposals for development that affect non-designated heritage assets will be considered taking account of the scale of any harm or loss and the significance of the heritage asset as set out in the NPPF and NPPG. Regeneration proposals that make sensitive use of heritage assets, particularly where these bring redundant or under used buildings or areas, especially any on English Heritage's At Risk Register, into appropriate use will be encouraged
- Include information on heritage assets sufficient to assess the potential impact of the proposal on their significance. Where archaeological potential is identified this should include an appropriate desk based assessment and, where necessary, a field evaluation
- Respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings. Development should be designed to integrate with existing streets and public spaces, and buildings configured to create clearly defined active public frontages

- Reflect or, in a contemporary design response, re-interpret local distinctiveness, including elements of construction, elevational detailing, windows and doors, building and surfacing materials, mass, scale and colour palette
- Promote permeable, accessible and easily understandable places by creating spaces that connect with each other, are easy to move through and have recognisable landmark features
- Demonstrate a holistic approach to the design of the public realm to create high quality and multi-functional streets and places that promotes pedestrian movement and integrates different modes of transport, parking and servicing. The principles set out in The Manual for Streets should be followed
- Consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space
- Limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation
- Be compatible with up to date urban design principles, including Building for Life, and achieve Secured by Design accreditation
- Consider sustainable design and layout at the masterplanning stage of design, where building orientation and the impact of microclimate can be considered within the layout
- Incorporate energy efficient design and sustainable construction techniques, whilst ensuring that the aesthetic implications of green technology are appropriate to the context (also see Policies ESD 1-5 on climate change and renewable energy)
- Integrate and enhance green infrastructure and incorporate biodiversity enhancement features where possible (see Policy ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment and Policy EDS 17: Green Infrastructure). Well designed landscape scheme should be an integral part of development proposals to support improvements to biodiversity, the micro climate and air pollution and provide attractive places that improve people's health and sense of vitality
- Use locally sourced sustainable materials where possible.

The Council will provide more detailed design and historic environment policies in the Local Plan Part 2.

The design of all new development will need to be informed by an analysis of the context, together with an explanation and justification of the principles that have informed the design rationale. This should be demonstrated in the Design and Access Statement that accompanies the planning application. The Council expects all the issues within this policy to be positively addressed through the explanation and justification in the Design & Access Statement. Further guidance can be found on the Council's website.

The Council will require design to be addressed in the pre-application process on major developments and in connection with all heritage sites. For major sites/strategic sites and complex developments, Design Codes will need to be prepared in conjunction with the Council and local stakeholders to ensure appropriate character and high quality design is delivered throughout. Design Codes will usually be prepared between outline and reserved matters stage to set out

design principles for the development of the site. The level of prescription will vary according to the nature of the site.

POLICY PSD 1: PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT

When considering development proposals the Council will take a proactive approach to reflect the presumption in favour of sustainable development contained in the National Planning Policy Framework. The Council will always work proactively with applicants to jointly find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Planning applications that accord with the policies in this Local Plan (or other part of the statutory Development Plan) will be approved without delay unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:

- any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or
- specific policies in the Framework indicate that development should be restricted.

POLICY SLE 4: IMPROVED TRANSPORT AND CONNECTIONS

The Council will support the implementation of the proposals in the Movement Strategies and the Local Transport Plan to deliver key connections, to support modal shift and to support more sustainable locations for employment and housing growth.

We will support key transport proposals including:

- Transport Improvements at Banbury, Bicester and the Former RAF Upper Heyford in accordance with the County Council's Local Transport Plan and Movement Strategies
- Projects associated with East-West rail including new stations at Bicester Town and Water Eaton
- Rail freight associated development at Graven Hill, Bicester
- Improvements to M40 junctions

Consultation on options for new link and relief roads at Bicester and Banbury will be undertaken through the Local Transport Plan (LTP) review process. Routes identified following strategic options appraisal work for LTP4 will be confirmed by the County Council and will be incorporated in Local Plan Part 2.

New development in the District will be required to provide financial and/or in-kind contributions to mitigate the transport impacts of development.

All development where reasonable to do so, should facilitate the use of sustainable modes of transport to make the fullest possible use of public transport, walking and cycling. Encouragement will be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Development which is not suitable for the roads that serve the development and which have a severe traffic impact will not be supported.

Vale of White Horse Local Plan 2011 (VLP 2011)

POLICY DC5: ACCESS

Proposals for development will only be permitted provided that:

- i) safe and convenient access will be provided both within the site and to and from the adjoining highway network for all users including those with impaired mobility, and for all modes of transport;
- ii) the road network can accommodate the traffic arising from the development without causing safety, congestion or environmental problems;
- iii) adequate provision will be made for loading, unloading, circulation, servicing and vehicle turning;
- iv) adequate and safe provision will be made for parking vehicles and cycles;
- v) off-site improvements to the highway infrastructure (including traffic management measures), cycleways, footpaths and the public transport network can be secured where these are not adequate to service the development; and
- vi) the scheme is designed to minimise the impact of vehicles and give priority to the needs of pedestrians, cyclists, the users of public transport and those with impaired mobility.

POLICY DC9: IMPACT OF DEVELOPMENT ON NEIGHBOURING USES

Development will not be permitted if it would unacceptably harm the amenities of neighbouring properties and the wider environment in terms of:

- i) loss of privacy, daylight or sunlight;
- ii) dominance or visual intrusion;
- iii) noise or vibration;
- iv) smell, dust, heat, gases or other emissions;
- v) pollution, contamination or the use of or storage of hazardous substances; and
- vi) external lighting.

Adopted Vale of White Horse Local Plan 2031 (VLP 2031)

CORE POLICY 1: PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT

Planning applications that accord with this Local Plan 2031 (and where relevant, with any subsequent Development Plan Documents or Neighbourhood Plans) will be approved, unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant planning permission unless material considerations indicate otherwise, and unless:

- i. Any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole, or
- ii. Specific policies in the Framework indicate that development should be restricted.

Vale of White Horse Local Plan 2031 Part 2 (VLP 2031 2)

DEVELOPMENT POLICY 16: ACCESS

All proposals for new development will be required to be of high quality design in accordance with Core Policy 37: Design and Local Distinctiveness. In addition to those criteria set out in Core Policy 37 and other relevant Local Plan policies, proposals for development will also need to provide evidence to demonstrate that:

- i. adequate provision will be made for loading, unloading, circulation, servicing and vehicle turning, and
- ii. acceptable off-site improvements to the highway infrastructure (including traffic management measures), cycleways, public rights of way and the public transport network can be secured where these are not adequate to service the development.

DEVELOPMENT POLICY 23: IMPACT OF DEVELOPMENT ON AMENITY

Development proposals should demonstrate that they will not result in significant adverse impacts on the amenity of neighbouring uses when considering both individual and cumulative impacts in relation to the following factors:

- i. loss of privacy, daylight or sunlight
- ii. dominance or visual intrusion
- iii. noise or vibration
- iv. dust, heat, odour, gases or other emissions
- v. pollution, contamination or the use of/or storage of hazardous substances; and
- vi. external lighting.

DEVELOPMENT POLICY 25: NOISE POLLUTION

Noise-Generating Development

Noise-generating development that would have an impact on environmental amenity or biodiversity will be expected to provide an appropriate scheme of mitigation that should take account of:

- i. the location, design and layout of the proposed development
- ii. existing levels of background noise
- iii. measures to reduce or contain generated noise, and
- iv. hours of operation and servicing.

Development will not be permitted if mitigation cannot be provided within an appropriate design or standard¹.

Noise-Sensitive Development

Noise-sensitive development in locations likely to be affected by existing sources of noise² will be expected to provide an appropriate scheme of mitigation to ensure appropriate standards of amenity are achieved for future occupiers of the proposed development, taking account of:

- i. the location, design and layout of the proposed development
- ii. measures to reduce noise within the development to acceptable levels, including external areas, and
- iii. the need to maintain adequate levels of natural light and ventilation to habitable areas of the development.

In areas of existing noise, proposals for noise-sensitive development should be accompanied by an assessment of environmental noise and an appropriate scheme of mitigation measures.

Development will not be permitted if mitigation cannot be provided to an appropriate standard with an acceptable design.

¹ Currently set out in British Standards 4142:2014 and 8233:2014. The Council is currently developing guidance relating to noise mitigation

² Busy roads, railway lines, aerodromes, industrial/commercial developments, waste, recycling and energy plant, and sporting, recreation and leisure facilities.
Development Policy 24: Noise Pollution

DEVELOPMENT POLICY 26: AIR QUALITY

Development proposals that are likely to have an impact on local air quality, including those in, or within relative proximity to, existing or proposed Air Quality Management Areas (AQMAs) will need to demonstrate measures/mitigation that are incorporated into the design to minimise any impacts associated with air quality.

Where sensitive development is proposed in areas of existing poor air quality and/or where significant development is proposed, an air quality assessment will be required.

The council will require applicants to demonstrate that the development will minimise the impact on air quality, both during the construction process and lifetime of the completed development, either through a redesign of the development proposal or, where this is not possible or sufficient, through appropriate mitigation in accordance with current guidance.

Mitigation measures will need to demonstrate how the proposal would make a positive contribution towards the aims of the council's Air Quality Action Plan.

Mitigation measures will be secured either through a negotiation on the scheme, or via the use of a planning condition and/or planning obligation depending on the scale and nature of the development and its associated impacts on air quality.

South Oxfordshire Core Strategy December 2012 (SOCS)

POLICY CSS1: THE OVERALL STRATEGY

Proposals for development in South Oxfordshire should be consistent with the overall strategy of:

- (i) focusing major new development at the growth point of Didcot so the town can play an enhanced role in providing homes, jobs and services with improved transport connectivity;
- (ii) supporting the roles of Henley, Thame and Wallingford by regenerating their town centres through measures that include environmental improvements and mixed-use developments and by providing new houses, employment, services and infrastructure;
- (iii) supporting and enhancing the larger villages of Berinsfield, Benson, Chalgrove, Chinnor, Cholsey, Crowmarsh Gifford, Goring, Nettlebed, Sonning Common, Watlington, Wheatley and Woodcote as local service centres;
- (iv) supporting other villages in the rest of the district by allowing for limited amounts of housing and employment and by the provision and retention of services; and
- (v) outside the towns and villages, and other major developed sites, any change will need to relate to very specific needs such as those of the agricultural industry or enhancement of the environment.

POLICY CS1: PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT

Planning applications which accord with the policies in the Development Plan (including, where relevant, Neighbourhood Plans) will be approved without delay, unless material considerations indicate otherwise.

Planning permission will also be granted where relevant policies in the Development Plan are out of date or silent unless:

- any adverse impacts of the proposal would significantly and demonstrably outweigh its benefits when assessed against the policies in the National Planning Policy Framework taken as a whole; or
- specific policies in the Framework or other material considerations indicate that development should be restricted.

POLICY CSEM4: SUPPORTING ECONOMIC DEVELOPMENT

Planning permission will be granted for:

- (i) employment on identified allocated employment sites⁵⁶ in accordance with the policy;
- (ii) the redevelopment of employment sites where this improves the quality and choice of business premises available;
- (iii) the reasonable extension of premises on existing sites;
- (iv) appropriate forms of working at home, where permission is needed;
- (v) new premises or the conversion of existing buildings on suitable sites within the built-up area of settlements;
- (vi) the re-use of rural buildings where the proposals accord with other policies in the development plan.

POLICY CSEN1 LANDSCAPE

The district's distinct landscape character and key features will be protected against inappropriate development and where possible enhanced.

- (i) Where development is acceptable in principle, measures will be sought to integrate it into the landscape character of the area.
- (ii) High priority will be given to conservation and enhancement of the Chilterns and North Wessex Downs Areas of Outstanding Natural Beauty (AONBs) and planning decisions will have regard to their setting. Proposals which support the economies and social well being of the AONBs and their communities, including affordable housing schemes, will be encouraged provided they do not conflict with the aims of conservation and enhancement.
- (iii) The landscapes and waterscapes of the River Thames corridor will be maintained and where possible enhanced as will the setting and heritage of the river for its overall amenity and recreation use.

POLICY CSQ3: DESIGN

Planning permission will be granted for new development that is of a high quality and inclusive design that:

- responds positively to and respects the character of the site and its surroundings, particularly the historic significance and heritage values of the historic environment, enhancing local distinctiveness and ensuring that new development is of a scale, type and density appropriate to the site and its setting;
- improves the quality of the public realm with well designed external areas, and, where appropriate a clear structure of open spaces;
- provides and/or links into green infrastructure where available;

- is designed to create safe communities and reduce the likelihood and fear of crime;
- creates a distinctive sense of place and is easy to understand through the use of vistas, landmarks and focal points;
- ensures high levels of accessibility and ease of use by all modes of transport both within the site and with the wider area, also making sure that any new development is properly integrated with existing development ensuring accessibility to local services; and
- is adaptable to changing requirements and constructed with materials appropriate to the area.

All proposals for new development should be accompanied by a design and access statement to show how they have responded to the above criteria.

POLICY CSG1: GREEN INFRASTRUCTURE

A net gain in green infrastructure including biodiversity will be sought through developer works, developer contributions and the targeted use of other funding sources. Proposals for new development must demonstrate that they have taken into account the relationship of the proposed development to existing green infrastructure. Where appropriate, proposals will be required to contribute to the delivery of green infrastructure and/or the improvement of existing assets including Conservation Target Areas in accordance with the standards in the South Oxfordshire Green Infrastructure Strategy and Didcot Natural Greenspaces Study. A net loss of green infrastructure including biodiversity through development proposals will be avoided.

CSM1: TRANSPORT

The council will work with Oxfordshire County Council and others to:

- (i) in partnership with the Vale of White Horse District Council, actively seek to deliver the transport infrastructure and measures which improve movement in Didcot and within the Didcot/ Wantage and Grove corridor, in particular linking Didcot with the major employment sites at Harwell and Milton Park as identified in the County Council's LTP3 SVUK Area Strategy and Southern Central Oxfordshire Transport Study;
- (ii) actively seek to ensure that the impact of new development on the strategic and local road network, in particular the Milton, Chilton and Marcham junctions of the A34 and the road links and junctions identified in the Council's Evaluation of Transport Impact and County Council's Southern Central Oxfordshire Transport Study is adequately mitigated (see Policy CSM2);
- (iii) support improvements for accessing Oxford;
- (iv) work with the authorities affected by cross Thames travel in the Reading area to ensure that traffic and environmental conditions in South Oxfordshire are improved by the implementation of measures which also improve access to Reading;
- (v) support measures which enable modal shift to public transport, cycling and walking particularly where these support the network of settlements in the district;
- (vi) promote and support traffic management measures and environmental improvements which increase safety, improve air quality, encourage the use of sustainable modes of transport and/or make our towns and villages more attractive;

- (vii) adopt a comprehensive approach to car parking aimed at improving the attraction of our town and village centres;
- (viii) encourage the use of sustainable modes of transport;
- (ix) promote electronic communications allowing businesses to operate throughout the district and to provide services and information which reduce the need to travel and encourage sustainable modes of transport; and
- (x) cater for the needs of all users.

CSEN3 – HISTORIC ENVIRONMENT

The district's designated historic heritage assets, both above and below ground such as:

- nationally designated assets including listed buildings, historic parks and gardens, historic battlefields and Scheduled Ancient Monuments;
- conservation areas; and
- their settings

will be conserved and enhanced for their historic significance and their important contribution to local distinctiveness, character and sense of place.

This will be carried out through:

- conservation area appraisals/reviews;
- management plans;
- designating new conservation areas where appropriate;
- the determination of planning, listed building consent and other relevant applications.

Proposals for development that affect non-designated historic assets will be considered taking account of the scale of any harm or loss and the significance of the heritage asset.

CSB1: CONSERVATION AND IMPROVEMENT OF BIODIVERSITY

A net loss of biodiversity will be avoided, and opportunities to achieve a net gain across the district will be actively sought.

Opportunities for biodiversity gain, including the connection of sites, large-scale habitat restoration, enhancement and habitat re-creation will be sought for all types of habitats, with a primary focus on delivery in the Conservation Target Areas.

The highest level of protection will be given to sites and species of international nature conservation importance (Special Areas of Conservation and European Protected Species).

Damage to nationally important sites of special scientific interest, local wildlife sites, local nature reserves, priority habitats, protected or priority species and locally important geological sites will be avoided unless the importance of the development outweighs the harm and the loss can be mitigated to achieve a net gain in biodiversity.

South Oxfordshire Local Plan 2011 (SOLP 2011) (saved policies)

G2: PROTECTION AND ENHANCEMENT OF THE ENVIRONMENT

The district's countryside, settlements and environmental resources will be protected from adverse developments.

C6: BIODIVERSITY CONSERVATION

In considering proposals for development, the maintenance and enhancement of the biodiversity resource of the district will be sought. Full account of the effects of development on wildlife will be taken. Where there is any significant loss in biodiversity as part of a proposed development, the creation and maintenance of new landscape features, habitats, habitat links and wildlife corridors of appropriate scale and kind will be required to ensure there is no net loss in biodiversity resources.

CON7: CONSERVATION AREAS

Planning permission will not be granted for development which would harm the character or appearance of a conservation area.

The following will be required when considering proposals for development in conservation areas:

- (i) the design and scale of new work to be in sympathy with the established character of the area; and
- (ii) the use of traditional materials, whenever this is appropriate to the character of the area.

The contribution made to a conservation area by existing walls, buildings, trees, hedges, open spaces and important views will be taken into account. Proposals for development outside a conservation area which would have a harmful effect on the conservation area will not be permitted.

EP2: NOISE AND VIBRATION

Proposals which would by reason of noise or vibrations have an adverse effect on existing or proposed occupiers will not be permitted, unless effective mitigation measures will be implemented. In addition, noise sensitive development will not be permitted close to existing or proposed sources of significant noise or vibrations.

EP3: LIGHT POLLUTION

Proposals for new floodlighting and other external lighting that would have an adverse effect on neighbouring residents, the rural character of the countryside or biodiversity will not be permitted, unless effective mitigation measures will be implemented.

CF1: SAFEGUARDING RECREATIONAL FACILITIES

Proposals that result in the loss of a recreation facility or an essential community facility or service, through change of use or redevelopment, will not be permitted unless:

- (i) suitable alternative provision is made for the facility (or similar facilities of equivalent community value) on a site elsewhere in the locality, or
- (ii) in the case of recreational facilities, it is not needed, or

(iii) in the case of commercial services, it is not economically viable.

D1: GOOD DESIGN

The principles of good design and the protection and reinforcement of local distinctiveness should be taken into account in all new development through:

- (i) the provision of a clear structure of spaces;
- (ii) respecting existing settlement patterns;
- (iii) providing for a choice of routes and transport modes to, from and within the development;
- (iv) providing a development that users find easy to understand through the use of landmarks, vistas and focal points;
- (v) providing landscape structure as a framework for new development;
- (vi) respecting the character of the existing landscape;
- (vii) respecting distinctive settlement types and their character;
- (viii) providing good quality site and building design and appropriate materials; and
- (ix) providing well-designed external areas.

D2: PARKING

Planning permission will not be granted for developments that fail to incorporate adequate, safe and secure parking for vehicles and cycles. Vehicle parking should be provided in a discreet and sensitive manner.

The Benson Neighbourhood Plan (BNP)

NP6: CONSERVATION AND HERITAGE

Development should respect the history and heritage of Benson in accordance with national and local policy by:

- Conserving and enhancing the significant special architectural and historic interest of listed buildings and their settings;
- Conserving and enhancing the special interest, character and appearance of the two conservation areas at Benson and Preston Crowmarsh, with regard for their setting and context as parts of longer linear historic settlements, and for their wider relationships with the River Thames, the Ewelme Stream (Benson Brook), and the agricultural landscape. Development that would restore traditional design details and window styles or route cables and services underground, and that accords with other policies in the Plan, will be supported;
- Conserving and respecting, in proportion to their importance, the significant character and setting of historic buildings that are not listed but are of local note for their heritage value. This shall apply to buildings included in the Schedule of Buildings of Local Heritage note set out in Appendix E .
Developers should assess the significance of these buildings prior to application, and should provide a public record of any significance that is lost. Demolition of these buildings, or major alterations that would destroy or obscure their historic interest, will not be supported where it is judged that the significance of the building outweighs the scale of harm or loss;

- Where appropriate taking account of the high potential within the Plan area for discoveries of significant archaeological note, and ensuring that proposals reflect the outcome of an appropriate range of prior investigations including field evaluation. Any impact on archaeological remains should be mitigated to reflect the significance of those remains, by maximising potential for preservation, recording any loss and including provision for the preservation in situ of important remains where the loss is not outweighed by the public benefits of the development.

NP7: DESIGN

All new development, including infill development, should be of a high-quality design that respects the distinctive character of the locality. New development should be in accordance with the Principles set out in the Design Statement that accompanies this Plan.

NP22: NEW GREEN SPACE

New development should make appropriate provision of green space in accordance with South Oxfordshire District Council standards in place at the time of the determination of the application. The design of green spaces shall take account of the needs identified in Benson's 'People and Nature Strategy and this plan's biodiversity policies, and must link where practicable via public footpaths to other public footpaths/bridleways connecting to the rest of the village and the wider countryside. Where possible, pedestrian links should be positioned to provide separation from road traffic.

NP23: BIODIVERSITY

Development proposals should maintain and enhance existing on-site biodiversity assets, and provide for wildlife needs on site, where possible. Where appropriate on-site biodiversity enhancements such as new roosting features for bats or nesting features for birds should be incorporated into the fabric of the development.

NP30: SUSTAINABLE DRAINAGE SYSTEMS

Where it is appropriate development proposals should include Sustainable Drainage Systems within their boundaries designed to manage the risk of surface water flooding and foul water sewer overload, and that they will not increase flood risk elsewhere in Benson.

Sustainable Drainage Systems should be designed to maximise the benefits of the features, taking account where possible of the Benson's Strategy for Nature and People.

Chilterns AONB Management Plan 2014 – 2019 (CMP)

L1 - The overall identity and character of the Chilterns should be recognised and

managed positively.

L5 - Developments which detract from the Chilterns' special character should be resisted.

L6 - Degraded aspects of the landscape should be enhanced including the removal or mitigation of intrusive development and features.

D11 - Enhancement of the landscape of the AONB should be sought by the removal or mitigation of intrusive developments.