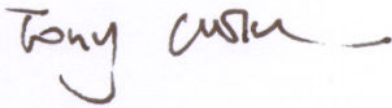


To: Members of the Planning & Regulation Committee

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

**Monday, 15 February 2010 at 2.00 pm**

**County Hall**



Tony Cloke  
Assistant Head of Legal & Democratic Services

February 2010

Contact Officer: **Graham Warrington**  
Tel: (01865) 815321; E-Mail:  
[graham.warrington@oxfordshire.gov.uk](mailto:graham.warrington@oxfordshire.gov.uk)

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**Membership**

Chairman – Councillor Steve Hayward  
Deputy Chairman - Councillor Mrs Catherine Fulljames

*Councillors*

Alan Armitage  
Anda Fitzgerald-O'Connor  
Tim Hallchurch MBE  
Jenny Hannaby  
Ray Jelf

Peter Jones  
Lorraine Lindsay-Gale  
David Nimmo-Smith  
Neil Owen  
G.A. Reynolds

John Sanders  
Don Seale  
John Tanner

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**Notes:**

- ***Please note revised arrangements (date and time) for the Chairman's briefing which are set out at the foot of this agenda***
- ***Date of next meeting: 12 April 2010***

## Declarations of Interest

This note briefly summarises the position on interests which you must declare at the meeting. Please refer to the Members' Code of Conduct in Section DD of the Constitution for a fuller description.

### **The duty to declare ...**

You must always declare any "personal interest" in a matter under consideration, ie where the matter affects (either positively or negatively):

- (i) any of the financial and other interests which you are required to notify for inclusion in the statutory Register of Members' Interests; or
- (ii) your own well-being or financial position or that of any member of your family or any person with whom you have a close association more than it would affect other people in the County.

### **Whose interests are included ...**

"Member of your family" in (ii) above includes spouses and partners and other relatives' spouses and partners, and extends to the employment and investment interests of relatives and friends and their involvement in other bodies of various descriptions. For a full list of what "relative" covers, please see the Code of Conduct.

### **When and what to declare ...**

The best time to make any declaration is under the agenda item "Declarations of Interest". Under the Code you must declare not later than at the start of the item concerned or (if different) as soon as the interest "becomes apparent".

In making a declaration you must state the nature of the interest.

### **Taking part if you have an interest ...**

Having made a declaration you may still take part in the debate and vote on the matter unless your personal interest is also a "prejudicial" interest.

### **"Prejudicial" interests ...**

A prejudicial interest is one which a member of the public knowing the relevant facts would think so significant as to be likely to affect your judgment of the public interest.

### **What to do if your interest is prejudicial ...**

If you have a prejudicial interest in any matter under consideration, you may remain in the room but only for the purpose of making representations, answering questions or giving evidence relating to the matter under consideration, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

### **Exceptions ...**

There are a few circumstances where you may regard yourself as not having a prejudicial interest or may participate even though you may have one. These, together with other rules about participation in the case of a prejudicial interest, are set out in paragraphs 10 – 12 of the Code.

### **Seeking Advice ...**

It is your responsibility to decide whether any of these provisions apply to you in particular circumstances, but you may wish to seek the advice of the Monitoring Officer before the meeting.

**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**

To approve the minutes of the meeting held on 11 January 2010 and to receive for information any matters arising therefrom.

4. **Petitions and Public Address**
5. **Demolition of detached temporary classroom/community resources building and brick store and erection of a single storey building to provide a new children's centre and erection of extensions to the existing school building to provide a replacement classroom/community resource area, reading room and replacement store plus associated external works - Great Milton CE School, The Green, Great Milton - Application R3.0188/09 (Pages 1 - 24)**

Report by Head of Sustainable Development (PN5)

The report outlines a proposal to construct a single storey building in the grounds of Great Milton C of E School to provide a new Children's Centre. The proposal also involves the removal of a temporary classroom building (also used as a community resource area), a detached brick built store and the erection of three extensions to the school to create replacement accommodation for the lost classroom/community resource facility and store, and a reading room. The site lies within the Oxford Green Belt. The application has generated much interest locally and responses received from local residents and the Parish and District Councils are included along with other consultees replies. The comments of the Head of Sustainable Development on the issues raised and the merits of the proposal are also included along with the recommendation on the application.

***The Committee is RECOMMENDED to authorise the Head of Sustainable Development to grant permission for Application No. R3.0188/09 (for the demolition of a temporary classroom/community resources building and brick built store and the erection of a single storey building to provide a children's centre, and the erection of extensions to provide replacement classroom and community resources facility, reading room and replacement store, along with associated external works; at Great Milton C of E School) subject to:***

- (a) ***the applicant first (before a planning permission is issued) securing and if necessary obtaining planning permission for suitable alternative temporary arrangements for parking for use by the school during the***

*period of construction;*

**(b) conditions to be determined by the Head of Sustainable Development to include the following matters:**

- 1. That the development must be carried out strictly in accordance with the particulars contained in the application and the plans accompanying subject to conditions below.**
- 2. That the development shall commence within 3 years of the date of the permission.**
- 3. That samples of the external materials proposed to be used shall be submitted to and approved in writing by the Head of Sustainable Development prior to the commencement of development.**
- 4. That no development shall take place until the trees on the site which are to be retained and which are adjacent to or within the development area, have been protected during building operations by means of a protective fence around the edge of the canopy of the trees.**
- 5. That the site be landscaped and planted with trees (including replacement trees) and shrubs in accordance with a comprehensive planting and landscaping scheme first approved by the Head of Sustainable Development.**
- 6. That all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the buildings or the completion of the development, whichever is the sooner.**
- 7. The hours of operation of the children's centre for use by the public shall not allow use between 8.00 to 9.15 am and 2.45 to 3.30 pm Monday to Friday during term time.**
- 8. The hours of use of the children's centre at other times (including outside school hours) shall be submitted for agreement by the Head of Sustainable Development before any use of the Centre commences.**
- 9. That the high split level windows on the western elevation of the proposed children's centre building shall be frosted or glazed with obscure glass.**
- 10. That prior to the commencement of the development full details of any additional proposed lighting, shall be submitted to and approved by the Head of Sustainable Development.**
- 11. That prior to the first occupation of the children's centre building the existing school Travel Plan for the site shall be updated and submitted to the Head of Sustainable Development for approval.**
- 12. That prior to the commencement of the development details of a sustainable drainage scheme for the proposed site shall be submitted to and approved in writing by the Head of Sustainable Development.**
- 13. Vegetation removal should not take place during the bird breeding season, which is March-August inclusive. If any trees and/or bushes need to be removed during this time, they will need to be checked over by an ecological consultant immediately prior to removal to ensure there are no nesting birds present. If nesting birds are present, the vegetation cannot be removed until the birds have**

- fledged.*
14. *If any protected species not initially surveyed for are found at any point, all work should cease immediately. Work should not recommence until a full survey has been carried out, a mitigation strategy prepared and licence obtained (if necessary) in discussion and agreement with Natural England.*
  15. *The existing pond shall not be removed until a new pond is created in a position to be agreed by the Head of Sustainable Development.*
  16. *The existing pond shall not be removed except in the months of August, September and October. The pond shall be drained gradually and the plant material removed from it should be stacked by the side of the pond for at least 24 hours to allow any animals trapped to escape before the vegetation is removed.*
  17. *Details of the proposals to create habitats for bats in the new buildings shall be submitted for agreement by the Head of Sustainable Development.*
  18. *If any works are planned to occur later than April 2010, the submitted protected species survey must be updated.*
  19. *Details of proposals for the formation of 3 additional on site parking spaces shall be submitted and agreed by the Head of Sustainable Development before development commences.*
  20. *Details of a construction traffic management plan (to include details of times of delivery of materials) shall be submitted and agreed by the Head of Sustainable Development before development commences.*

*Archaeological Informative – if archaeological finds do occur during development the County Archaeologist shall be notified in order that he may visit the site and advise as necessary.*

6. **Temporary (for a maximum of 3 years) classroom (portakabin type) sited on existing play pitch at Great Tew School, The Green, Great Tew - Application 09/1608/P/CD3 (Pages 25 - 32)**

Report by Head of Sustainable Development (PN6)

This is a planning application for a temporary classroom at Great Tew School. Permission is sought for it to be in place for up to three years to allow time for a planning application for a permanent extension to be submitted and determined. The development is needed to address overcrowding in the existing classrooms. There have been objections from West Oxfordshire District Council and two local residents due to the impact on the Conservation Area. As it would be an incongruous building in the conservation area, adjacent to a listed building, the development would not be acceptable on a permanent basis. However, the proposed development would be sensitively and unobtrusively sited to ensure that its visual impact is minimal. It is a community facility to meet a local need and report supports a permission for a three year period only.

***It is RECOMMENDED that application No. 09/1608/P/CD3 be approved, subject to the following conditions:***

- (a) ***development in accordance with submitted plans and particulars;***
- (b) ***development to commence within 3 years of permission;***
- (c) ***temporary consent – 3 years or when a permanent extension/building is provided, whichever is the sooner; and***
- (d) ***tree protection during construction works.***

**7. Outline application for the demolition of existing transportable office buildings and erection of two storey permanent office building; formalisation of existing parking area to provide 10 dedicated spaces at Deddington Depot, Banbury Road, Deddington - Application R3.0079/09 (Pages 33 - 42)**

Report by Head of Sustainable Development (PN7)

This application is for outline planning permission for the demolition of an existing transportable office building and the erection of a replacement two storey permanent office building at Deddington Highways Depot, Deddington. The application also proposes the formalisation of the existing parking area on site to provide 10 dedicated parking spaces. An application for outline permission has been made as the Council's highway contract is the subject of a re-bidding exercise. An outline permission, should it be granted, would enable any approved contractor to decide on the details of any final scheme in relation to their operational needs for the site office. This final scheme would then be subject of a further detailed 'reserved matters' planning application and would need to include details of the scale, design and appearance of the office building. An objection has been received to the application on the grounds that a two storey building would have a detrimental impact on the visual amenities of the area. Details of the objection is summarised in the report, along with the responses from other consultees.

***The Committee is RECOMMENDED to approve Application Number R3.0079/09 for outline approval for the demolition of existing transportable office buildings and erection of two storey permanent office building; formalisation of existing parking area to provide 10 dedicated spaces subject to conditions to be determined by the Head of Sustainable Development to include the following matters:***

- 1. outline compliance – that the development must be carried out strictly in accordance with the particulars contained in the application and the plans accompanying with any approval given in respect of any subsequent reserved matters;***
- 2. application for approval of the reserved matters to be made not later than 3 years of the date of the permission;***
- 3. that details of the design, materials and height of the proposed building shall be submitted and approved prior to the commencement of the development;***
- 4. that details of the sustainable features of the proposed building shall be submitted and approved prior to the commencement of the development;***
- 5. that details of the proposed car parking layout and vehicle and pedestrian***

- access points and routes shall be submitted and approved (in consultation with the Local Highway Authority) prior to the commencement of the development. Any details approved shall be implemented before the development is brought into use;*
6. *the development shall not commence until such time as a scheme to a) dispose of surface water and b) install oil and petrol separators has been submitted and approved (in consultation with the Environment Agency). Any details approved shall be implemented before the development is brought into use;*
  7. *the development shall not commence until the final details of a self-contained powered sewerage package plant to serve the proposed building have been submitted and approved (in consultation with the Environment Agency). Any details approved shall be implemented before the development is brought into use;*
  8. *if during development contamination is found to be present on site, then no further development shall be carried out until a method statement detailing how this contamination shall be dealt with, has been submitted and approved (in consultation with the Environment Agency); and*
  9. *that no development shall take place until the trees on the site which are to be retained and which are adjacent to or within the development area, have been protected during building operations by means of a protective fence around the edge of the canopy of the trees.*

*Ecological informative – Prior to the submission of any reserved matters application the applicant shall contact the County Ecologist for advice on ecological issues associated with any reserved matters application.*

*Archaeological informative – If archaeological finds do occur during development, the County Archaeologist shall be notified in order that he may visit the site and advise as necessary.*

*Environment Agency Informative - Any open chemical or refuse storage areas should be surrounded by suitable liquid tight bunded compounds to prevent drainage from these areas discharging into the surface water system. These areas should drain to the sealed tanks.*

*Environment Agency Informative - Any above ground oil storage tank(s) should be sited on impervious base and surrounded by a suitable liquid tight bunded. No drainage outlet should be provided. The bunded area should be capable of containing 110% of the volume of the largest tank and all fill pipes, draw pipes and sight gauges should be enclosed within its curtilage. The vent pipes should be directed downwards into the bund. Guidelines are available from the Environment Agency.*

8. **Change of use of building from use Class B1 (offices) to Class D1 (adult learning centre) - The Corner House, Victoria Road, Bicester - Application R3.0203/09 (Pages 43 - 50)**

Report by Head of Sustainable Development (PN8)

This application is for the change of use of an existing building (known as the Corner

House) located adjacent to Bicester town centre. The building currently has planning permission for office use, the application proposes this to be changed to use as an adult learning training centre. The application does not propose any external changes to the building. An objection has been received in relation to an increase in traffic on roads surrounding the building as a result of the change of use and on the grounds that visitors to the adult learning centre would park in unauthorised locations in its vicinity. This objection is summarised in the report, along with the responses from other consultees.

***The Committee is RECOMMENDED to approve Application Number R3.0203/09 for the change of use of building from use class B1 (offices) to class D1 (adult learning training centre), subject to conditions to be determined by the Head of Sustainable Development to include the following matters:***

- 1. that the development must be carried out strictly in accordance with the particulars contained in the application and the plans accompanying subject to conditions covering matters below;***
  - 2. that the development shall commence within 3 years of the date of the permission;***
  - 3. the hours of use of the building shall be restricted to between 8:30am and 5:30pm Monday to Friday;***
  - 4. that prior to the commencement of the development a scheme for the provision of signage on the building and in its vicinity to deter unauthorised parking shall be submitted and approved. All erected signs shall be maintained for the duration of the use of the building as an Adult Learning Training Centre; and***
  - 5. within 6 months of the first occupation of the building a Travel Plan for the site shall be prepared and submitted for approval and shall be implemented and updated appropriately.***
- 9. To extend mineral extraction and alter scheme of working and restoration at Great Tew Brown Ironstone Quarry. Proposed development includes the installation of a stone saw shed, modification and retention of a scheming landform and extension of the farm site at the quarry farm site. Approval is also sought for minor changes to the built grain store development and to consolidate historic permission - Great Tew Quarry, Great Tew (Pages 51 - 70)**

Report by Head of Sustainable Development (**PN9**)

This is an application to extend a phase of mineral extraction and erect a stone saw shed. At the same time the proposals seeks to erect two new agricultural buildings to re-locate livestock farming operations from elsewhere on the Great Tew Estate to Great Tew Quarry. The application site is approximately 10.7Ha. The area for mineral extraction is 4.13Ha of which 0.68 Ha is a proposed extension to one of the phases that lies in the centre of mineral extraction. The site boundary is therefore not proposed to be changed. There is also a stone saw shed proposed to enable hand processing of stone to take place. The main issues are the impact of the agricultural development on the local landscape, the impact of the quarry proposals, ecological considerations, restoration and impact on local amenity. The applicant has shown that there is sufficient

need for the new buildings and that their siting and design would not be greatly out of character to other such developments in the District and would be identical to those already present on the site. It has also been demonstrated that the impact of the new buildings can be adequately mitigated by existing and proposed screening and by lowering the development platform by extending the mineral extraction area. The potential for noise and dust from the stone saw shed to affect local amenity have shown to be negligible subject to the imposition of conditions. There would be no impact on protected species or biodiversity in the area. A Section 106 Agreement is already in place to secure long term management of the site and this would be extended to include any new permissions.

***It is RECOMMENDED that:***

- (a) subject to a legal agreement requiring:**
- (i) public access to the geological feature,**
  - (ii) a management plan including a programme of monitoring to operate for 20 years over and above the 5 year after care period;**
  - (iii) funding for the implementation of the management plan;**
  - (iv) the applicant not to further implement any quarry operations approved under previous planning permissions;**

***that planning permission be granted for the development proposed in Application 09/1328/P/CM subject to conditions to be determined by the Head of Sustainable Development but to cover matters included in Annex 1 to this report;***

- (b) if the legal agreement referred to in (a) above is not completed within 10 weeks of the date of this meeting the Head of Sustainable Development be authorised to refuse the application on the grounds that it would not comply with South East Plan policy NRM5 in that there would be no satisfactory provision for the long term management of the restored site.**

**10. Re-use of an existing building for a waste tyre and caterpillar track recycling facility, handling approximately 3500 tonnes of waste tyres per year - Culham No 4 Site - Application No P07/W0631/CM (Pages 71 - 86)**

Report by Head of Sustainable Development (PN10)

On 16 July 2007 Planning & Regulation Committee authorised the Head of Sustainable Development to grant permission for the above development, subject to conditions and/or legal agreements as he might consider appropriate. A section 106 agreement for the removal of the buildings and hardstandings at the end of the permission, or sooner if the development ceases, was considered necessary to make the proposal acceptable because the site is in the Green Belt. However, there has been no progress on the legal agreement and so it has not been possible to issue the permission for this development. Therefore it is now being recommended that permission be refused, because without the agreement to remove the buildings at the end of the life of the

permission the development would be unacceptable as it would cause harm to the Green Belt and its visual amenities.

***It is RECOMMENDED that planning permission for application P07/W0631/CM be refused for the following reason:***

***That the proposed development is inappropriate development that would not preserve the openness of the Green Belt, is contrary to the purposes of the green belt in this location and would harm its visual amenities, contrary to South East Plan policy C04***

**11. Processing plant for recycled aggregates - Gill Mill Quarry, Ducklington - Application 09/0047/P/CM (Pages 87 - 98)**

Report by Head of Sustainable Development (PN11)

This is an application for the erection and use of a washing plant to recycle suitable inert waste materials for use as aggregate on a site within Gill Mill Quarry for the life of the quarry. There is already a dry recycling operation producing aggregate at the Quarry which would be relocated next to the washing plant. Both would be located to the east of the Quarry's sand and gravel processing plant. The main issues are compatibility with recycling policies, amenity effects and the impact on the water environment. No objections have been sustained by any consultee although two objections have been received from people with a local interest on amenity and traffic grounds. The development would increase the amount and quality of recycled materials without adversely affecting the amenities of local people, the closest property being 400 metres away, or affecting the water environment, provided conditions recommended by the Environment Agency were adhered to.

***It is RECOMMENDED that subject to a routeing agreement to prevent heavy goods vehicles from travelling to and from the south on the A415 that planning permission be granted for the development outlined in application 09/0047/P/CM subject to conditions to be determined by the Head of Sustainable Development to cover matters including those set out below:***

- 1. complete compliance;***
- 2. commencement date;***
- 3. completion and restoration by 2021;***
- 4. restoration as per existing quarry permission;***
- 5. surface water drainage scheme to be submitted and agreed;***
- 6. compliance with submitted flood risk assessment and mitigation measures;***
- 7. opening hours to be agreed;***
- 8. existing vegetation to be retained;***
- 9. noise mitigation as for existing quarry;***
- 10. details of a lighting scheme to be submitted and agreed;***
- 11. use of existing access only;***
- 12. details of bund construction and their maintenance to be submitted and agreed;***
- 13. external elevations of plant to be painted a dark green colour.***

***Thames Water informative: take account of Thames Water water pressures.***

**12. Public Right of Way Diversion - Objected to Order (Bodicote Footpath No8 and Bloxham Footpath No 2. (Pages 99 - 112)**

Report by Head of Sustainable Development (**PN12**).

Objections have been received to the diversion order for part of Bodicote Fp 8 and part of Bloxham Fp 2. The effect of the order, if confirmed, would be to re-route the footpaths from their current line along the front of Bodicote Mill, onto a route along the eastern boundary of the site. Having received objections to the order the Committee cannot confirm it, but has the option of either submitting it to the Planning Inspectorate for the Secretary of State to make a determination or withdrawing the order in the light of the objections received.

***The Committee is RECOMMENDED to submit the objected to order for Bodicote Footpath 8 and Bloxham 2 to the Secretary of State for Environment, Food and Rural Affairs for determination.***

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**Pre-Meeting Briefing**

There will be a pre-meeting briefing at County Hall on **Monday 15 February at 11.30 am** for the Chairman, Deputy Chairman and Opposition Group Spokesman.

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Contact Officer: John Hamilton, Tel: 01865 815584

Division(s): Chalgrove

## **PLANNING & REGULATION COMMITTEE – 15 FEBRUARY 2010**

### **DEMOLITION OF DETACHED TEMPORARY CLASSROOM/ COMMUNITY RESOURCES BUILDING AND BRICK BUILT STORE AND THE ERECTION OF A SINGLE STOREY BUILDING TO PROVIDE A CHILDREN'S CENTRE, AND THE ERECTION OF EXTENSIONS TO THE EXISTING SCHOOL TO PROVIDE A REPLACEMENT CLASSROOM AND COMMUNITY RESOURCES FACILITY, A READING ROOM AND A REPLACEMENT STORE ALONG WITH ASSOCIATED EXTERNAL WORKS**

#### **Report by Head of Sustainable Development**

**Location:** Great Milton C of E School, The Green, Great Milton

**Application No:** R3.0188/09

**District Council Area:** South Oxfordshire

#### **Introduction**

1. This is an application for the erection of a detached single storey building to provide a children's centre on the school site together with three extensions to the existing school to provide a reading room, furniture store and community resources room. The proposal also involves the removal of a temporary classroom/community use building and a storage building.
2. The children's centre element of the application forms part of the strategy aimed at ensuring that by 2010, every community is expected to be served by a Sure Start Children's Centre offering permanent universal provision of children's services across the country so that every child is given every opportunity to get the best start in life.

#### **Location**

3. Great Milton is located about 16 km (10 miles) east of Oxford. The M40 passes about 1.2 km (0.75 miles) to the north of the village and the A329 Thame-Wallingford Road about 300 metres to the south. The village is located within the Oxford Green Belt.

#### **The site and its setting (see Site Plan)**

4. The Primary School is located centrally in this linear village on the eastern side of the settlement. The existing school buildings are situated at the

northern end of the school site immediately behind residential properties that front on to Lower End. The school playing field areas are to the east and south of the main school buildings.

5. Immediately to the north are allotment gardens and to the east is open agricultural land. The village recreation ground abuts the school to the south. Residential properties abut the site to the west. The latter are included within Great Milton Conservation Area.
6. There are a number of trees within the school site including along the existing access road to Lower End. There is a small pond immediately to the east of the existing school building.

### **Details of the Development**

7. This planning application can be divided into two elements (i) a new children's centre and (ii) extensions to the existing school building.

#### **(i) Children's Centre**

8. The Sure Start Children's Centre programme is regarded as a vital part of national government's ten year strategy aimed at enabling all families with children to have access to an affordable, flexible, high quality childcare place for their child. The Apprenticeships, Skills, Children's and Learning Act 2009 (amending the Childcare Act 2006) defines Sure Start Children's Centres in law and places duties on local authorities to establish and run children's centres. Local authorities are therefore now under a duty to secure sufficient children's centre provision for their area. The centres are intended to be the first, local port of call when a parent or carer needs help or advice (whether in relation to their role as a parent/carer, the child's wellbeing or development, or simply to find out about neighbourhood activities). Phases 1 and 2 of the children's centre programme were approved in 2005 and 2006 and were aimed at those areas in greatest need for the services. The Great Milton project is part of Phase 3 of the programme and is aimed at improving access to services for families living in less disadvantaged and more affluent areas. The applicant has indicated that a major consultation exercise was undertaken in Oxfordshire to select the organisations to lead the development of the Phase 3 centres. Great Milton school was chosen through a competitive process as the organisation best able to provide children's centre services in this area.
9. The catchment area for this children's centre (known as Area 10, see plan 3) covers a large area taking in the wards of Wheatley, Forest Hill and Holton, Garsington and Great Milton. Apart from Wheatley, the majority of the area is rural (including villages and hamlets). The area has been assessed using the Index of Multiple Deprivation in local authority areas. The area around Great Milton is ranked in the top 50% most disadvantaged nationally and is rated 85 out of 404 in Oxfordshire. This indicates that there is a clear need for such a facility in this catchment area.

10. The services to be potentially provided from the centre would include outreach services to vulnerable families in the community (this would be home support i.e. the centre staff would go to them) plus amongst other things:
  - drop ins for parents and their young children (where information, advice and staff support would be available)
  - small groups for parents e.g. delivering parenting programmes
  - delivery of health services such as post and ante natal groups
  - provision of advice and information e.g. how to find childcare and adult learning provision
  - one to one advice, information and support sessions
  - small meetings of practitioners from a range of social and care professions
  - a variety of Stay & Play opportunities.
11. The applicant has outlined the benefits of locating the centre at Great Milton Primary School is as follows:
  - Access to services – they consider it an advantage that a very rural community like Great Milton has this centre at its heart, providing an opportunity for a range of partners (such as health) to deliver services locally.
  - Good use of space and site – the centre would be used by the school including breakfast and after school clubs (which are currently housed in the school hall)
  - Value for money – carrying out this project at the same time as the school extensions would provide savings for the two projects
  - Staff deployment – it is easier to manage staff if based on the same site.
12. The children's centre is proposed to be a free standing independent building located in close proximity to the school entrance so that it can function independently of the existing school activities and not compromise them, but can be easily seen by visitors to the school without compromising school security.
13. The proposed building measures just over 24m by 9m and would be sited immediately to the south of the main entrance into the school (see plan 1). It would be brick built with a clay tiled roof to match the existing school buildings. The height of the building would be 4.3m to the roof ridge line, and 2.3m to eaves level. There would be a gap of 1.2m between the new building and the boundary wall running along the rear of the gardens of adjacent properties (Clematis Cottage, Woodbine Cottage and Old Cottage). An existing single storey brick built storage building and three trees would be removed to make way for the new building.
14. The building is proposed to be built to a BREEAM rating of Very Good (BREEAM – Building Research Environmental Assessment Method). This is a measurement of the sustainable design and construction of a new development.

(ii) Extensions to the School

15. The second part of this application proposes three extensions to the existing school building. The existing school comprises a single storey brick built development incorporating shallow pitched tiled roofs with gable ends. The school hall area is higher than the rest of the building. The extensions proposed are:
- a classroom/community resources extension attached to the northern elevation of the school. The extension would be built in brick with a pitched roof to match the existing building. It would be linked to the school via a small flat roofed lobby area. As part of the proposal the temporary classroom building that previously provided a classroom and community resources accommodation would be removed from the site. A single tree on the northern boundary would also have to be removed;
  - a flat roofed infill extension (to provide a reading room) on the eastern elevation of the building. Again it would be brick built to match the existing building;
  - a small lean-to extension to the west elevation to provide a replacement furniture store for the storage building to be removed. The store extension would be brick built with a tiled roof to match the existing.
16. The school has 16 parking spaces in regular use within the school site. These are provided as properly constructed parking bays, on tarmac widening of the road along the access driveway and on an area of hardstanding closer to the school building. The proposed extensions to the school do not involve any increase in staff or pupil numbers to the site. No additional parking is proposed in connection with this element of the development. As part of the children's centre project, it is proposed to provide 3 additional on site parking spaces. Given the restrictive nature of the site, these spaces may not be to full parking specification.
17. At the time of the original submission of the planning application, it was the intention that temporary parking accommodation be provided on the adjoining recreation ground for the duration of construction (it is proposed to use the existing school car park as the contractor's compound for the period of building works). This option is not now available and the project architect is looking to secure alternative temporary parking arrangements close to the school.

**Consultation Responses**

18. South Oxfordshire District Council – object for the following reasons:
- Children's centre
    - Have concerns with the size and location of the building. Given its location it will affect views into and out of the conservation area

from the High Street/Lower End eastwards. The building fails to reinforce local distinctiveness and is therefore harmful to the character, appearance and setting of the conservation area. It is therefore contrary to Policy CON7 of the South Oxfordshire Local Plan.

- In addition there are concerns over the impact on neighbouring properties. The trees to be removed are of low amenity value but do provide a degree of screening to adjacent properties. The proposal would have an oppressive and overbearing impact on the neighbouring dwellings. The proposal is therefore contrary to Policy CF2 of the South Oxfordshire Local Plan.
- The canopy proposed to the north west elevation of the new building would be very close to the Sugar Maple tree (a high quality tree in the conservation area). Such proximity could lead to pruning of the tree in the future contrary to Policy C9 of the Local Plan.
- Reading Room extension – no objection.
- Furniture Store – no objection.
- New classroom/community resources extension
  - Will require the removal of an important tree and will have significant impact on another. Although loss of the trees will have a limited impact on the amenity of the area, it will have a detrimental impact on the ecological, environmental and social benefits the trees bring to the school. The development is therefore contrary to Policy C90 of the Local Plan.

19. Great Milton Parish Council – Whilst supporting the proposed upgrading of the school facilities, the Parish Council originally objected to the children’s centre on the following grounds:

- severe inaccuracies in the supporting documentation
- overdevelopment of the site
- encroachment on the conservation area
- strong objections from neighbours

20. Following a meeting at the Parish Council, attended by the project architect and council officers, further information has been submitted and consulted on. As a result, the Parish Council have commented as follows:

21. The re-submitted proposal corrects the errors of the original submission but there are no other tangible differences to the original proposal. None of the issues raised in our objections have been addressed and our objections remain. In summary, the Parish Council supports the principle of children’s centres, but is opposed to the establishment of the proposed centre in Great Milton for the following reasons:

- Suitability of location
    - supply driven, not demand led;
    - conclusions are based on flawed data;
    - needs inadequately researched;
    - inappropriate motivation;
    - inappropriate and misleading propaganda from the school.
  - Funding
    - long term availability of funding;
    - misuse of budgets.
  - Impact on immediate neighbours.
  - Traffic generation, parking and safety.
  - Impact on the conservation area.
  - Overdevelopment of the site.
22. Environment Agency – No objection. Applicant should consider the drainage of surface water from the site using a sustainable drainage approach to surface water management.
23. English Heritage – Do not wish to offer any comments. The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.
- Oxford Green Belt Network – No objection. The proposed impact of the development on the Green Belt will be relatively insignificant.
24. Campaign to Protect Rural England – Support Parish Council’s opposition to the proposal. It would bring harmful new traffic flows on to already congested village roads and inappropriate development into the heart of the village with little if any apparent justification in terms of properly researched strictly local need.
25. County Archaeologist – The building lies within an area of some archaeological interest. However, it would seem unlikely that the small scale nature of the proposals would justify an archaeological investigation. Archaeological Informative is required.
26. Transport Development Control
- The Travel Plans team know from experience that where schools have children’s centres, there tends to be an increase in the number of journeys to the site by non sustainable means. It is important that the headteacher and manager of the children’s centre work together to lessen the impact of these additional journeys on the school and local community.
  - Concerned that the children’s centre will give rise to an increase in vehicles parking on the site. Recommend that the area currently not dedicated as parking be made available as an overspill parking area.

- There is no indication of how the construction phase will be managed. If no agreement can be secured for off-site parking during building works, would be concerned that vehicles may park on the surrounding highway network. Further consideration needs to be given to temporary parking provision during construction phase and further information is needed about how parking is to be managed during this period.
- A further response from Transport DC adds:
  - Further information on temporary parking arrangements is required to be submitted to the local highway authority.
  - Reference is noted of the provision of 3 extra parking spaces as overspill parking. The school is to update its existing Travel Plan. Both of these are considered acceptable to the local highway authority. A condition should be included to require the submission and agreement of a construction traffic management plan.

27. County Forester

- The loss of the tree to allow for the classroom/community resources extension would not be significant in amenity terms. Indeed there may soon be a need to reduce the number of trees in this part of the site to allow the better trees to develop to their full potential as specimen trees.
- The construction of pile and beam foundations can be undertaken in the development to minimise damage to tree roots. Root protection areas are required for trees to be retained.
- The reading room and store extensions have no direct affect on trees.
- The children's centre has similar tree issues to the classroom extension. There is no reason why this building cannot be constructed, with little or no damage to tree roots, provided adequate care is taken.

28. County Ecologist – No objection subject to conditions to cover the following issues:

- Existing pond not to be removed until a new pond is created in a location to be agreed. Existing pond should be removed outside the months of August, September and October.
- No trees to be removed except between September and February (to avoid bird breeding season).
- Habitats for bats should be created in the new buildings.
- If works are planned after April 2010, further protected species surveys will be required.
- If any protected species found, all work to cease and details of a strategy and securing of a licence to deal with them agreed with Natural England before work can re-commence.

29. **Third Party Representations** (copies of these letters are available in the Members' Resource Centre)

30. 9 responses of support have been received to the application.

31. 23 members of the public have objected to the planning application. Whilst a number of these responses also support the proposed extensions to the school, they object to the children's centre. The objections cover a range of points, including:
- inaccuracies in the documentation supporting the application
  - proposal is not about creating a resource for the local community – it is about spending a grant because it is available
  - traffic congestion and associated problems already exist around the school; this proposal will only add to these problems
  - no genuine parking solution has been put forward. Even a temporary site to cater for construction has not been found
  - Children's centre should not receive visitors until 9.30 am and no visitors after the school closes, thereby avoiding the busiest times
  - village does not have the infrastructure to support such an application
  - loss of trees
  - size and location of children's centre is excessive and involves a clear overdevelopment of the site
  - siting, mass and design of building is harmful to character of this part of the village – a conservation area with a number of listed buildings
  - overbearing and intrusive on nearby properties, especially Clematis Cottage and Woodbine Cottage
  - proposed light pollution from the development
  - Great Milton is not an area of deprivation the majority of the target market (i.e. disadvantaged families) does not live in the village
  - Children's centre should be located in existing accommodation rather than a new building where future funding may be in doubt
  - choice of location for children's centre is based on flawed information, site was not chosen by a competitive procurement process. It was chosen as it was the only site that put itself forward
  - irresponsible to construct a new building at considerable expense when there is considerable office and storage space available locally
  - there should be consideration of alternative sites
  - the 'hub' to service a wide area should be centrally located in that area. Great Milton is not central, and not as accessible as other locations e.g. Wheatley
  - proposal does not represent sustainable development
32. Local Member (Councillor David Turner) – has made the following comments:
33. He supports the rolling out of the rural Children's Centres project. The mobile centre Chalgrove, soon to be replaced by a permanent building, has received nothing but good comments from parents from all walks of life. They have received help and advice that as rural parents they did not know existed. The Rural Children's Centre Project is a long overdue attempt to bring to rural parents the benefits which have been available to people in the urban areas for many years.

34. The major objection communicated to me by local residents has been about increased traffic and road safety issues, which I am very aware are currently a real problem in Great Milton by the School at peak hour delivery and collection times of children. Without the parking problems and associated highway safety problems for children it may be that the children's centre would not have attracted such a high level of opposition. I have been in discussion with officers and local people to see if there are any compromises that can be made to solve the parking and road safety issues which I recognise are very real indeed. There was an alternative proposal to extend the pavilion in the recreation field to accommodate the children's centre which would have had the effect of dispersing the traffic to some extent and I was hoping that compromises could be made. I am not sure if given time this idea, in particular for parking, can be resurrected or whether there is any possibility of negotiation with the Parish Council and Trustees of the recreation field to assist with the parking problems.
35. I do not want to see the Wheatley/Great Milton area deprived of a Rural Children's Centre given my understanding that Great Milton was the only school in the proposed catchment area to show enthusiasm to have the centre located on their site. Nevertheless the traffic issues deserve greater investigation to reduce them to an acceptable level.

#### **Relevant Planning Policies**

36. The South East Plan Spatial Strategy 2026 (RSS)

SP5 – The existing broad extent of Green Belts will be retained and supported.

CO4 – A Green Belt will be retained around Oxford to:

- preserve special character and landscape setting of Oxford
- check growth of Oxford and prevent ribbon development and urban sprawl
- prevent coalescence of settlements
- assist in safeguarding countryside from encroachment assist in urban regeneration by encouraging recycling of derelict and other urban land
- development only permitted if it maintains openness and does not conflict with the purposes of the Green Belt or harm its visual amenities.

CC1 – The principal objective of the Plan is to achieve and to maintain sustainable development in the region.

CC6 – Development should i) respect, and where appropriate enhance the character and distinctiveness of settlements and landscapes; and ii) use innovative design process to create a high quality built environment which promotes a sense of place.

BE1 – Local authority to use opportunities associated with new development to help provide significant improvements to the built environment.

BE5 – Local authorities should positively plan to meet defined local needs of their rural communities for small scale housing, business and service development. Development in villages should be based on functions performed, accessibility, need to protect or extend local services and capacity of built form and landscape setting. Distinctive character of villages should not be damaged.

BE6 – Local authority to support proposals which protect, conserve and where appropriate enhance the historic environment and the contribution it makes to local and regional distinctiveness and sense of place.

NRM4 – In considering planning applications local authorities in conjunction with the Environment Agency should require incorporation and management of sustainable drainage systems and other measures to minimise direct surface water run-off.

37. South Oxfordshire Local Plan 2011 (SOLP)

G2 – The district's countryside, settlements and environmental resources will be protected from adverse developments.

G6 – Planning permission will not be granted for proposals which are not of a high quality and inclusive design, which fail to protect and reinforce local distinctiveness, or which are of a scale or type that is inappropriate to the site and its surroundings.

GB2 – Within Green Belt, construction of new buildings will not be permitted except for the following purposes –

- agriculture and forestry
- essential facilities for sport and outdoor recreation and other uses which preserve openness of Green Belt
- limited extension, alteration or replacement of existing dwellings
- limited infilling; and
- limited affordable housing.

GB4 – Within the Green Belt, new development should be designed and sited so as to minimise the impact on its character.

CF2 – Proposals that would result in the provision of additional community facilities or services within settlements will be permitted, provided that there are no overriding amenity, environmental or traffic objections to the proposals and that there is no conflict with the other policies in this plan.

D1 – 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) providing for a choice of routes and transport modes to the development;
- (iii) providing landscape structure as a framework for new development;

- (iv) respecting the character of the existing landscape;
- (v) respecting distinctive settlement types and their character;
- (vi) providing good quality site and building design and appropriate materials; and
- (vii) providing well-designed external areas.

C9 – Any development that would cause the loss of landscape features will not be permitted where those features make an important contribution to the local scene.

CON7 – Permission will not be granted for development which harms the character or appearance of a conservation area. Proposals for development outside a conservation area which would have a harmful effect on the conservation area will not be permitted.

- PPG2: Green Belts – maintains the presumption against inappropriate development within the Green Belt.

### **Comments of the Head of Sustainable Development**

38. In my view, the main issues for consideration regarding the planning merits of this application relate to:
- (1) the acceptability of the proposed use on the site;
  - (2) the acceptability and effect of the development on the character and openness of the Green Belt
  - (3) the size and scale of the development proposed and impact on neighbours
  - (4) the design of the proposed buildings and their impact on the setting of the conservation area
  - (5) the impact on trees within the site
  - (6) the traffic and parking implications of the development.
- (i) The acceptability of the proposed use on the site
39. This proposal involves the improvement of education provision at this school by the extensions proposed. In addition it proposes a children's centre, one of a number of centres that are currently proposed (and have been approved) on primary school sites across the county. Policy CF2 of the SOLP supports, in principle, the provision of additional community facilities provided they do not conflict with other planning policies, whilst Policy CC1 of the SEP seeks to achieve sustainable communities. It is my view that the school building extensions are acceptable, and that the loss of one tree in order to construct the classroom extension on the northern elevation of the building, is more than outweighed by the benefits that the new accommodation would provide for the education of the children at the school.
40. The principle of allowing a children's centre on a primary school site is acceptable and indeed beneficial and similar proposals have been approved elsewhere in Oxfordshire. It would provide a valuable community service in

accordance with Policy CF2 of the Local Plan provided that other issues (discussed later) are satisfactory or can be satisfactorily managed by conditions on any approval that might be given.

(ii) Green Belt

41. Great Milton village is located within the Oxford Green Belt. SEP policy CO4 outlines the purposes of the Green Belt around Oxford. In addition Local Plan policy GB2 indicates the types of buildings/uses that may be permitted in the Green Belt. The proposed development for the children's centre, albeit a modest single storey building located on the site of a smaller building to be demolished, close to the existing school buildings and as close as reasonably possible to the edge of the school site abutting the village, is not a proposal that is allowed by Policy GB2 above by virtue of its use or location.
42. It is therefore considered to be inappropriate development within the green belt and very special circumstances must be put forward to warrant overriding that policy.
43. As part of central Government's Sure Start programme, the need for children's centres has been identified and the County Council is tasked with providing them. The Council's CYP&F service has put forward the case for Great Milton Primary School that it is best placed to provide such a facility (see paragraph 8). The first two phases of the children's centre programme aimed at those areas of greatest need have already been rolled out. Indeed in this general area of South Oxfordshire there are centres at Chalgrove and Berinsfield (to the south and south west respectively). The current phase (phase 3) of centre provision is aimed at more affluent areas which still have families and individuals who can benefit from the services on offer. Great Milton village sits in a south central location within the catchment area and the applicant considers that a rural village location is important. I consider this location to be appropriate for its clientele to access and for a base for staff to serve the area.
44. The school extensions must also be assessed against green belt policy. As with the children's centre, they are considered to be inappropriate development within the green belt and very special circumstances must be put forward to justify allowing them on this site. The three extensions proposed are closely linked to the existing school building; the resource centre largely replacing an existing temporary classroom building, the furniture store extending a couple of metres out from the main school building and the reading room extension being built in a recess in the eastern elevation. Collectively they will provide much needed, and much improved, accommodation within the school buildings which should enable staff to provide an improved educational experience for the school children. In my view this amounts to very special circumstances and warrants overriding green belt policy. Indeed, they have been designed to match the design and appearance of the existing school buildings and their impact on the character and amenities of the Green Belt (Local Plan policy GB4) would be minimal.

45. The Oxford Green Belt Network have raised no objections to the children's centre or the school extensions and there have been no objections from the District Council on green belt grounds.

(iii) The size and scale of the development proposed and impact on neighbours

46. The existing school building is primarily single storey with the school hall element slightly higher. Policy G6 of the SOLP requires development to be of a scale that is appropriate to the existing site and surrounding area. The proposed extensions are low key and fit in with the scale of the existing building and as such I consider they are acceptable. The children's centre building would be single storey, and replace a smaller, single storey storage building. It would be in keeping with the scale of buildings on the school site.

47. The District Council has objected to this proposal on the grounds that its size and location close to the site boundary with neighbouring properties would have an overbearing and oppressive impact on these dwellings contrary to Policy CF2 of the Local Plan. This view is supported by a number of local residents.

48. The children's centre building would be sited immediately to the rear of the properties known as Clematis Cottage, Old Cottage and Woodbine Cottage. The building would be located 1.2 metres away from the rear wall which runs along the rear gardens of these properties. The garden wall is approximately 1.5m high. The dwellings have fairly long gardens, the western wall of the children's centre being 34m from the rear elevation of Clematis Cottage (the nearest property). The only windows in the western elevation facing the garden of the above properties would be high level strip windows which would be obscure glazed.

49. Three trees would be removed within the footprint of the children's centre. Whilst both the County Forester and District Council agree that these trees are of low grade quality, it could be argued that they do form part of the screen of planting that residents currently enjoy. However, other larger, more significant trees in the locality would be retained and it is my view that, given the existence of the remaining trees, boundary wall and outbuilding to the rear of the gardens, the lack of windows with clear glazing overlooking the residential properties, and the distance between the new building and the existing dwellings, the impact on the residential amenities of these properties through loss of light, privacy or the size of the new building is not significant. As such I disagree with the District Council on this point and consider that the children's centre building accords with Policy CF2 of the SOLP.

(iv) Design of the development and impact on the conservation area

50. As already mentioned the existing school comprises a modern, primarily single storey building which is fairly spread out and is broken up into linked smaller blocks. The proposed extensions and the detached children's centre building would be brick built with tiled roofs, and to a design to match the

existing school building. Policy CC6 of the RSS requires new development to respect and where appropriate enhance the character and distinctiveness of settlements to create a high quality environment and sense of place. Policies G6 and D1 of the SOLP also require new development to be of a high quality design and respect the character and appearance of the surrounding area. I consider that the new works proposed clearly reflect the design and appearance of the existing school buildings on this site and that it is preferable to reflect these buildings with common use, rather than surrounding residential buildings. I consider the design approach is consistent with the aim of the policy.

51. Comments have been received that the design and appearance of the new works, particularly the detached children's centre, are unacceptable especially located close to the old properties in the adjacent conservation area along Lower End. The school however is not within the conservation area and is tucked behind the older properties that front onto Lower End. Given this location, I consider it appropriate that any new buildings on the school site which relate to the school should reflect the design of the school rather than the character of the buildings in the conservation area.
52. Mention has been made that views from Lower End (and conservation area) to the east towards the school playing fields and views in the opposite direction would be affected by the construction of the children's centre building. Policy CON7 of the SOLP states that proposals for developments outside a conservation area, but adversely affecting it will not be permitted. Views from Lower End are already obscured by existing trees alongside the school access road, the existing furniture store and existing school buildings. Lower End is also some 40m away. In the light of this I consider that the views from Lower End eastwards would not be significantly affected by the construction of the children's centre.
53. Planning Policy requires new development to incorporate high standards of sustainable design (Policy CC1 of RSS). A measurement of the sustainable design and construction of a new development is the BREEAM (Building Research Environmental Assessment Method) rating. This project is aiming for a BREEAM rating of Very Good.

(v) The impact on trees within the site

54. The proposal would result in the removal of a number of trees from within the site. None are within the conservation area nor are they protected by Tree Preservation Orders.
55. One tree would be removed to build the classroom/community resources extension on the north elevation of the main school building. The District Council consider this to be a good quality tree. They consider that although the tree has limited amenity value, its loss would have a detrimental impact on the ecological, environmental and social benefits the tree brings to the school. As such they consider the proposal conflicts with Policy C9 of the SOLP. The County Forester however has no objections to the removal of the tree (he

agrees it is not significant in amenity terms). Indeed he considers that further trees may well need to be removed in this area for better trees to develop and thrive. The school are also prepared to accept the removal of the tree and I agree with the County Forester's view that removal of one tree is acceptable subject to remaining trees being properly protected by root protection area.

56. Three trees would need to be removed to build the children's centre. Both the District Council and County Forester agree that these trees are of low quality. I consider that their removal should not adversely impact on the visual amenities of the area, particularly as larger, more significant trees close by are to be retained. It is important that should permission be granted, appropriate tree root protection areas are agreed for these retained trees before any works commence on site. The County Forester does not raise any concerns relating to the proximity of a sugar maple tree (within the conservation area) to the proposed development.
57. In the light of the above comments, I consider that the impact of this proposal on trees within the site is acceptable and does not in my view conflict with the provisions of Policy C9 of the SOLP.

(vi) Other impacts on local people (including traffic implications)

58. The school site is close to nearby dwellings and visitors to the site have to access it through the village. SOLP policy CF2 requires that new developments do not impact on amenity or give rise to traffic or highway safety concerns. In particular this policy supports the provision of community facilities provided there is no overriding amenity, environmental or traffic objections and no other policy objections.
59. From the responses received from local residents, the main objection to this application would seem to be the traffic generation that would be created by the new development and the impact this would have on residents around the school in particular and in the village in general.
60. The school has 16 parking spaces in regular use within the school site. There are also areas where overspill parking occurs on school occasions, although these are not designated as parking spaces by the school. The proposals for the extensions to the school would not involve any increase in staff or pupils to the school so no additional parking is proposed as part of this aspect of the development.
61. It was originally proposed that there would be no additional on-site parking as part of the children's centre development. This was based on the presumption that the children's centre staff are primarily 'outreach' staff who are out in the community much of their time. The view was taken by the headteacher and the centre manager that the existing parking arrangements were manageable and there was no need for extra spaces as the centre staff have already been operating from the school site since April this year. However, Transport Development Control are concerned that the children's centre may give rise to an increase in vehicles parking on site. The applicant

has confirmed that 3 additional spaces can be provided on site as overspill parking. Although not to full parking specifications, Transport Development Control consider this acceptable.

62. As well as parking for staff, the centre would also generate additional movements to the school site by the public. The intensity of the use can be gauged by an indication of the services the centre would provide (see paragraph 8). Like the majority of schools across the county, congestion can occur outside the school entrance at the beginning and the end of the school day. I would not wish the development to unnecessarily add to that congestion at that time and would recommend that, if planning permission is to be given, the hours that the children's centre is open to the public, should be controlled to ensure there is no conflict with peak hours for traffic to the school.
63. Transport Development Control have raised no objections to the proposal but they do consider it important that the school and children's centre work together to lessen the impact of any additional traffic on the school and local community. Updating the school Travel Plan to take account of this new development should go some way to addressing traffic concerns. Such a requirement should be the subject of a condition should permission be granted for this development.
64. Transport Development Control have also raised a concern about the temporary parking arrangements at the school during the construction period. The existing car park area would be used for the contractor's compound and access and would be lost therefore for this temporary period. Alternative provision should be secured before any consent is issued for this development. Initially, the intention was to use the nearby recreation ground for parking whilst building work took place on site (as suggested by Councillor Turner in his response on the application). The Parish Council however have confirmed that this is not available. The project architect has been working on an alternative and is close to securing temporary parking provision at Combe Farm just over 300m to the east of the school, a five minute walk from the school (see plan 2). Transport Development Control is prepared in principle to accept these revised temporary parking arrangements subject to planning consent being obtained.

(vii) Other Matters

65. The responses received on this application have raised two other issues. Firstly, local residents and the Parish Council have raised serious concerns about the process and background work that the applicant has undertaken in reaching the decision to site the children's centre at Great Milton School and the funding that is available specifically for the children's centre development. The background to the work that has been undertaken to justify the need for the children's centre here in Great Milton is outlined in paragraph 8 of this report. I understand that if the development does not receive favourable consideration by April the timescale remaining for an alternative project to be developed using available funding is highly unlikely to be sufficient to develop

a centre which is able to provide the full range of facilities and services planned at Great Milton..

66. The applicant and project architect have also considered the feasibility of splitting this scheme into two separate applications, one for the school extensions and one for the children's centre (a suggestion of the Parish Council). They have submitted the scheme as one because the project can be delivered most efficiently and with least disruption to the operation of the school and minimisation of disturbance to the village through a phased construction programme for the whole scheme as this would involve the children's centre building being used initially for decanting purposes whilst other building work progresses.

### Conclusion

67. This proposal would provide the opportunity to locate an important community facility for Great Milton and a wider catchment as well as provide significantly improved educational accommodation at Great Milton School. My view on the main issues raised with this application are:
- (a) the siting of a building for use as a children's centre on the primary school site (similar to other centres that have been approved in the county) is appropriate given the linkages in use between the centre and the school
  - (b) in addition, the size and location of the new children's centre building on the existing school site close to the existing school buildings, should not have any significant impact on the openness or character of the Green Belt
  - (c) the scale and design of the development is acceptable, relating to the modern school building as it does rather than to domestic dwellings
  - (d) the children's centre building is to be located close to the boundary with neighbouring properties. Although some trees are to be removed, other more significant ones would be retained. In addition, the building is to be single storey, there would be no windows overlooking the gardens and the actual properties are some distance away. As such I consider that there should not be any significant adverse impact on the residential amenities of these neighbouring properties
  - (e) the traffic concerns and adverse effects can be mitigated by the provision of on-site parking, the imposition of conditions to control the hours that the children's centre can operate and the requirement for the school to update its Travel Plan to take account of this new development
  - (f) temporary parking provision must be provided for the duration of the construction period however and must be secured before any planning consent for this development is issued.

(g) Strictly speaking this scheme (both the children's centre and the school extensions) should be regarded as inappropriate development in the Green Belt and a case must be made to the effect that very special circumstances exist to justify the proposal in this Green Belt location. The applicant has sought options to locate the centre on school sites and this is the school that has come forward. There is a need to provide a centre for this catchment area to the east of Oxford and a particular advantage in providing it on this school site in a very rural community like Great Milton where the centre can be at its heart, providing an opportunity for a range of partners (such as health) to deliver services locally and where links to the school can be maximised. The school extensions would provide much improved educational accommodation at the school for the benefit of the local children.

68. I have looked at all the issues relating to this proposal, and green belt is the only substantive planning reason that one might adduce as being a reason for refusal. There is a need for the children's centre facility, and a serious risk to the provision of such a facility in this area if permission is not given for this particular site. The new extensions would significantly improve education provision at the school. No one has objected on green belt grounds. I consider therefore that very special circumstances do exist to justify overriding green belt policy in this case.

69. Subject to the proviso relating to the provision of temporary car parking the proposal is considered acceptable on its planning merits and I recommend approval subject to the conditions outlined below.

## **RECOMMENDATION**

70. **The Committee is RECOMMENDED to authorise the Head of Sustainable Development to grant permission for Application No. R3.0188/09 (for the demolition of a temporary classroom/community resources building and brick built store and the erection of a single storey building to provide a children's centre, and the erection of extensions to provide replacement classroom and community resources facility, reading room and replacement store, along with associated external works; at Great Milton C of E School) subject to:**

(a) **the applicant first (before a planning permission is issued) securing and if necessary obtaining planning permission for suitable alternative temporary arrangements for parking for use by the school during the period of construction;**

(b) **conditions to be determined by the Head of Sustainable Development to include the following matters:**

1. That the development must be carried out strictly in accordance with the particulars contained in the application and the plans accompanying subject to conditions below.
2. That the development shall commence within 3 years of the date of the permission.
3. That samples of the external materials proposed to be used shall be submitted to and approved in writing by the Head of Sustainable Development prior to the commencement of development.
4. That no development shall take place until the trees on the site which are to be retained and which are adjacent to or within the development area, have been protected during building operations by means of a protective fence around the edge of the canopy of the trees.
5. That the site be landscaped and planted with trees (including replacement trees) and shrubs in accordance with a comprehensive planting and landscaping scheme first approved by the Head of Sustainable Development.
6. That all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the buildings or the completion of the development, whichever is the sooner.
7. The hours of operation of the children's centre for use by the public shall not allow use between 8.00 to 9.15 am and 2.45 to 3.30 pm Monday to Friday during term time.
8. The hours of use of the children's centre at other times (including outside school hours) shall be submitted for agreement by the Head of Sustainable Development before any use of the Centre commences.
9. That the high split level windows on the western elevation of the proposed children's centre building shall be frosted or glazed with obscure glass.
10. That prior to the commencement of the development full details of any additional proposed lighting, shall be submitted to and approved by the Head of Sustainable Development.
11. That prior to the first occupation of the children's centre building the existing school Travel Plan for the site shall be updated and submitted to the Head of Sustainable Development for approval.
12. That prior to the commencement of the development details of a sustainable drainage scheme for the proposed site shall be submitted to and approved in writing by the Head of Sustainable Development.
13. Vegetation removal should not take place during the bird breeding season, which is March-August inclusive. If any trees and/or bushes need to be removed during this time, they will need to be checked over by an ecological consultant immediately prior to removal to ensure there are

- no nesting birds present. If nesting birds are present, the vegetation cannot be removed until the birds have fledged.
14. If any protected species not initially surveyed for are found at any point, all work should cease immediately. Work should not recommence until a full survey has been carried out, a mitigation strategy prepared and licence obtained (if necessary) in discussion and agreement with Natural England.
  15. The existing pond shall not be removed until a new pond is created in a position to be agreed by the Head of Sustainable Development.
  16. The existing pond shall not be removed except in the months of August, September and October. The pond shall be drained gradually and the plant material removed from it should be stacked by the side of the pond for at least 24 hours to allow any animals trapped to escape before the vegetation is removed.
  17. Details of the proposals to create habitats for bats in the new buildings shall be submitted for agreement by the Head of Sustainable Development.
  18. If any works are planned to occur later than April 2010, the submitted protected species survey must be updated.
  19. Details of proposals for the formation of 3 additional on site parking spaces shall be submitted and agreed by the Head of Sustainable Development before development commences.
  20. Details of a construction traffic management plan (to include details of times of delivery of materials) shall be submitted and agreed by the Head of Sustainable Development before development commences.

**Archaeological Informative – if archaeological finds do occur during development the County Archaeologist shall be notified in order that he may visit the site and advise as necessary.**

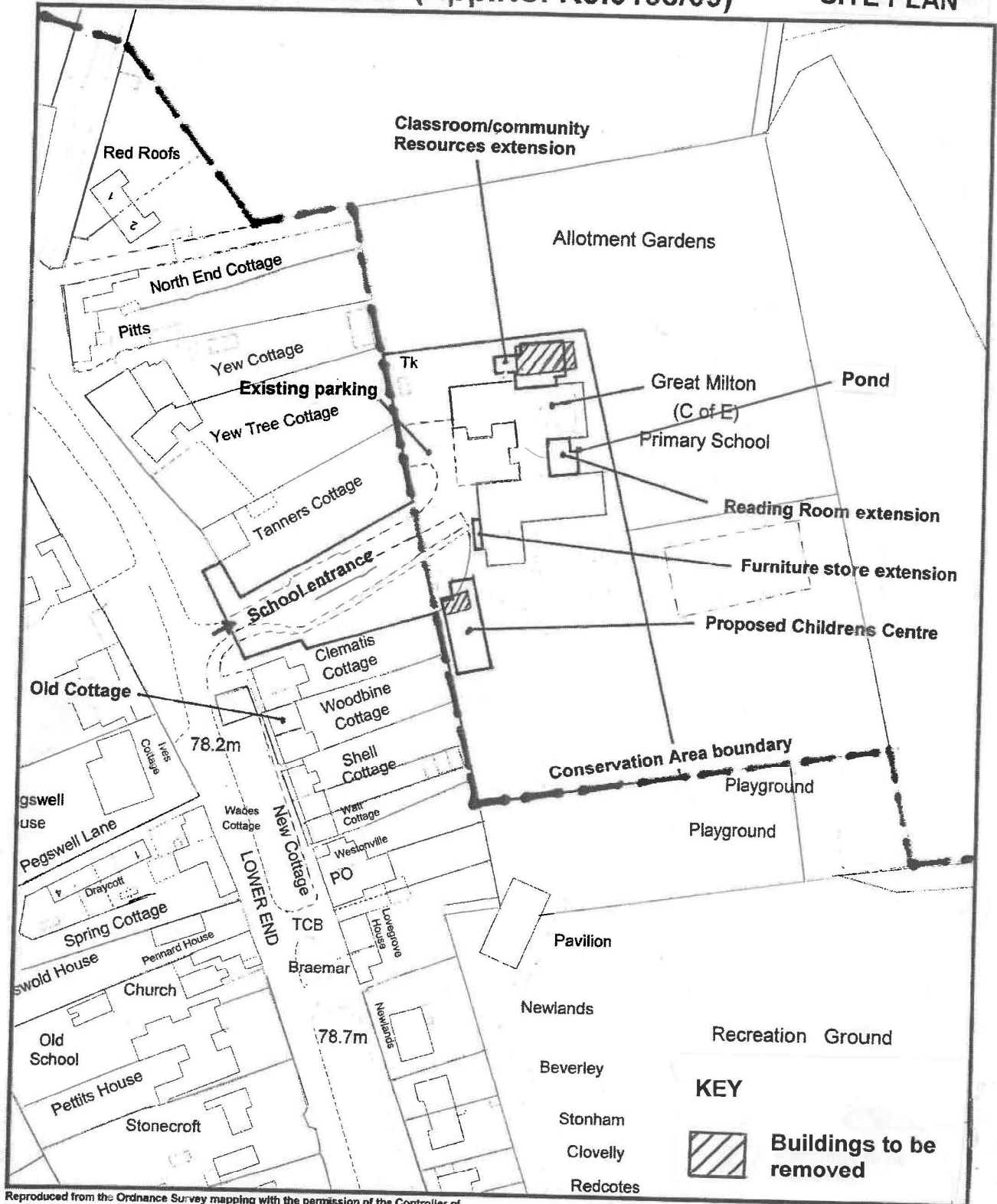
CHRIS COUSINS  
Head of Sustainable Development  
Environment & Economy

Background Papers: File Ref: R3.0188/09

February 2010

# Great Milton CE School (App.No. R3.0188/09)

# SITE PLAN

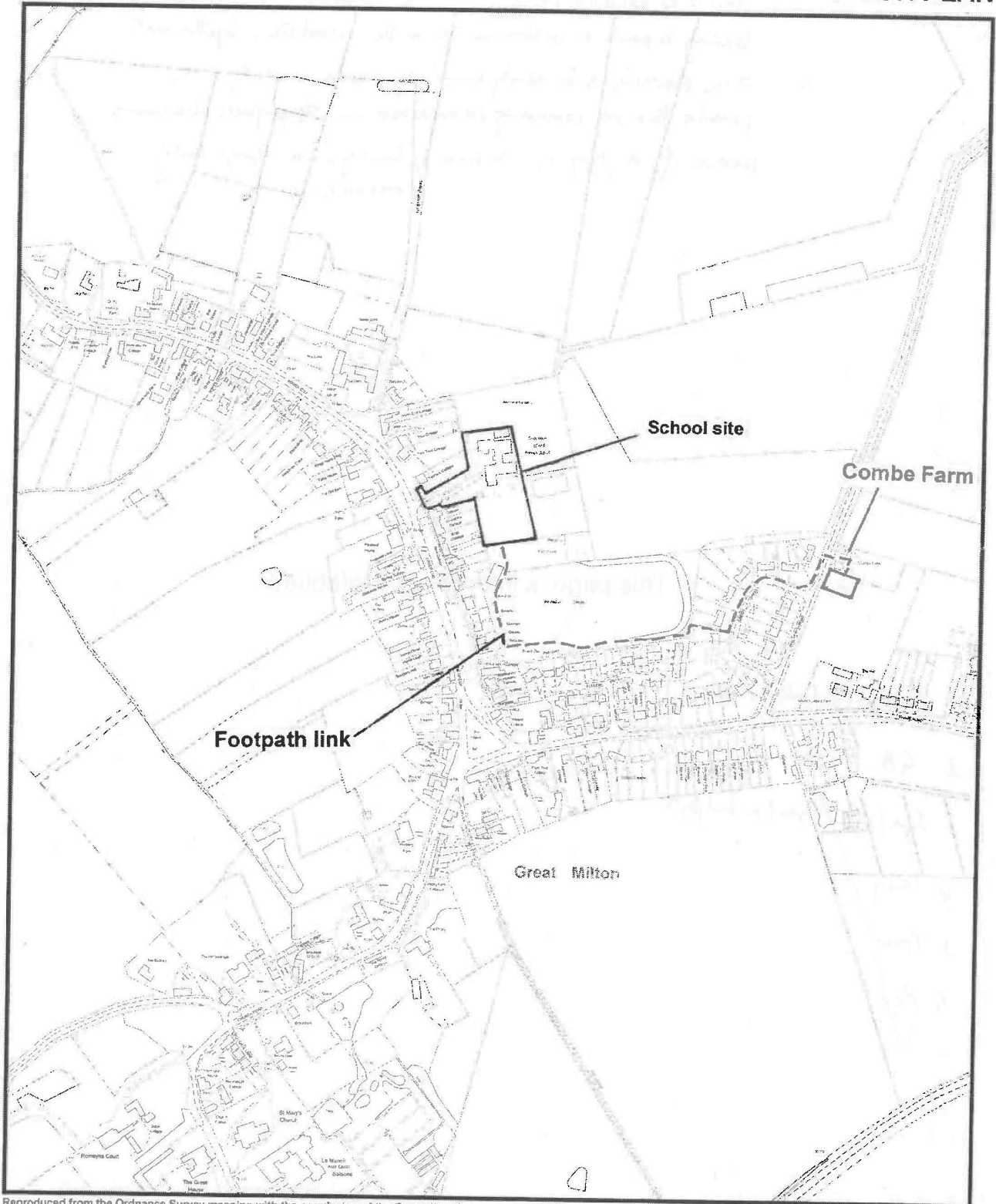


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Plot Date: 17/12/2009  
By: jh  
Dept: ee

# Great Milton CE School

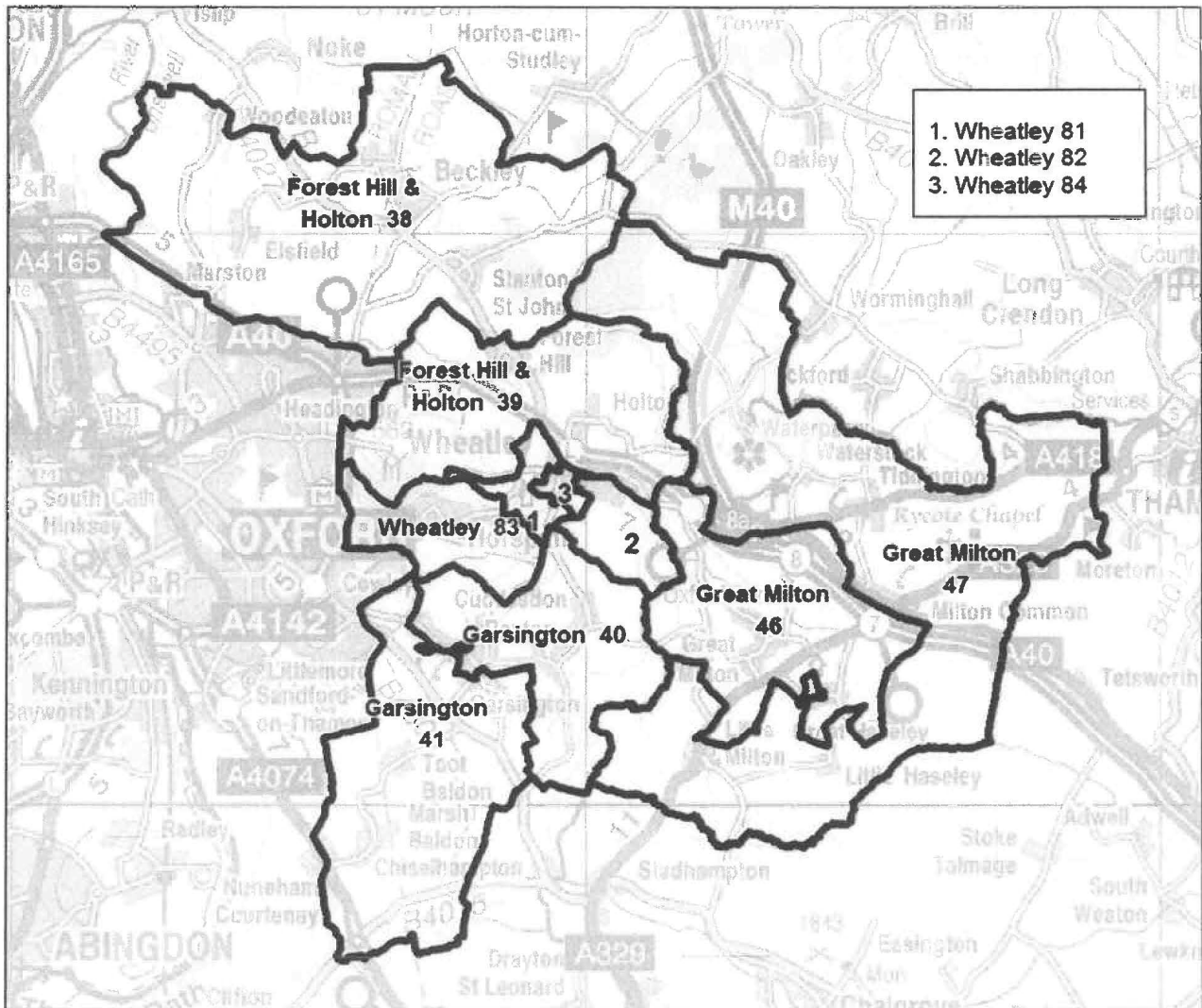
# LOCATION PLAN



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By: jh  
Dept: ee

**Proposed Children's Centre area 10 - Wheatley, Forest Hill/ Holton, Garsington Great Milton wards**



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Contact Officer: Mary Thompson, Tel: 01865 815901

Division(s): Woodstock

## PLANNING AND REGULATION COMMITTEE – 15 FEBRUARY 2010

### TEMPORARY (FOR A MAXIMUM OF 3 YEARS) SINGLE CLASSROOM (PORTAKABIN TYPE) SITED ON EXISTING PLAY PITCH AT GREAT TEW SCHOOL, THE GREEN, GREAT TEW

Report by Head of Sustainable Development

**Location:** Great Tew School, The Green, Great Tew

**Application No:** 09/1608/P/CD3

**District:** West Oxfordshire

#### Introduction

1. This is an application for a temporary classroom at Great Tew School. It is proposed that the building would remain in place for a maximum of three years to allow time for a planning application for permanent accommodation to be processed and time for this to be built.

#### Location

2. Great Tew is located approximately 6.5 miles (10.5 km) east of Chipping Norton and 8.5 miles (13.5 km) south west of Banbury in the north west corner of the county.

#### The Site and its Setting (see plan 1)

3. Great Tew School is situated in the centre of the village of Great Tew within the conservation area. The conservation area contains many listed buildings (a number of which have thatched roofs and all are built in the local ironstone). The school itself is a Grade II Listed Building. Immediately to the east of the site is the Falkland Arms Public House. A recently constructed Foundation Stage classroom building is located immediately to the south of the existing school building.
4. The proposed temporary building would be situated to the side and rear of the main school building (adjacent to the new Foundation Stage building) approximately 30 metres from the nearest residential dwelling to the south.

## Details of the Development

5. The temporary classroom is required for a maximum period of 3 years until permanent accommodation at the school can be built. Supporting information submitted with the application indicates that the school is currently significantly overcrowded. Indeed access to one classroom is through another and there is now no school hall or inside space for wet weather play. An additional classroom is therefore essential and removing one classroom to a temporary building would address the overcrowding issues for the time being whilst the provision of a permanent situation is being pursued.
6. The building would be placed adjacent to the new Foundation Stage building on an area of playingfield which is too small to be used as a formal sports pitch. The site is currently grassed and although it is surrounded by trees, none would need to be removed.

## Consultations

7. The following consultation responses have been received:
  - (a) West Oxfordshire District Council: Object – the building on account of its design, form, material and location will visually detract from the character and appearance of the street scene and wider Conservation Area to the detriment of the setting of the adjacent Listed Building. The application is therefore contrary to Policies BE2, BE5 and BE8 of the adopted West Oxfordshire Local Plan 2011.
  - (b) Environment Agency: No comments to make as the application is low risk.
  - (c) Sport England: No comments – the area is too small to accommodate a formal playing pitch.
  - (d) English Heritage: Do not wish to offer any comments. The application should be determined in accordance with national and local policy guidance.
  - (e) Transport Development Control: The proposal would not have any significant highway impact; it is intended to accommodate existing pupils rather than increase capacity and so trips associated with the site would remain as existing.
  - (f) Ecologist Planner: No objection. However, if protected species are found during the works, all work should cease immediately. Before any further work takes place the Protected Species Officer at Oxfordshire County Council should be contacted immediately. Work should not recommence until a full survey has been carried out, a mitigation strategy prepared and licence obtained (if necessary) in discussion and agreement with Natural England.

### **Third Party Representations**

8. Two letters of representation have been received from local residents.
9. Letter 1 – States concern that pupil numbers might increase leading to increased difficulty parking and an increase in cars using their driveway to turn. Also concerned about a precedent being set for a permanent building, increased noise from the school and traffic. States that this development would detract from the beauty of the village and be hazardous for visitors looking at old cottages. Would spoil the view to the rear of the property.
10. Letter 2 – Object strongly to the application. There would be an increase in noise at property. There was a recent expansion at the school for under 5s and as a result of this age group being moved out of the main building there should now be room for the older children. The temporary building is ugly and inappropriate in the conservation area setting. Private individuals would not be allowed to erect such a structure in the village. Increase in number of pupils would lead to an increase in traffic, which already causes danger. Children coming in from afar will reduce rolls at other schools. Screening associated with the previous development has not been done which has not helped problems of overlooking and noise. The school should not take on more pupils than it is safe to; there are other schools in the area with capacity. Temporary solutions invariably become more permanent.

### **Relevant Planning Policies**

#### **South East Plan (SEP)**

11. SEP CC6 states that decisions associated with the development and use of land will actively promote the creation of sustainable and distinctive communities. This will be achieved by developing and implementing a shared vision which respects and, where possible enhances, the character and distinctiveness of settlements and uses innovative design processes to create a high quality built environment which promotes a sense of place.

#### **West Oxfordshire Local Plan 2011 (WOLP)**

12. WOLP policy BE2 states that new development should respect and, where possible, improve the character and quality of its surroundings. Proposals for new buildings should clearly demonstrate how they will relate satisfactorily to the site and its surroundings. It provides detailed criteria for new buildings to meet relating to the quality of development and impact on the area, crime and energy and resources.
13. WOLP policy BE5 states that the special architectural, historic and environmental character or appearance of conservation areas will be preserved and enhanced. Every effort will be made to ensure that this character or appearance is not eroded by the introduction of unsympathetic development proposals.

14. WOLP policy BE8 states that development should not detract from the setting of a listed building.
15. WOLP policy TLC1 states that permission will be granted for community facilities to meet local needs.

### **Comments of the Head of Sustainable Development**

16. In my view, the main issues to be taken into account in the consideration of this application are:
  - (a) the need for the development
  - (b) the design of the proposed building and its impact on the setting of the adjoining listed building in particular and conservation area in general
  - (c) the acceptability of the proposed development in terms of its size, scale and impact on neighbouring properties.

#### Need for the Development

17. The supporting information submitted in this application indicates that there is a clear requirement for additional classroom accommodation at this school. The overcrowding problems currently experienced make it extremely difficult for the school to provide a proper education experience for the school children.
18. Policy TLC1 of the WOLP supports the provision of improved community facilities to meet local needs provided they do not have an adverse impact on the character or environment of towns and villages in the District. (These impacts are discussed below).

#### Impact on adjoining Listed Building and Conservation Area

19. The building proposed is of a temporary nature and I agree that it would not enhance the appearance of the conservation area nor the setting of the nearby listed building or the character and distinctiveness of buildings in the wider area. The development could therefore conflict with WOLP policies BE5 and BE8 and SEP policy CC6. However, the development is temporary for a maximum period of three years only to allow time for a permanent extension or building to be built. The location of the temporary classroom has been chosen to ensure that it does not detract from the street scene (it is located behind the existing school building which screen it from the historic centre of Great Tew). In addition it would be screened from views from the front of the school by an existing hedge and trees. The building's location behind the Foundation State unit is towards the bottom of a slope which should help to reduce the impact of the development when viewed from the road to the west.
20. The siting of this temporary building is clearly not going to enhance the character or setting of the nearby listed buildings or conservation area. However, the need for the building is essential and is for three years only. In

addition, the building has been sited in such a position as to significantly reduce any adverse impact on the street scene, the conservation area or listed buildings. For that reason I consider therefore that the proposal, is acceptable for a temporary period only and warrants setting aside local plan and South East Plan conservation policies. I would emphasise however that I would not wish to grant consent for any future proposals to extend the site of this temporary building beyond the three years applied for.

#### Impact on Neighbours

21. There have been two objections to this application from the two houses closest to the application site (see plan). One of the objections states concern over the consequences of any increase in pupils at the school. However, this application does not involve any increase in staff or pupil numbers. The development therefore should not lead to any increase in traffic to and from the school.
22. The proposed building would be located approximately 30 metres and 13 metres from the edge of the property's garden. I consider this to be sufficient to ensure that there would be no impact on these properties through loss of light. In addition, there are no windows in the south elevation of the new building facing the neighbours and so there should be no loss of privacy. The new building would be visible from the neighbour's property but they do not have any right to a view.
23. No new planting is proposed as part of this temporary development, as there is existing vegetation which would help to screen it from the front of the school. The boundary between the school site and the properties closest to this development has also been planted as part of a previous development on the site. One objector was concerned that this previously agreed planting had not been implemented. However, these details were approved in 2007 and trees and hedges have been planted.
24. The objectors have also raised issues relating to the impact of the development on the character of the village and the conservation area. These have been covered elsewhere in the report.

#### Conclusions

25. Great Tew School is experiencing significant overcrowding problems which are having a significant impact on the school's ability to provide a full and proper education to the children who attend it. This proposal seeks to address this problem by providing temporary classroom accommodation whilst a permanent solution is pursued.
26. The proposed development would be unobtrusively sited to ensure that its visual impact is minimal and as a result cause no significant impact on the local environment or neighbouring amenity. However, it would be incongruous in the conservation area adjacent to a listed building and therefore it would not be acceptable on a permanent basis. The building must

be removed once a suitable permanent solution to overcrowding at the school has been agreed and provided or within a maximum of three years whichever is the sooner.

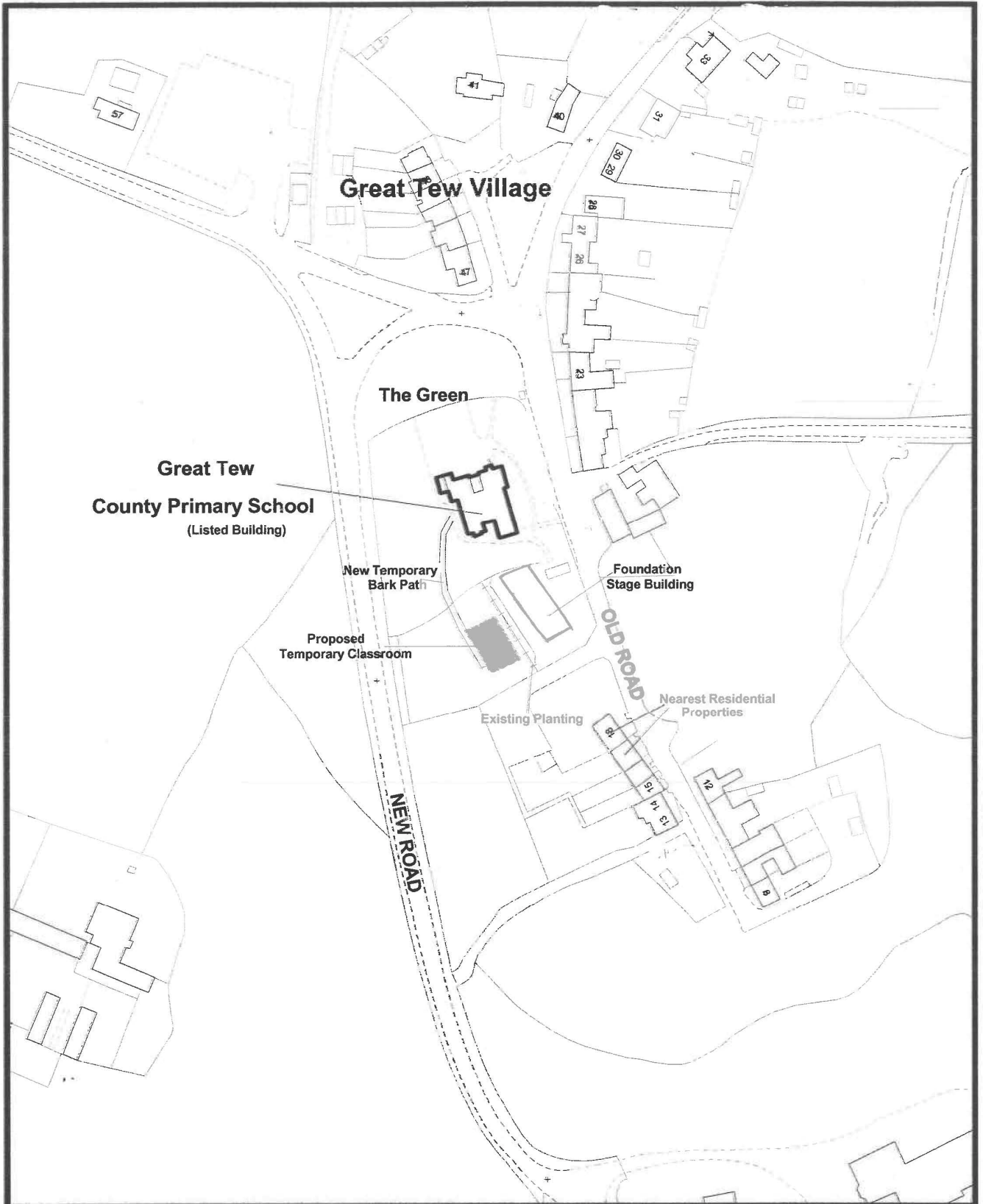
## **RECOMMENDATION**

27. It is **RECOMMENDED** that application No. 09/1608/P/CD3 be approved, subject to the following conditions:
- (a) development in accordance with submitted plans and particulars;
  - (b) development to commence within 3 years of permission;
  - (c) temporary consent – 3 years or when a permanent extension/building is provided, whichever is the sooner; and
  - (d) tree protection during construction works.

CHRIS COUSINS  
Head of Sustainable Development  
Environment & Economy

Background papers: Planning file  
February 2010

# Plan 1 - Great Tew



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Scale:1:1500  
Plot Date:28/1/2010  
By: T.Philp  
Dept:

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Contact Officer: Alan Divall Tel: Oxford 815886

Division(s): Deddington

## **PLANNING & REGULATION COMMITTEE – 15 FEBRUARY 2010**

### **OUTLINE APPLICATION FOR THE DEMOLITION OF EXISTING TRANSPORTABLE OFFICE BUILDINGS AND ERECTION OF TWO STOREY PERMANENT OFFICE BUILDING; FORMALISATION OF EXISTING PARKING AREA TO PROVIDE 10 DEDICATED SPACES**

**Location:** Deddington Depot, Banbury Road, Deddington, Oxfordshire OX15 0TS

**Application No:** R3.0079/09

**District Council Area:** Cherwell

#### **Introduction**

1. This application is for outline planning permission for the demolition of an existing transportable office building and the erection of a replacement two storey permanent office building. The application also proposes the formalisation of the existing parking area on site to provide 10 dedicated parking spaces.
2. An application for outline permission has been made as the Council's highway contract is the subject of a re-bidding exercise. An outline permission, should it be granted, would enable any approved contractor to decide on the details of any final scheme in relation to their operational needs for the site office. This final scheme would then be subject of a further detailed 'reserved matters' planning application.

#### **Location (see site plan)**

3. Deddington Highways Depot is located approximately one mile to the north of the village of Deddington. The site is located to the west of Banbury Road (A4260) and to the east of a minor road which extends along the sites western boundary.

#### **Site and Setting (see site plan)**

4. The depot site covers an area of approximately 8,000sqm which has evolved over time to contain operational buildings, office buildings, workshops, storage buildings and parking for highways and other vehicles. The depot provides the northern part of the county with facilities to store, prepare and manage road materials for highway maintenance, recycling of road material and salting of road surfaces.
5. The developed part of the site is contained within the southern end of a hill with the northern part being a large field which contains many mature trees and shrubs. The whole of the site is enclosed by roads but beyond these is

open countryside. The site is within an Area of High Landscape Value (AHLV). The eastern, northern and part of the western boundaries of the site are screened with thick and well established hedgerows and tree planting. This makes an effective visual buffer of the site when viewed from around these boundaries. Part of the western boundary of the site is less well screened and there are some views into and out of the site towards the open countryside and the villages of Hempton and Barford St Michael to the west.

6. The nearest residential properties are located sporadically to the west and north west of the site with the nearest (Hill Barn) being approximately 150 metres from the north west boundary. The main vehicular access is at the southern end of the site where the Banbury Road meets the minor road which runs around the western boundary.

### **Background and Details of the Development**

7. The site currently has a number of single storey transportable buildings used as offices, all of which would be removed. The buildings have permanent planning permission. In their place, a single permanent two storey building is proposed. The new office building would allow better management and organisation of staff and resources in one location.
8. The new building would be located at the south eastern end of the site immediately adjacent to the eastern boundary and on the footprint of one of the existing buildings to be removed. A new car parking area would be constructed to the south of the proposed building again on the eastern boundary of the site. The replacement building would be purpose built as an office to accommodate approximately 20 staff and would include a reception area and a mess for staff. Part of the first floor would be devoted to the control of the site and its access to enhance security and health and safety management.
9. This outline application deals principally with the location of the proposed building and parking area. The final design, scale and appearance of the building are reserved for a detailed application. However, the application is supported by some illustrative information suggesting that the building could be brick faced with a low angled pitch roof at a height of 6.5 metres falling to 5 metres on the eastern boundary side. A profiled steel roof is also shown.
10. The existing informal parking area around the current offices would be rationalised into a dedicated area adjacent to the new office building. The area would also include new pedestrian pathways. The precise location and detail are reserved. No increase in the number of staff at the site is proposed.

### **Consultations**

11. Cherwell District Council – Object on the grounds that the two storey building will have a detrimental impact on the visual amenities of the area, also have reservations about its design. Suggest that a single storey structure would be

more appropriate in this location or a redesigned two storey structure in a less sensitive location.

Deddington Parish Council – No objection but make the following comments. The site is on the brow of a hill and can be seen from many directions. In developing the site it is important that consideration be given to screening it from view as much as possible and the sympathetic use of materials and colouring. The application mentions views out of the site so therefore the reverse must apply as it can be seen from the houses on the northern boundary of Deddington and Hempton.

Environment Agency

*Original Consultation Response* – Object to the development on the grounds of the potential risks to controlled waters through the lack of information about potentially contaminative uses on the site and the use of a non-mains foul sewage system.

*Second Consultation Response* – An additional ground investigation report has been received which satisfies the original concerns relating to the pollution risk to controlled ground waters. Having reviewed additional information also withdraw objection to the use of non-mains foul drainage as a package sewage plant is now proposed.

Transport Development Control – No objection. In total there will be an extra 7 parking spaces on site for operational use which is considered acceptable.

County Ecologist – No objection.

County Forester – No objection. Existing trees need to be protected from contractor's movements during construction.

County Archaeologist – Application does not appear to directly affect any known archaeological sites. Request an informative advising of appropriate action to be taken in the event of archaeological finds.

### **Relevant Development Plan and other Policies (summarised)**

#### 12. Regional Spatial Strategy for the South East of England 2026 (RSS)

CC1 - The principal objective of the Plan is to achieve and to maintain sustainable development in the region.

CC6 – Development should i) respect, and where appropriate enhance the character and distinctiveness of settlements and landscapes; and ii) use innovative design process to create a high quality built environment which promotes a sense of place.

C4 – Outside nationally designated landscapes, positive and high quality management of the regions open countryside will be encouraged and supported.

13. Cherwell Local Plan 1996 (CLP) (Saved Policies)

C7 - Development will not normally be permitted if it would cause demonstrable harm to the topography and character of the landscape.

C8 - Sporadic development in the open countryside will generally be resisted.

C9 - Beyond the existing and planned limits of the towns of Banbury and Bicester development of a type, size or scale that is incompatible with a rural location will normally be resisted.

C13 – The Council will seek to conserve and enhance the environment of designated areas of high landscape value.

C28 – Control will be exercised over all new development to ensure that the standards of layout, design and external appearance, including the choice of external finish/materials are sympathetic to the character of the urban or rural context of the development.

ENV1 - Development which is likely to cause materially detrimental levels of environmental pollution will not normally be permitted.

ENV7 - Development which will adversely affect to a material level, the water quality of surface or underground water bodies as a result of directly attributable factors, will not be permitted.

ENV12 - Development on land which is known or suspected to be contaminated will only be permitted if the development is not likely to result in contamination of surface or underground water resources.

14. The Non-Statutory Cherwell Local Plan 2011 (NSCLP)

EN1 - Development which would have an unacceptable environmental impact (on the natural and built environment) will not be permitted.

TR4 – Before proposals for development are permitted the Council will need to be satisfied that all appropriate transport mitigation measures required to support that development are identified.

**Comments of the Head of Sustainable Development**

15. In my view the main issues to be considered with this application relate to:

- (i) Development in the countryside;
- (ii) Impact of the proposed building in this location;
- (iii) Impact on ground water.

(i) Development in the countryside

16. The Deddington depot site is located within the countryside and an area designated locally as having a high landscape value. Policies in the CLP (C7, C8, C9 and C13) seek to protect landscapes and resist development within the open countryside. The depot site is an existing previously developed site in the countryside that has developed over time. It currently consists of a number of buildings and other built development so therefore the proposal would not take place on a 'new' site in the open countryside. The new building would replace existing buildings and as such I consider that the impact of the proposal would be limited as the precedent for a building of this nature has already been set on the site and the development would not result in additional buildings within the countryside. As discussed later in this report the proposed position of the building and the existing landscaping and screening around the site means its visual impact on the surrounding countryside and an area that has a high landscape value would be limited. I therefore consider that the development does not conflict with policies C7, C8, C9 and C13 of the CLP.

(ii) Impact of the proposed building in this location

17. The application proposes a permanent two storey building to replace existing transportable office buildings. The location of the building would be over the footprint of one these existing buildings. As the application has been submitted in outline the final design and scale of the building is left for approval under a future reserved matters application. Policy CC6 of the RSS requires new development to enhance and respect local distinctiveness and landscapes whilst also ensuring that design results in a high quality built environment. Policy C28 of the CLP is particularly relevant to this development as it seeks to ensure that the standards of layout, design and external appearance (including the choice of external finish/materials) of new developments are sympathetic to the character of the rural context of the development.
18. An objection has been received to the development from Cherwell District Council. They consider that the two storey building would have a detrimental impact on the visual amenities of the area and a single storey structure in a less sensitive location on the site would be more appropriate. They also have reservations about the potential design of the new building. Discussions have taken place between the applicant and Cherwell District Council to try to overcome the concerns raised. These have however proved unsuccessful and the objection to the application remains in place. Deddington Parish Council have also commented that the new building should be well screened and of a design sympathetic to the surrounding area.
19. The main consideration is whether a two storey building in the location proposed would be acceptable. On the northern section of the site there are a number of existing industrial style buildings which are of two storey height or more. I consider therefore that the precedent for a two storey building has already been established. The new building would be located immediately adjacent to the eastern boundary of the site. This boundary and the south

east corner of the site are well screened by tall and established tree planting. The application mentions that the new building could be a height of up to 6.5 metres which would be slightly above the height of trees on these boundaries. The final height of the new building is however a reserved matter to be considered under any future detailed application. I therefore consider that provided the height of the new building is not significantly higher than the screening on the eastern and south eastern boundaries of the site then there would be no issues of the visual impact of a two storey building in this location when viewed from the east and south east. Due to the physical nature of the site and the other buildings present it is not possible to view the proposed location of the building from the north. The building would also be set back some 40 metres from the southern boundary and entrance to the site which would mean the view of the building would be limited from this vantage point due to the narrow entrance and existing tree planting.

20. The views into the site from the west and south west are more open although there is intermittent planting along this boundary which does help to break up the views when seen from the open countryside to the west. The position of the building would mean that it would be set back approximately 30 metres from this boundary so its visual impact would be less prominent than a building further towards the western boundary of the site. As mentioned above there are a number of existing buildings on the site which would be of a similar height or higher than the building proposed. Some of these are in closer proximity to the western boundary of the site. Given its location on the far eastern side of the site I consider that provided the design and final choice of materials are appropriate a two storey building would not have any greater visual impact than the existing buildings on site.
21. In relation to the concerns that have been raised by the District and Parish Council regarding the design of the new building, I am satisfied that these matters can be properly addressed as part of a subsequent application dealing with the details of its design and materials. It would be important that the final design of the new building is of a high quality (including the use of sustainable building features) which is sympathetic to the surrounding area. However, the proposed location of the building would enable it to be well screened and a permanent brick building would represent an improvement to the existing buildings. A condition is recommended to ensure that the final details of the design of the new building are considered fully at the reserved matter application stage.
22. To summarise I consider that a two storey building in the location proposed would be acceptable given that the building would be set back from the most open boundary (the western side) of the site. Provided that its height is kept to the same height as the screening on the eastern boundary it would not be visible from the east. This would ensure that the development does not have a visual impact on the surrounding countryside which is considered to have a high landscape value and therefore there would be no conflict with policies C7, C8, C9 and C13 of the CLP. The use of sympathetic materials for the building to reduce its visual impact can be agreed through a reserved matters detailed application. I therefore consider that the development accords with Policy CC6 of the RSS and Policy C28 of the CLP.

(ii) Impact on ground water

23. The proposed building would be located in an area of the site that may have had previous uses that are potentially contaminative. Disturbance of the ground which would take place during the construction of the new building may pose a risk to groundwater. Policies ENV1, ENV7 and ENV12 of the CLP seek to protect groundwater and ensure that development does not take place on contaminated land.
24. The Environment Agency (EA) are concerned to ensure that the risk of pollution to controlled waters is acceptable and consider use of a non-mains foul drainage would be unacceptable. Further information (in the form of a ground investigation report) has been submitted by the applicant to demonstrate that the development would not lead to a pollution risk to groundwater. As a result of this further information the EA have withdrawn their objection, subject to conditions. The applicant is also now proposing to use a package sewage treatment plant which satisfies the EA's concerns relating to non-mains foul drainage.
25. Given that the EA are now satisfied with the proposal I consider that, subject to conditions, the development would not pose a risk to groundwater and as such is consistent with policies ENV1, ENV7 and ENV12 of the CLP.

Conclusion

26. In conclusion I consider that a two storey building in the location proposed would be acceptable in planning terms as its location would be in one of the least prominent positions on the site and would not impact on the wider countryside. It would also be constructed on a piece of previously developed land currently occupied by one of the buildings to be removed. The development would also allow for the better management and security of the site and allow more efficient working by staff currently located in separate office buildings. It would however need to be demonstrated that the final design and massing of the building is acceptable in any detailed reserved matters application.

**RECOMMENDATION**

27. **The Committee is RECOMMENDED to approve Application Number R3.0079/09 for outline approval for the demolition of existing transportable office buildings and erection of two storey permanent office building; formalisation of existing parking area to provide 10 dedicated spaces subject to conditions to be determined by the Head of Sustainable Development to include the following matters:**
  1. **outline compliance – that the development must be carried out strictly in accordance with the particulars contained in the application and the plans accompanying with any approval given in respect of any subsequent reserved matters;**

2. application for approval of the reserved matters to be made not later than 3 years of the date of the permission;
3. that details of the design, materials and height of the proposed building shall be submitted and approved prior to the commencement of the development;
4. that details of the sustainable features of the proposed building shall be submitted and approved prior to the commencement of the development;
5. that details of the proposed car parking layout and vehicle and pedestrian access points and routes shall be submitted and approved (in consultation with the Local Highway Authority) prior to the commencement of the development. Any details approved shall be implemented before the development is brought into use;
6. the development shall not commence until such time as a scheme to a) dispose of surface water and b) install oil and petrol separators has been submitted and approved (in consultation with the Environment Agency). Any details approved shall be implemented before the development is brought into use;
7. the development shall not commence until the final details of a self-contained powered sewerage package plant to serve the proposed building have been submitted and approved (in consultation with the Environment Agency). Any details approved shall be implemented before the development is brought into use;
8. if during development contamination is found to be present on site, then no further development shall be carried out until a method statement detailing how this contamination shall be dealt with, has been submitted and approved (in consultation with the Environment Agency); and
9. that no development shall take place until the trees on the site which are to be retained and which are adjacent to or within the development area, have been protected during building operations by means of a protective fence around the edge of the canopy of the trees.

**Ecological informative – Prior to the submission of any reserved matters application the applicant shall contact the County Ecologist for advice on ecological issues associated with any reserved matters application.**

**Archaeological informative – If archaeological finds do occur during development, the County Archaeologist shall be notified in order that he may visit the site and advise as necessary.**

**Environment Agency Informative - Any open chemical or refuse storage areas should be surrounded by suitable liquid tight bunded compounds to prevent drainage from these areas discharging into the surface water system. These areas should drain to the sealed tanks.**

**Environment Agency Informative - Any above ground oil storage tank(s) should be sited on impervious base and surrounded by a suitable liquid tight bunded. No drainage outlet should be provided.**

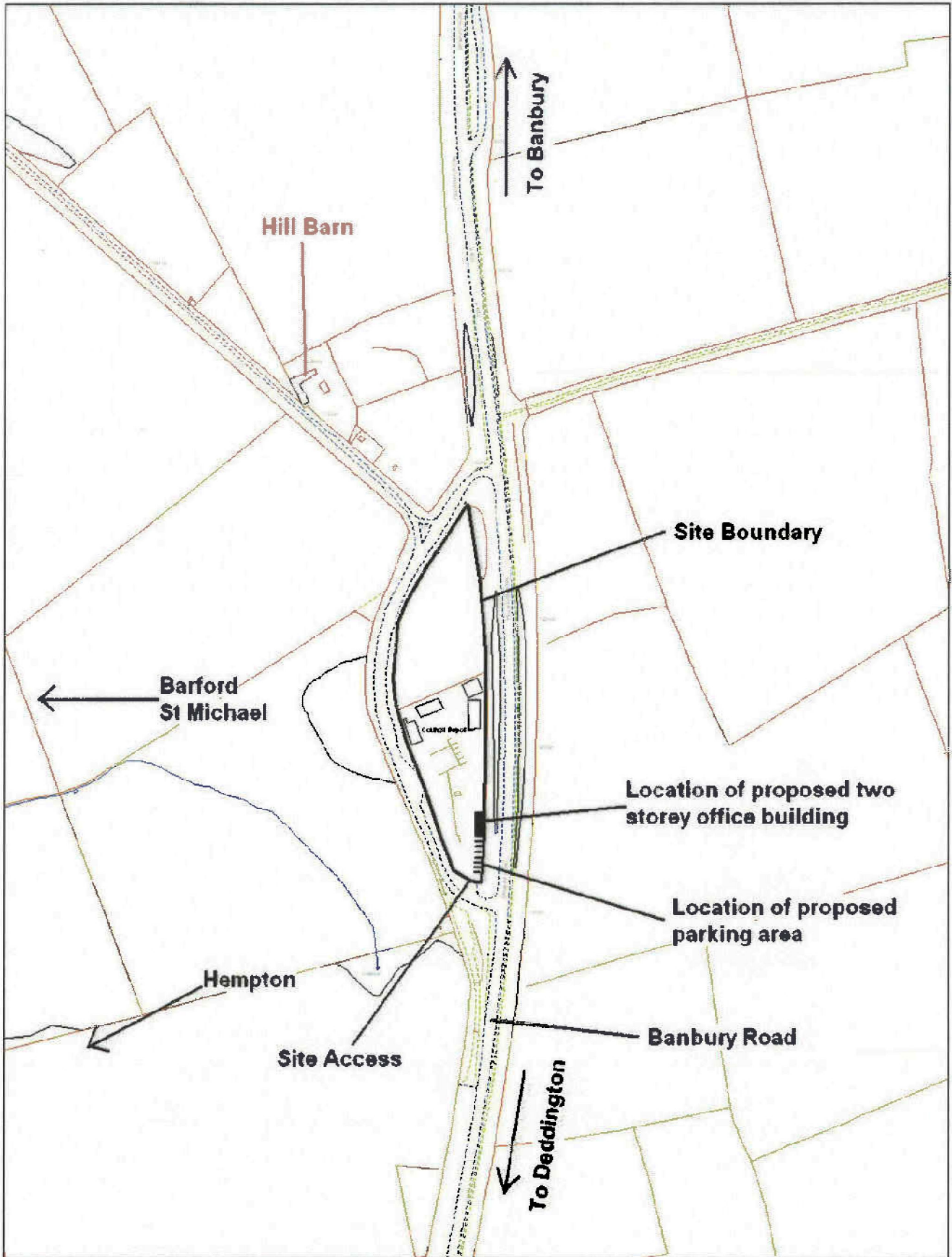
**The bunded area should be capable of containing 110% of the volume of the largest tank and all fill pipes, draw pipes and sight gauges should be enclosed within its curtilage. The vent pipes should be directed downwards into the bund. Guidelines are available from the Environment Agency.**

CHRIS COUSINS  
Head of Sustainable Development  
Environment & Economy

Background Papers: File Ref: R3.0079/09 8.1/4632/1

Contact Officer: Alan Divall Tel: (01865) 815856

February 2010



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Plot Date: 22/01/10  
By: PF

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Division(s): Bicester

## **PLANNING & REGULATION COMMITTEE – 15 FEBRUARY 2010**

### **CHANGE OF USE OF BUILDING FROM USE CLASS B1 (OFFICES) TO CLASS D1 (ADULT LEARNING TRAINING CENTRE)**

**Location:** The Corner House, Victoria Road, Bicester, Oxfordshire, OX26 6PB

**Application No:** R3.0203/09

**District Council Area:** Cherwell

#### **Introduction**

1. This application is for the change of use of an existing building (known as the Corner House) with planning permission for office use to be used as an adult learning training centre. The application does not propose any external changes to the building.

#### **Location (see site plan)**

2. The building is located to the north of Bicester town centre at the junction of Victoria Road, Bardwell Terrace and Bell Lane, approximately 300 metres from the Market Square. The building is situated immediately next to (outside) the boundary of the Bicester Town Centre as identified on the Bicester Proposals Map in the Cherwell Local Plan 1996 and Non-Statutory Cherwell Local Plan 2011.

#### **Site and Setting (see site plan)**

3. The application site is bordered on two sides by roads, Victoria Road to the west and Bardwell Terrace to the north. There is also a private access road leading to other properties and garages abutting the site to the south and east. Bell Lane lies immediately to the west and leads into Sheep Street which is the main commercial centre of the town. The site is surrounded by mostly two storey residential properties together with commercial properties and a church to the west. A strip of land along the southern and eastern edges of the building has in the past been used for parking. The applicant says that the ownership status of this land is unclear.
4. The Corner House building is built of buff brick with a plain tiled hipped roof which includes a number of dormer windows. It is mostly single storey with some limited accommodation in the roof void. At present the building comprises eight office rooms and ancillary facilities. It has previously been a doctor's surgery; planning permission was granted in 2001 for the change of use of the premises to offices.

## Background and Details of the Development

5. The building has been identified by the applicant as appropriate accommodation for the adult learning training service for Bicester which is currently located at Bicester Community College on Queens Avenue, some 400 metres (as the crow flies) to the south west of the Bicester town centre boundary. This service provides information and advice to visitors and adult education courses to students. The reason for relocation is a wish to provide the service from a location closer to the town centre which is more central and accessible than at present.
6. The formal teaching element of the service would be available to the public between 9am-2.30pm, Monday to Thursday and during term time only. The service anticipates that the number of students per week is expected to be up to 60 (based on a maximum of 12 students per course, five courses per week). This figure would probably not be achieved immediately. More general visitors to the service would do so between normal opening hours (9am-5pm) Monday to Friday. The service would be staffed by 2 full time and 4 part time staff who would be present on site from time to time.
7. Internal alterations to the building are proposed, no external alterations would be required. The main entrance to the building would remain on the south western elevation of the building off Victoria Road.
8. At present the site does not have any formal parking areas. The applicant expects that visitors to the site would walk, use nearby public transport stops or public car parks (including disabled provision) in and around Bicester town centre.

## Consultations

9. The consultation period on this application ran from 19 October to 9 November 2009.

Cherwell District Council

*(Planning Development Control)* – No objection.

*(Safer Communities and Community Development)* – No objection.

*(Environmental Protection)* – No objection.

Transport Development Control – No objection. Unlikely that there would be any significant change in the number of trips generated by the site and considering the location and accessibility of the site there is fair potential for walking, cycling and public transport trips to it. The proposal would not have any significant impact upon the local highway network or its users and we do not consider that the proposal would exacerbate the problems raised with on-street parking pressures which are typical of this area. Recommend a condition which requires a travel plan to be developed for the site.

**Third Party Representations** (Copies of these letters are available in the Member's Resource Centre)

10. We have received two letters from neighbouring residents. One objects to the proposal whilst the other raises concerns. The main issues these letters raise are:
- The existing Adult Learning site is just as accessible as the proposed site;
  - There will be an unacceptable increase in traffic on local roads and visitors to the building;
  - Parking will take place around and in the vicinity of the building creating problems with access to private property;
  - Visitors to the building will still use private cars and will not pay for car parks;
  - People will not walk the distance to the building from surrounding car parks and bus stops;
  - Concerned that the local Methodist Hall car park may be used for parking associated with the development;
  - Unclear how planning conditions to stop people parking around the building would be enforced;
  - Signs should be erected to deter parking and access to surrounding private land and should be maintained for the duration of the use of the building;
  - Vehicle access to the building should not take place through adjoining private access roads;
  - Double yellow lines should be introduced on adjoining private access roads;
  - Vehicle clamping should be introduced to deter parking on private roads.

**Relevant Planning Policies**

11. The South East Plan Regional Spatial Strategy 2026 (RSS).

CC1 - The principal objective of the Plan is to achieve and to maintain sustainable development in the region.

CC6 – Development should i) respect, and where appropriate enhance the character and distinctiveness of settlements and landscapes; and ii) use innovative design process to create a high quality built environment which promotes a sense of place.

12. Cherwell Local Plan 1996 (CLP)

C31 – In existing residential areas any development which is not compatible with the residential character of the area, or would cause an unacceptable level of nuisance or visual intrusion will not normally be permitted.

The Non-Statutory Cherwell Local Plan 2011 (NSCLP)

EN1 - Development which would have an unacceptable environmental impact (on the natural and built environment) will not be permitted.

R11 – Proposals for local facilities will be permitted provided the development (i) is conveniently located for the population it is intended to serve, (ii) is appropriate in terms of scale and siting, (iii) would not lead to a significant loss of amenity to adjacent properties and (iv) would not be visually intrusive.

TR4 – Before proposals for development are permitted the Council will need to be satisfied that all appropriate transport mitigation measures required to support that development are identified.

S12 – Proposals for new development appropriate to a town centre location will be permitted within Bicester town centre.

13. Other relevant policy documents include: Planning Policy Guidance 13 (PPG13) – Transport.

### **Comments of the Head of Sustainable Development**

14. The main issue to be considered with this application relates to:
- (i) The potential impact on neighbouring residents
15. This development involves the change of use of an existing building from office use (Class B1) to and adult learning centre (Class D1). The application proposes no external changes to the existing building or to the surrounding site. Policy CC1 of the South East Plan seeks to achieve sustainable development in the region whilst Policy CC6 seeks to ensure that development proposals respect existing settlements. The building is located immediately adjacent to the edge of the Bicester Town Centre as identified in the NSCLP so Policy S12 of this plan should be considered. As the development is also adjacent to residential areas Policy C31 of the CLP is relevant as it seeks to ensure that developments in residential areas do not cause an acceptable nuisance. Policy R11 of the NSCLP encourages community facilities provided that they are conveniently located and do not have an impact on amenity or cause a visual impact. Policy TR4 of the NSCLP should also be considered as it requires new development to provide suitable transport mitigation measures.
16. We have received one objection to the application on the grounds that the change of use of the building would lead to an increase in traffic on surrounding roads and that parking will take place in unauthorised locations which would lead to problems of access to private roads and garages. These points have been discussed with the objector. We have suggested a number of conditions which seek to overcome the concerns but these suggestions have not satisfied the objector. The main consideration is therefore whether the proposed change of use of the building would result in an unacceptable increase in traffic and/or problems associated with unauthorised parking.

17. The existing office building accommodates on a daily basis approximately 22 people. The proposed adult learning centre would mean that, on a daily basis, the building would be able to accommodate a maximum of 12 students per day. The applicant anticipates that on average (based on current figures) there would be approximately 3 visitors (other than students undertaking courses) to the centre each day, during any day of the week there would be a maximum of 4 staff on site. On average when the building is operating at full capacity, the number of students, visitors and staff using the building would be approximately 19; this would be less than the current capacity of the office building. Transport Development Control raise no objection to the proposal and consider that the development would not lead to an increase in the number of trips generated by the site. They also consider that the location and accessibility of the site would mean that trips to it could be made by non-motorised and public transport means.
18. The objector has raised concerns about parking in unauthorised areas around the building, including private access roads adjacent to the site. The building has no dedicated parking areas. Although there is an area of hardstanding around the building (which could accommodate 2 or 3 cars) it is not laid out for parking and there is no formal agreement for such use. Staff and visitors to the building would therefore be required to park in nearby car parks, on street in authorised places, travel by public transport or walk/cycle. The nearest bus stop is 150 metres away and there are 6 public car parks within 250 metres of the building.
19. Transport Development Control consider that the proposal would not significantly contribute to on-street parking pressures. They have recommended that a Travel Plan be developed for the site to promote visits to the building by non car means. The applicant has stressed that students and staff using the centre would be informed through their day to day activities that parking should only take place in authorised parking spaces nearby. This would also be encouraged through the development and use of a travel plan for the building. Should parking take place in unauthorised parking areas this would be dealt with through the usual parking enforcement procedures. A condition has also been discussed and recommended which would require the applicant to provide signage on and in the vicinity of the building in order to deter unauthorised parking.
20. The objector has also requested that the private access roads in the vicinity of the building are double yellow lined in order to deter parking. Because the access roads are privately owned the County Council does not have consent to undertake double yellow lining or enforce any restrictions of them. The objector and other interested private owners could, if they so wish, provide parking restrictions on the road themselves.
21. In my view the change of use from offices to an adult learning centre would not result in an increase in users of the building and would not therefore increase traffic levels in the area. Transport Development Control and Cherwell District Council do not object to the proposal. I consider that it is in accordance with policy TR4 of the NSCLP. Although not located within the

boundaries of the Bicester Town Centre Proposals Map (as identified in the CLP and NSCLP) the proposal is immediately adjacent to this policy area which encourages the development of D1 uses. I also consider that due to the nature of the use of the building and issues already highlighted the development would be acceptable adjacent to a residential area as it would not increase noise or disturbance and there would be no visual impact. Also, the hours of use that the building would operate would be during normal office hours Monday to Friday; it would not be open in the evenings or during weekends. As such the development is consistent with policy C31 of the CLP, policy EN1 of the NSCLP and policy R11 of the NSCLP which encourages the development of new community facilities provided they do not result in significant loss of amenity to adjacent properties.

22. The building's location and accessibility to residential areas and bus stops would enable and encourage non-motorised and public transport trips to the site which would make the proposal consistent with policy CC1 of the RSS and R11 of the NSCLP. Although concerns have been raised that staff and visitors to the building would park in unauthorised parking areas and not walk from nearby public car parks I consider that the location of these (6 within 250 metres) would mean that the building is accessible on foot from large areas of public parking. PPG13 states that it is typical that 400 metres is the distance beyond which people will change their mode of transport from walking to car, there are 6 public car parks within this 400 metre distance.

## Conclusion

23. This proposal would provide an improved community facility for the residents of Bicester closer to the town centre than the existing facility. In planning terms I believe this proposal is acceptable and would not be detrimental to the environment of local residents or use of the immediate road network. Although concerns have been raised regarding a possible increase in traffic and parking I consider that the proposal would not lead to increase in users from its present use and the trips to the site can be managed through the development of a travel plan and other appropriate conditions to restrict parking. The building is well located immediately adjacent to the town centre boundary to encourage sustainable trips to the site. Importantly the amenity of local residents nearby would not be affected by the development as it would not generate noise or disturbance and the hours of use the building would operate would be restricted to typical working hours Monday to Friday.

## RECOMMENDATION

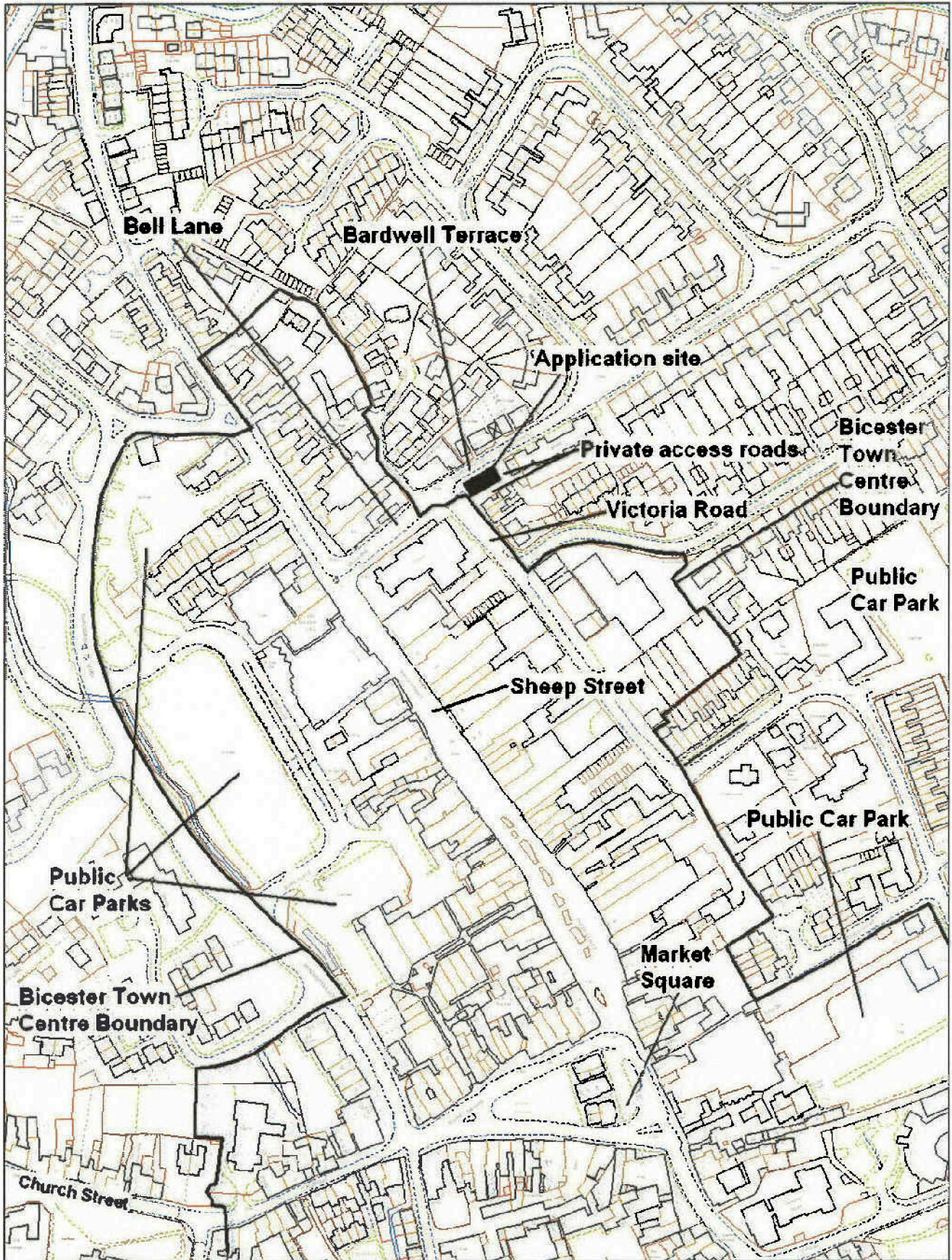
24. **The Committee is RECOMMENDED to approve Application Number R3.0203/09 for the change of use of building from use class B1 (offices) to class D1 (adult learning training centre), subject to conditions to be determined by the Head of Sustainable Development to include the following matters:**

1. that the development must be carried out strictly in accordance with the particulars contained in the application and the plans accompanying subject to conditions covering matters below;
2. that the development shall commence within 3 years of the date of the permission;
3. the hours of use of the building shall be restricted to between 8:30am and 5:30pm Monday to Friday;
4. that prior to the commencement of the development a scheme for the provision of signage on the building and in its vicinity to deter unauthorised parking shall be submitted and approved. All erected signs shall be maintained for the duration of the use of the building as an Adult Learning Training Centre; and
5. within 6 months of the first occupation of the building a Travel Plan for the site shall be prepared and submitted for approval and shall be implemented and updated appropriately.

CHRIS COUSINS  
Head of Sustainable Development  
Environment & Economy

Background Papers: File Ref: R3.0203/09 8.1/5822/1

February 2010



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Division(s): Woodstock

## **PLANNING & REGULATION COMMITTEE – 15 FEBRUARY 2010**

### **PLANNING APPLICATION TO EXTEND MINERAL EXTRACTION AND ALTER SCHEME OF WORKING AND RESTORATION AT GREAT TEW BROWN IRONSTONE QUARRY. PROPOSED DEVELOPMENT INCLUDES THE INSTALLATION OF A STONE SAW SHED, MODIFICATION AND RETENTION OF A SCREENING LANDFORM AND EXTENSION OF THE FARM SITE AT THE QUARRY FARM SITE. APPROVAL IS ALSO SOUGHT FOR MINOR CHANGES TO THE BUILT GRAIN STORE DEVELOPMENT AND TO CONSOLIDATE HISTORIC PERMISSIONS. GREAT TEW QUARRY, OXFORDSHIRE**

#### **Report by Head of Sustainable Development**

**Location:** Great Tew Quarry, Butchers Hill, Great Tew

**Applicant:** Great Tew Farms, The Estate Office, Great Tew

**Application No:** 09/1328/P/CM

**District Council Area:** West Oxfordshire

#### **Introduction**

1. Great Tew Quarry has planning permission to extract 24,500 tonnes per annum of brown ironstone. In 2009 the applicant was given planning permission to erect three agricultural buildings on part of the site. The applicant is proposing to extend an area of mineral extraction within the existing quarry boundary to create a development platform for two further agricultural buildings that would house livestock. The applicant is also proposing to erect a stone saw shed on the quarry floor to enable hand stone processing to take place at the site.

#### **Location**

2. The Great Tew Estate covers a large area north of Enstone. The quarry site is approximately 3km south of the A361, and 500 metres north west of the village of Great Tew. Access to the Great Tew Quarry is directly off the B4022.

## **The Site and Its Setting**

3. The application site is located on treed and wooded slopes of a small valley that drains into the River Cherwell some 14km east of the site. There are a number of woodland areas nearby, with a small group of trees adjoining the western margin of the current working and the eastern boundary of the site. Agricultural land lies to the north of the site.
4. Great Tew Quarry is well screened by mature vegetation and it is set back some distance from the B4022. The access also serves the adjacent fields. The closest dwellings are located approximately 300 metres to the south east of the quarry. The quarry site covers an area of 8.7Ha.
5. Soils and overburden have been used to form screening landforms to the north of the quarry. An amenity bund has been formed more recently along the south eastern field boundary.
6. The Great Tew Estate farm unit consists of Court Farm, Tracey Farm and Leys Farm.

## **Background Information and History**

### Great Tew Quarry

7. Great Tew quarry is an historical site and has been in periodic operation for over four hundred years. The quarry was re-opened in the 1990's. In 2001 planning permission no.: W2001/1396 was granted for the extraction of brown ironstone at Great Tew quarry. In 2004 further permission was issued for the installation of a portable weighbridge and containerised office.
8. Due to increasing demand for brown ironstone, particularly for historic restoration projects, an application was submitted to extend the quarry. Permission was issued on 17 November 2005 under permission no.: 05/1352/P/CM. This allowed the quarry to produce 12,000 tonnes of stone per annum.
9. Demand has continued to rise since this permission was granted, and in 2007 the site was producing 14,285 tonnes of dimension stone and had begun to diversify into building and walling stone.
10. Planning permission no: 08/01560/P/CM was issued on 25 November 2008 which allowed the crushing and exportation of up to 8,000 tonnes per annum of aggregate for use on internal farm roads within the Great Tew Estate.
11. A further planning permission (ref.: 08/1590/CM) was granted on 06 March 2009 which allowed an increase in the annual output of mineral to 24,500 tonnes. This planning permission also involved a small extension to the site known as Phase 1C.

Estate Farm Unit

12. The Estate Farm Unit farms approximately 3,500 acres of land within the Estate. The Unit is made up of three farms: Court Farm, Tracey Farm and Leys Farm.
13. The last investment into the farming operation was at Court Farm in 1968. Currently there is concern that the farm business is restricted by an inefficient and costly system that utilises elderly and environmentally unfriendly buildings and suffers from double or triple handling of materials.
14. The Great Tew Estate is seeking a comprehensive solution to improve the agricultural business over the next 50 years. The first stage of this was given planning permission on 06 March 2009 (ref.:08/1590/CM) and allowed a new grain building, a new workshop and machinery store and multipurpose building to be erected within the quarry site but also required the removal of the existing Court Farm buildings within 18 months of the completion of the new buildings.

**Details of the Development**

15. There are three aspects to the present proposal: i) erection of livestock farm buildings ii) extension to mineral working and restoration iii) installation of a stone saw shed.

Livestock Farm Buildings

16. The applicant has commissioned a review of farm operations after entering into a 10 year legal agreement with Natural England to create a large-scale Entry Level and Higher Level Stewardship (ELS/HLS) scheme which involves detailed management of the grassland through grazing and cutting to benefit local flora and fauna.
17. At present two farm units within the Great Tew Estate are used for livestock operations. These are at Tracey Farm and Court Farm. Under planning permission 08/1590/CM Court Farm is to cease operation. The proposal states that the following matters represent shortcomings in the operation of the farms for livestock operation:
  - The buildings on Tracey Farm are of insufficient size to accommodate the finishing cattle and breeding bulls as well as cows and calves.
  - The Tracey Farm site cannot accommodate expansion of the existing buildings and there are listed buildings on the site.
  - Scope for increasing the number and quality of livestock is limited by the closure of Court Farm.
18. There are two new agricultural buildings proposed:
  - Cattle over-wintering and feeding building: 55.07m (l) x 31.58m (w) x 15.54m (h)

- Sheep and lambing building: 61.16m (l) x 31.58m (w) x 15.54m (h).
19. The proposal anticipates that these buildings would be constructed during Phase 1C and Phase 4 extraction and/or during the site preparation works for Phase 2. The area of Phase 4 would form the development platform for the proposed buildings which would be approximately 4.6m below the existing grain store yard when extraction is completed. The applicant states that this would mean that the new buildings would sit between 1.0 metre and 3.85 metres lower than those already built. The applicant is proposing to use dark green colours for the walls and mid-grey for the roof to match the existing buildings.
  20. The new buildings would be accessed by a ramp that would extend the existing access arrangements. The ramp would be 10m wide with safety barriers on either side and constructed to a gradient of 1:10. The ramp would be surfaced with concrete.

#### Extension to Mineral Working

21. The applicant is proposing to extend the area of mineral extraction known as Phase 4 within the quarry site. This area is in the centre of mineral extraction and so there are no proposals to extend the external boundary of the site. The applicant states that the extension would provide a suitable platform for the erection of the livestock farm buildings detailed above.
22. Current working on-site is taking place within Phase 1C. Initial works would involve the stripping of the remaining topsoil from Phase 1C and stored along the southern boundary. Topsoil would be stripped from the Phase 4 extension area and from the existing western screening bund which is to be removed under planning permission 08/02113/CM. The proposal would involve the working of Phase 4 alongside Phase 1C.
23. It is proposed to extend Phase 4 northwards by 0.68Ha into an area currently occupied by waste stone materials and the western screening bund which is due to be removed under consent 08/1590/CM and used to form the final quarry restoration sloped. This material is instead proposed to be stored in a temporary bund as part of this proposal that would form a northern profiling screening bund. The maximum height of the bund would remain at 164m A.O.D. The waste stone would be used in quarry restoration.
24. The applicant states that the additional working area would provide an estimated 15,240 tonnes of saleable mineral that would produce a total yield of approximately 140,090 tonnes of remaining mineral from the whole site. Extraction of mineral would be to the same level as the current quarry floor.
25. Mineral working would move into Phase 2 upon completion of Phase 1C. At this time progressive restoration of Phases 1A-C would take place. Mineral extraction would conclude in Phase 3.

26. Proposed final restoration is to a mixture of woodland on the northern and eastern screening bunds, treed pasture on the southern slopes of the quarry, wet grassland and scrub on the quarry floor. The agricultural units and screening landforms would be retained under this scheme and planted with woodland.

#### Installation of a Stone Saw Shed

27. The proposal involves the erection of a stone sawing shed. At present all dimension stone is exported from the site for processing. The application states that there is a demand for dimension stone products and that this can be addressed through the current proposals.
28. The applicant states that the stone saw shed would be installed across the boundary of Phases 1A and 1B on the quarry floor. It would be erected during extraction of Phase 2 and would utilise the existing quarry access. The saw shed would have dimensions of 30.6 (length) x 18.0m (width) x 15.54m (height) and would be of steel frame construction with profiled steel cladding to match existing buildings on the site. The applicant is proposing to use dark green colours for the walls and mid-grey for the roof to match the existing buildings.
29. The proposed stone saw shed would be removed when quarry operations cease.

#### **Consultation Responses**

30. Great Tew Parish Council - No response received.
31. Little Tew Parish Council - No response received.
32. Oxford Geology Trust - No response received.
33. Natural England - No objection. The application may provide opportunities for biodiversity enhancements. The Council should consider securing measures to enhance biodiversity of the site from the applicant if minded to grant planning permission in accordance with paragraph 14 of PPS9.
34. Environment Agency - The proposed development will only be acceptable if the following measure(s) are implemented and secured by way of a planning condition on any planning permission
35. Surface water from industrial/farm activities could contain elevated levels of contaminants. The applicant must demonstrate that any surface water run off does not pose a risk to controlled waters. Infiltration drainage through any area which may have elevated levels of contaminants (e.g. made ground) could mobilise contamination. The applicant must demonstrate that any infiltration area is not contaminated.

36. The condition should require the submission of a surface water disposal scheme and subsequent approval prior to the commencement of development.

37. West Oxfordshire District Council - Environmental Protection Officer:

*First Response*

38. Concerns regarding the potential noise impact from the proposed stone sawing shed. Clarification is sought on the applicants comments that "...and continued noise monitoring under the current regime".

*Second Response*

39. Clarification of the current noise monitoring was sent to the Environmental Protection Officer. Concerns are still raised regarding the impact of noise and therefore the Environmental Protection Officer objects to the proposal.

*Final Response*

40. The applicant submitted technical noise reports relating to the proposed stone sawing shed to the Environmental Protection Officer who is satisfied that the stone sawing shed would not have a detrimental impact on amenity and has now withdrawn their objection.

West Oxfordshire District Council - Planning:

41. No objection subject to the imposition of the following condition:

- That the proposed barns shall be constructed of materials to match the existing barns on the site in order to protect the interests of the character and appearance of the wider area (Policy BE2 of the West Oxfordshire Local Plan 2011).

Transport Development Control - No objection.

42. Any intensification of the site would be small in transport terms and would not impact on the local highway. Any existing transport obligations would need renewal or re-application if planning permission is given.

County Ecologist

*First Response*

43. Further information is required as protected species surveys are only valid for 12 months. The applicant should submit:

- Extended Phase 1 habitat survey
- Protected species walk-over survey

- Updated badger and bat survey as potential habitat for them has previously been identified. Particularly to survey any trees planned to be removed as part of this application for their potential to be bat roosts and to recommend mitigation & enhancement.
44. All ecological reports should include the following:
- (a) What biodiversity is present.
  - (b) How biodiversity impacts can be avoided
  - (c) If it is not possible to avoid impacts, how they can be mitigated
  - (d) If there is no way of mitigating impacts, compensation measures should be identified
  - (e) How the application can result in overall enhancement in biodiversity
45. If the new proposals will affect the approved restoration scheme then the applicant should submit a revised restoration scheme.
46. Where additional planting has been proposed as part of a planning application, a planting scheme should be included. This should cover:
- Species mix (species should be of local provenance and appropriate to the local area)
  - Plant size
  - Planting layout
  - Planting spacing
  - Methods of establishment

*Second Response*

47. The applicant has submitted information pursuant to the initial comments of the County Ecologist.
48. No objections subject to the imposition of the following conditions. The updated protected species reports are sufficient.
- (i) A badger survey is carried out annually in September, October or November.
  - (ii) The removal of trees 30 and 38 (as shown on drawing D4 Updated Bat Roost Survey in 'Updated Wildlife Survey 2009' by Philip Parker Associates) shall not take place unless the protocol outlined in section 3.5 of the 'Updated Wildlife Survey 2009' by Philip Parker Associates is followed. Trees 30 and 38 shall not be removed except during September, October, March or April.
  - (iii) Protected species surveys are valid for 12 months so if the trees are planned to be removed after 2010 then the bat survey will need to be updated.

- (iv) If any bats are found at any point, all work should cease immediately. Work should not recommence until a full survey has been carried out, a mitigation strategy prepared and licence obtained (if necessary) in discussion and agreement with Natural England.
  - (v) The trees shall not be removed except in September to February (inclusive) as this is outside of the bird breeding season. If any trees need to be removed between March and August (inclusive), they will need to be checked over by an ecological consultant immediately prior to removal to ensure there are no nesting birds present. If nesting birds are present, the tree must be cordoned off and protected and cannot be removed until the birds have fledged.
  - (vi) A detailed landscape scheme will be submitted to the planning authority within 6 months of permission being issued. The planting scheme should cover:
    - Species mix (species should be of local provenance and appropriate to the local area)
    - Plant sizes
    - Planting layout
    - Planting spacing
    - Methods of establishment
49. County Forester - No adverse comments. The new building would sit well in the landscape and the two proposed woodland plantings would enhance what is present.

### **Third Party Representations**

50. One representation has been received raising the following concerns:
- Recent developments are out of character with rolling wooded landscape. The proposals would add to this impact and be contrary to West Oxfordshire Local Plan Policy NE3.
  - The mineral seam should be conserved for future generations due to its scarcity.
  - The proposal would increase carbon emissions due to the intensive use of diesel-engine plant. Substantial working should wait for more energy-efficient technologies.

### **Relevant Development Plan and other Policies**

51. The main policy considerations are i) impact of the agricultural buildings upon the local landscape ii) impact of the quarry proposals iii) ecology and iv) impact on local amenity.

(i) Impact of the agricultural buildings upon the local landscape

52. Regional Spatial Strategy of the South East (SE Plan) policy C4 states that outside nationally designated landscapes, positive and high quality management of the regions open countryside will be encouraged and supported by local authorities and other organisations, agencies, land managers, the private sector and local communities, through a combination of planning policies, grant aid and other measures.
53. This policy further states that planning authorities and other agencies in their plans and programmes should recognise, and aim to protect and enhance, the diversity and local distinctiveness of the region's landscape, informed by landscape character assessment. Local authorities should develop criteria-based policies to ensure that all development respects and enhances local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided.
54. SE Plan policy CC6 states that actions and decisions associated with the development and use of land will actively promote the creation of sustainable and distinctive communities. This will be achieved by developing and implementing a local shared vision which:
- (i) Respects, and where appropriate enhances, the character and distinctiveness of settlements and landscapes throughout the region
  - (ii) Uses innovative design processes to create a high quality built environment which promotes a sense of place. This will include consideration of accessibility, social inclusion, the need for environmentally sensitive development and crime reduction.
55. West Oxfordshire Local Plan 2011 (WOLP) policy NE1 states that proposals for development in the countryside should maintain or enhance the value of the countryside for its own sake: its beauty, its local character and distinctiveness, the diversity of its natural resources, and its ecological, agricultural, cultural and outdoor recreational values. Furthermore, Policy NE3 states that development will not be permitted if it would harm the local landscape character of the District. Proposals should respect and, where possible, enhance the intrinsic character, quality and distinctive features of the individual landscape types.
56. WOLP policy BE2 sets out a number of criteria for which development proposals should comply with. Those relevant to this development include:
- Proposals for new buildings and land uses should clearly demonstrate how they will relate satisfactorily to the site and the surroundings.
  - In the open countryside, any appropriate development will be easily assimilated into the landscape.

- The proposal should be well designed and respect the existing scale, pattern and character of the surrounding area.

(ii) Impact of the quarry proposals

57. SE Plan policy M3 states that Oxfordshire should aim to deliver 1.0 million tonnes per annum (mtpa) of crushed rock.
58. Oxfordshire Minerals and Waste Local Plan (MWLP) policy SD3 states that very small quarries that supply traditional building stone to the immediate area may be permitted. Policy SD4 states that planning permission for additional ironstone extraction will only be granted in exchange for an agreed revocation of an existing planning permission containing workable reserves.
59. MWLP policy PB1 requires that processing plants, other necessary buildings and industries associated with a mineral working to be sited, designed, landscaped and maintained so as to minimise environmental disturbance. Any permission will be limited to the life of the mineral working.
60. MWLP policy PE13 states that mineral workings should be restored within a reasonable timescale to an after-use appropriate to the location and surroundings. Planning permission will not be granted for mineral working unless satisfactory proposals have been made for the restoration and after-use, and means of securing them in the long term.

(iii) Ecology

61. Planning Policy Statement 9: Biodiversity and Geological Conservation (PPS9) paragraph 14 states that development proposals provide many opportunities for building-in beneficial biodiversity or geological features as part of good design. When considering proposals, local planning authorities should maximise such opportunities in and around developments, using planning obligations where appropriate.
62. SE Plan policy NRM5 states that proposals shall avoid damage to nationally important sites of special scientific interest and seek to ensure that damage to county wildlife sites and locally important wildlife and geological sites is avoided.
63. Policy NE6 of the WOLP requires that planning permission is not granted where the proposal would result in the loss of trees, woodlands or hedgerows which are important for their visual, historic, or biodiversity value. Removal will only be allowed where it can be demonstrated that the proposed development would enhance the landscape quality and nature conservation value of the area.
64. WOLP policy NE15 requires that proposals do not have an adverse effect on a site supporting a specially protected species unless the damage to the ecological interest can be prevented through compliance with conditions or planning obligations.

65. MWLP policy PE14 prevents damage to sites of nature conservation importance. Proposals which would affect nature conservation interest will be assessed by taking into account the importance of the affected interest; the degree and permanence of the projected damage; and the extent to which replacement habitat can be expected to preserve the interest in the long term.

(iv) Impact on Local Amenity

66. WOLP policy BE19 states that planning permission will not be granted for development including the use of land, if because of the noise it will create, the occupants of housing and other noise sensitive development would be exposed to significant noise disturbance, unless there is an overriding need for the proposal which cannot be met elsewhere.

67. MWLP policy PE18 states that in determining applications covered by this plan the County Council will have regard to the appropriate provision of the Code of Practice which is part of this Plan. The Code of Practice states that suitable measures must be taken to suppress dust.

### **Comments of the Head of Sustainable Development**

68. The key planning issues are i) visual impact of the proposed agricultural buildings on the surrounding landscape ii) whether the quarry proposals are acceptable iii) ecological considerations and iv) impact on local amenity.

(i) Impact of the proposed agricultural buildings

69. The main issue with the proposed new agricultural buildings is the massing and visibility of structures, and whether or not their impact on the landscape is greater than the contribution the development would make to the landscape and whether the proposed agricultural development of the area is in line with WOLP policy NE1.

70. Under planning permission 08/1590/CM the applicant is required to undertake extensive woodland planting on the northern screening bund in keeping with the surrounding landscape to reduce the visual intrusion of the farm buildings. Whilst the north-western screening bund is to be removed under that consent, the proposal that is subject to this report would re-instate the screening bund and plant woodland to match the existing landscaping strategy although there would be a short period when the woodland is not sufficiently developed to fully screen the buildings.

71. Furthermore, the development platform would be lower than that upon which the existing farm buildings sit because of the extraction of the mineral. This would increase the impact of screening that can be afforded to the proposed buildings. West Oxfordshire District Council has raised no objections to the proposal subject to a condition that requires the external appearance of the buildings to match the other buildings.

72. The agricultural buildings have been designed in line with guidance in the farm feasibility study submitted with the application regarding form and colour. The impact of the proposal should be significantly minimised by planting.
73. Provided the proposed woodland planting is carried out in accordance with the scheme submitted, it is my view that along with the reduction in level of the platform on which the buildings will sit and the existing screening bunds, the potential impact on the surrounding landscape should not be significant. Therefore, the proposal is in accordance with WOLP policies NE1 and BE2 and SE Plan policy CC6.
74. An objection has been raised on the grounds that the proposal conflicts with WOLP policy NE3. In my view, the measures proposed to mitigate the impact of the massing of the structures are appropriate and would ensure that the buildings would not cause undue harm to the landscape. Furthermore, there is a substantial benefit to co-locating the remaining farm operations at this site and they would provide a significant contribution to the agricultural economy of the area under the ELS/HLS schemes (see paragraph 16). The District Council has raised no objections and I consider that the proposal is in line with WOLP policy NE3.

(ii) Quarry Proposals

75. The proposal involves the extension of Phase 4 within the centre of the site. The proposal would consolidate previous planning permissions, which include a planning permission for the production of 8,000 tonnes per annum of aggregate for use on the Estate roads. There is no overall proposed increase in rate of mineral extraction above the level already permitted.
76. The quarry would continue to be quite small and would continue to supply local stone for the maintenance and repair of historic buildings and buildings within conservation areas where it is necessary to have matching stone. Permitted reserves would be exhausted by 2015 should permission be granted. There is an objection to the proposal on the grounds that it may be irresponsible to exploit the mineral in the proposed quantity, and rather it should be used only for purposes for which it would be absolutely necessary in order to conserve it for future generations.
77. In response, the applicant states that there is not a significant quantity of workable mineral remaining. Much of the material within Phase 4 extension is not economic and will be used in quarry restoration. The workable reserves will continue to be used to supply local markets and benefit new uses. In my view the proposal is consistent with SE Plan policy M3 and MWLP policies SD3.
78. The proposal does not include the revocation of permitted ironstone reserves elsewhere in the County as sought by MWLP policy SD4. However, the quantity of material in the Phase 4 extension is quite small, a significant proportion would be used in quarry restoration and on the Estate farm roads

and no additional land is required for mineral working as a result In my view, therefore, this relevance of this policy in this particular case is not great.

*Restoration*

79. Quarry restoration would be in keeping with previous planning permissions and subject to the imposition of conditions recommended by the County Ecologist. The proposal is in accordance with MWLP PE13.
80. The stone saw shed is covered by the restoration drawings submitted with the planning application. MWLP policy PB1 requires removal of all buildings associated with mineral extraction once extraction has been completed. A condition can be attached to any consent to require the removal of the stone saw shed once extraction ceases to ensure that the proposal is in line with MWLP policy PB1.

(iii) Ecology

81. The County Ecologist was initially concerned that the Protected Species Survey undertaken in 2008 would now be out of date. The applicant has provided an updated Wildlife Survey dated December 2009. The survey identified that a number of trees intended to be removed have a medium to high risk in terms of impact upon bats and recommends therefore that trees should be soft-felled. Soft-felling of trees involves the cutting down in careful stages. This can be required by a condition if planning permission is granted. The development would therefore be in line with WOLP policy NE6.
82. There has been no evidence of Badger Setts found in or within 30m of the application site. The survey recommends that badger surveys are undertaken annually. This can be required by a condition if planning permission is granted. The proposal therefore satisfies MWLP policy PE14.
83. The recommendations within the survey are welcomed by the County Ecologist who raises no objections to the proposal subject to conditions proposed by the survey. It has been demonstrated that this proposal would cause no adverse impact upon protected species, subject to regular surveys being undertaken. The proposal is therefore in accordance with SE Plan policy NRM5 and WOLP policy NE15.
84. The site benefits from a Long Term Management Plan to ensure the nature conservation interests of the site for 20 years above and beyond the 5 year aftercare period. The Management Plan also requires public access to the geological feature which is shown on the restoration plans. The provisions within the Long Term Management Plan would be carried forward if planning permission is given for the site in accordance with PPS9.

(iv) Impact on Local Amenity*Noise*

85. The Environmental Protection Officer was initially concerned about the potential noise impact of activity in the stone saw shed. The applicant has provided further noise reports and the Environmental Protection Officer is now satisfied that the stone saw shed would not have a detrimental impact on residential amenity. Appropriate conditions can be attached to any planning permission given that reflects the mitigation measures described in the noise reports. The proposal is therefore compliant with WOLP policy BE19 and MWLP policy PE18.

*Dust*

86. The application is not accompanied by a dust remediation strategy for the stone saw shed. Due its potentially adverse impact I suggest that a condition be imposed to require the submission of an appropriate dust scheme before any use of the stone saw shed. The proposal meets other environmental criteria and in my view, subject to a requirement for submission of a dust scheme, the proposal meets the requirements of MWLP policy PE18.

Other issues

87. The applicant has agreed to enter into a legal agreement to ensure that previous planning permissions that relate to quarry operations are no longer implemented. Conditions that are attached to those permissions would be brought forward into a new consent if planning permission is granted for this proposal.
88. The Environment Agency has recommended that a condition requiring that a surface water management scheme for the agricultural operations be submitted prior to commencement of development. In my view this information is not required for the commencement of mineral extraction but that it would be reasonable to allow mineral extraction to commence before this information is provided to create the development platform for the agricultural buildings in a timely manner. The Environment Agency has agreed to a condition modified in this way.
89. A respondent has raised the issue that significant carbon emissions may be produced due to substantial mineral extraction at the site and that these sorts of projects should be delayed until energy-efficient extraction methods are developed. It would be unreasonable to prevent an established development from continuing for this reason. The quarrying operation is low intensity and there are few vehicles on-site working the mineral. The agglomeration of agricultural activities would produce an overall net-reduction in the number of vehicles movements related to these activities and could in effect reduce potential emissions. The Environmental Health officer has not opposed the scheme on such grounds. In my view this issue is not significant and does not need to be considered against climate change policies.

### Conclusion

90. There is a need for the applicant to make provisions for livestock farming during peak seasons and for expansion of the farm. This provision is not satisfactorily met in the current farming building arrangements and the farm considers there is a need to develop larger and more versatile units.
91. The proposed buildings are smaller than the current agricultural units at the quarry site but there is nevertheless concern over their impact on the landscape. I do not consider that these concerns are justified given that the development platform is to be lowered and additional screening in the form of bunding and woodland planting is to be provided. The buildings would be designed so as to be in keeping with those already present on the site in accordance with WOLP policy NE2.
92. It is my view that the scheme is, therefore, in line with WOLP policies NE1 and NE3 as the proposal, with full landscaping, would not adversely affect the local landscape, and in time the remaining visible structures would be more in keeping with other agricultural developments in the District.
93. The quarry proposals are relatively minor, do not increase landtake or increase production capacity. The proposal does not meet the requirements of MWLP policy SD4 but satisfies SE Plan policy M3 and MWLP policy SD3 in that the proposal would continue to supply minerals to local markets and to meet increasing demand.
94. The stone saw shed has the potential to cause an impact on local amenity. These can be overcome by the use of appropriate conditions limiting noise production and requiring a scheme for the management of dust to be submitted and approved prior to the commencement of development. The stone saw shed would also be removed once quarry operations cease. The proposal is therefore compliant with MWLP policy PE18 and WOLP policy BE19.
95. The development overall is consistent with development plan policies on mineral extraction development in countryside, biodiversity, amenity and traffic.

### **RECOMMENDATIONS**

96. **It is RECOMMENDED that:**
- (a) subject to a legal agreement requiring:**
    - (i) public access to the geological feature,**
    - (ii) a management plan including a programme of monitoring to operate for 20 years over and above the 5 year after care period;**

- (iii) funding for the implementation of the management plan;**
- (iv) the applicant not to further implement any quarry operations approved under previous planning permissions;**

**that planning permission be granted for the development proposed in Application 09/1328/P/CM subject to conditions to be determined by the Head of Sustainable Development but to cover matters included in Annex 1 to this report;**

- (b) if the legal agreement referred to in (a) above is not completed within 10 weeks of the date of this meeting the Head of Sustainable Development be authorised to refuse the application on the grounds that it would not comply with South East Plan policy NRM5 in that there would be no satisfactory provision for the long term management of the restored site.**

CHRIS COUSINS  
Head of Sustainable Development

Background Papers:           File Reference: MW.0202/09  
  File Reference: 8.5/3929/1

January 2010

**Heads of Conditions**

1. Complete compliance
2. Development to commence within three years of permission.
3. Standard working hours.
4. Life of the quarry limited to December 2015, restoration to 31 December 2016.
5. Retention and protection of trees and existing bunding
6. Highway to be kept free of mud and dust
7. No more than 24,500 tonnes per year shall be extracted.
8. No material other than brown ironstone shall be extracted in block form.
9. Crushing only to take place 8 weeks of the year to export a maximum of 8,000 tonnes per year of aggregate.
10. No development until details of the location of crushing is submitted.
11. All soils to be kept on site
12. Dust control measures to be agreed.
13. Noise levels not to exceed recommended levels at nearest receptors.
14. No reversing beepers.
15. No hydraulic rock splitting.
16. No blasting.
17. Hydrological monitoring.
18. Construction of the agricultural buildings shall not take place until surface water management scheme approved.
19. No pumping of water.
20. Erection of boxes to monitor breeding birds.
21. Erection of boxes to monitor bats.
22. Annual badger sett surveys.
23. Trees should be soft-felled during September – October or March – April to avoid breeding birds.
24. Retention of old and decaying trees.
25. Cessation of work if protected species are found.
26. No removal of vegetation during bird breeding season.
27. Submission of a revised restoration scheme showing removal of saw shed.
28. Submission of a detailed landscaping scheme.
29. Agricultural buildings to be built in accordance with the submitted plans.
30. Agricultural buildings shall be constructed of materials to match the existing barns.
31. Removal of existing Court Farm buildings.
32. Restoration materials shall be wholly inert.
33. Five year aftercare period.
34. Woodland planting in accordance with approved scheme.
35. No other buildings than those shown on approved plans.
36. No floodlighting.

**Relevant Development Plan policies**

Government Policy

Planning Policy Statement 9: Biodiversity and Geological Conservation

Regional Policy

Regional Spatial Strategy for the South East of England

C4, CC6, M3, NRM5

Oxfordshire Minerals and Waste Local Plan 1996

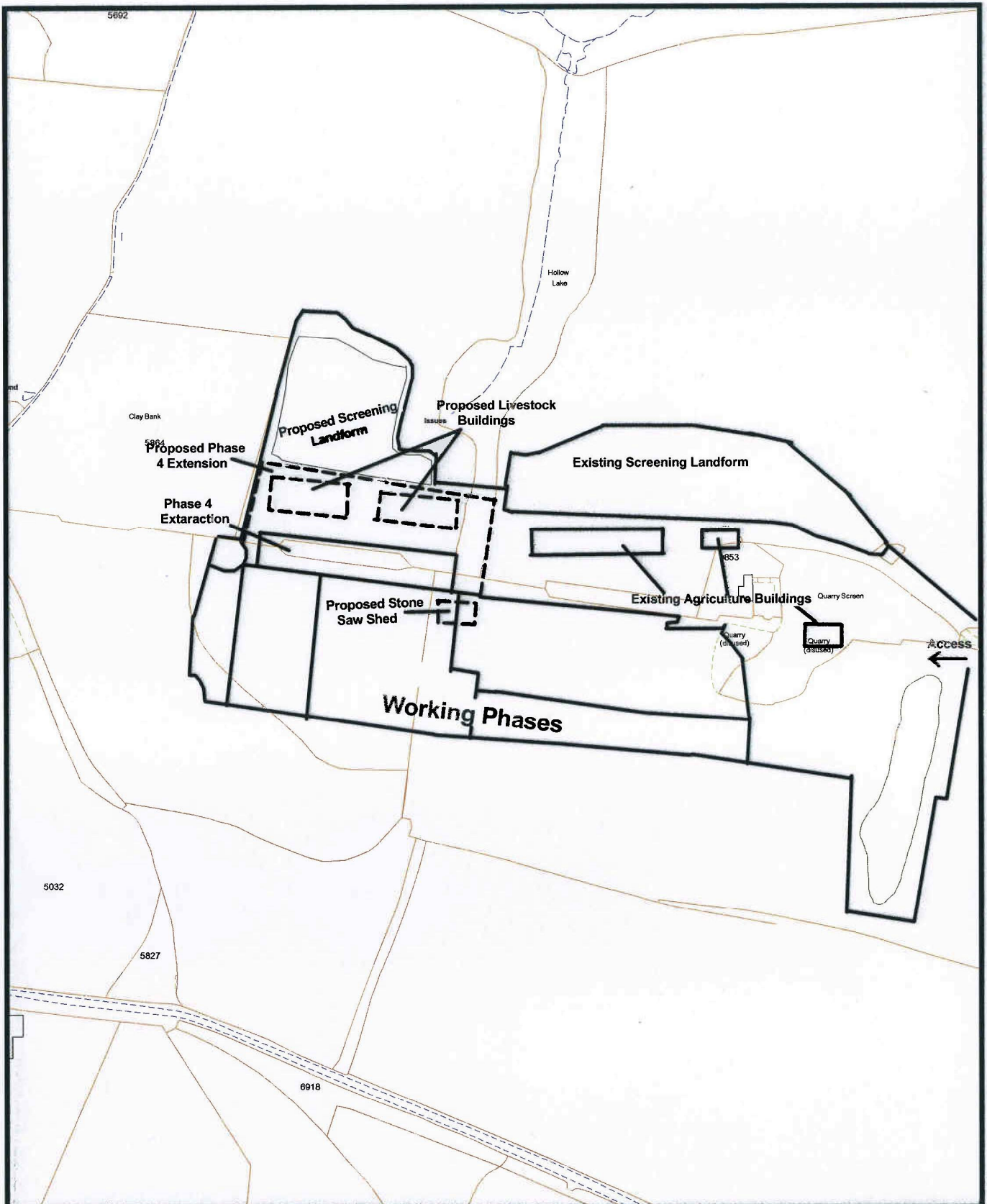
SD3, SD4, PB1, PE13, PE14, PE18

West Oxfordshire Local Plan 2011

NE1, NE3, NE6, NE15, BE2, BE19



# Plan 2



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Scale: 1:3500  
Plot Date: 27/1/2010  
By: T.Philp  
Dept:

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Division(s): Dorchester and Berinsfield

## PLANNING & REGULATION COMMITTEE – 15 FEBRUARY 2010

### THE RE-USE OF AN EXISTING BUILDING FOR A WASTE TYRE AND CATERPILLAR TRACK RECYCLING FACILITY, HANDLING APPROXIMATELY 3500 TONNES OF WASTE TYRES PER YEAR

#### Report by Head of Sustainable Development

<b>Location</b>	Culham No 4 Site, Culham
<b>Applicant</b>	Leda Properties
<b>Application No</b>	PO7/W0631/CM
<b>District Council Area</b>	South Oxfordshire

#### Introduction

1. On 16 July 2007 (minute 45/07) the Planning and Regulation Committee authorised the Head of Sustainable Development to grant permission for the above development, subject to conditions and/or legal agreements as he might consider appropriate. The heads of terms for the legal agreement and conditions were not available at the time of the Committee because the officer recommendation was for refusal of the planning application. A copy of the report to the Committee is attached. The reasons for approval were also delegated to the Head of Sustainable Development. The Committee's decision reflected the benefits of the development in waste management terms, notwithstanding the site's Green Belt location.

#### Planning History

2. The site is within the Oxford Green Belt as defined by policy GB1 of the South Oxfordshire Local Plan. Green belt considerations are dealt with in paragraphs 48 – 52 of the report to the July 2007 Committee. Although the policies G4 of the Oxfordshire Structure Plan and GB3 of the South Oxfordshire Local Plan are no longer extant, the current development plan contains equivalent restrictions.

3. Policy CO4 of the South East Plan states that development in the green belt will only be permitted if it maintains its openness and does not conflict with the purpose of the Green Belt or harm its visual amenities. National policy in PPG2 (Green Belts) contains a presumption against inappropriate development in the green belt; although re-use of buildings may not be 'inappropriate development' in some circumstances, this building was not constructed with planning permission and is unauthorised.
4. South Oxfordshire District Council has been working for a number of years to secure the removal of the industrial buildings on this site that do not have planning permission. Indeed, there is an existing enforcement notice requiring removal of all buildings on site and there is an existing section 106 agreement between the applicant and South Oxfordshire District Council, which requires the removal of buildings and hardstandings by 2010 and which the applicant would have to vary in order to carry out this development.
5. Following the decision in July 2007 work commenced on a section 106 agreement requiring removal of all buildings and hardstandings at the end of the life of the permission, or sooner if the development ceased operation. This is considered necessary, because the site lies in the Oxford Green Belt and although the Committee considered that there were very special circumstances to permit the development in this case notwithstanding the presumption against inappropriate development, it is important to ensure that the buildings are not subsequently used in a way which would not be appropriate in the Green Belt.
6. Two and a half years have passed since the Committee permitted the application and the applicant has not signed the legal agreement. There has been no progress for over a year. In view of the time that has elapsed, I am of the opinion that the applicant has no intention of signing up to the section 106 agreement and recommend that the permission now be refused on the basis that it comprises inappropriate development in the green belt.

## **Conclusion**

7. There has been no progress for some time on the section 106 agreement required before permission can be issued for this development. It is therefore recommended that permission is now refused, because without the agreement the development would be unacceptable in the Green Belt, contrary to South East Plan policy CO4.

## RECOMMENDATION

8. It is **RECOMMENDED** that planning permission for application P07/W0631/CM be refused for the following reason:

**That the proposed development is inappropriate development that would not preserve the openness of the Green Belt, is contrary to the purposes of the green belt in this location and would harm its visual amenities, contrary to South East Plan policy C04**

CHRIS COUSINS  
Head of Sustainable Development

Background Papers: The re-use of an existing building for a waste tyre and caterpillar track recycling facility, handling approximately 3500 tonnes of waste per year.

File 8.3/5396/2 located in Minerals and Waste Development Control Team area at Speedwell House, Speedwell Street, Oxford

February 2010

Division(s):
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**ANNEX 1  
ITEM PN11**

**PLANNING & REGULATION COMMITTEE – 16 JULY 2007**

**THE RE-USE OF AN EXISTING BUILDING FOR A WASTE TYRE AND  
CATERPILLAR TRACK RECYCLING FACILITY, HANDLING  
APPROXIMATELY 3500 TONNES OF WASTE TYRES PER YEAR**

**Report by the Head of Sustainable Development**

<b>Location</b>	Culham No 4, Culham
<b>Applicant</b>	Leda Properties
<b>Application No</b>	PO7/W0631/CM
<b>Division</b>	Dorchester and Berinsfield
<b>District Council Area</b>	South Oxfordshire

**Introduction**

1. This is an application for a temporary permission for a facility to recycle waste tyres. It is proposed to erect a tyre processing plant inside an existing building near the Culham Science Centre. The components of tyres would be separated and the rubber shredded and granulated to produce various sizes of rubber crumb for sale.

**Location**

2. The site is located on the Culham No 4 site, adjacent to the northern edge of Culham Science Park, a large mixed use industrial estate which is near the village of Culham in South Oxfordshire and located 10km (6 miles) south of Oxford and 4 km (2.5 miles) south east of Abingdon. The site is in the Green Belt.

**The Site and its Setting (See Plan 1)**

3. Furze Brake County Wildlife site lies to the north and north east. This is woodland that supports a heronry and forms part of Nuneham Park, a registered historic park. The building is less than 100 metres from the edge of the woodland. There is agricultural land to the north west of the site, which is approximately 1 kilometre (0.6 miles) from the nearest residential property.
4. Access to the site is from the A415 Abingdon Road, just to the west of the access to the Culham Science Centre. HGVs would then travel past the Culham No 1 site and access the application site from Thame Lane.

5. Thame Lane is a bridleway forming the southern boundary of the site. No other public rights of way run through or close to the site.

### **Site History**

6. Culham No 4 site was originally developed by the Crown during the war. It consisted of seven buildings including Nissan Huts and air hangars. However the majority of these buildings have now been removed, leaving the concrete bases and one remaining building. This is a large hangar and is the building that is proposed to be used for the development.
7. The site was sold by the Crown and subsequently South Oxfordshire District Council have served an enforcement notice, which remains current. It was not possible to serve an enforcement notice while the land was owned by the Crown. This enforcement notice was served because they consider the buildings to be contrary to planning policy and harmful to the Green Belt. Therefore, the building that is proposed to be used in this development does not have planning permission.
8. The site is subject of a legal agreement between the applicant and South Oxfordshire District Council. This requires the timed demolition of all buildings, roads and hardstandings on the Culham Number 4 site and the reinstatement of the land to a condition suitable for agriculture. This reinstatement must be done by 2010 in the area to which this application relates.

### **Details of Application (See Plan 2)**

9. This proposal is for a tyre recycling centre that would shred and granulate tyres and remove materials such as steel, to produce rubber granulate, crumb and dust which would be exported to the southwest and southeast of England, including London.
10. The tyres processing plant would be located inside the existing building on site. This would also contain a portakabin for administration and staff facilities, tyre storage areas and an overnight vehicle storage area.
11. The existing building is clad in corrugated metal and painted black and measures 36 metres by 57 metres with an approximate internal floor area of 2000 square metres. It is 9 metres high rising to 12 metres at the apex. The building is currently vacant.
12. The development would generate an average of 40 heavy goods vehicle movements a day bringing waste tyres and 30 light goods vehicles exporting the rubber crumb and other materials produced from the process.
13. It is proposed to use an existing 2000 square metre concrete hardstanding for storage and two fuel tanks. This area is located south of the building and is separated from it by a grassed area. The bagged rubber crumb product

would be stored in bays in this area. There would also be an open storage area to be used if necessary, for example for the storage of empty waste containers.

14. It is proposed to create landscape strips along the southern and western edge of the site. The composition of species and planting details would be agreed with the County Ecologist. This landscaping is proposed to provide screening and improve the landscape quality. It is also proposed to have a grassed open area to the north and south of the building.
15. A weighbridge and an underground 100 cubic metre sealed fire water containment pond are proposed on the site. The entire site would be surrounded by a 3 metre high fence.
16. Traffic within the site would move around a one way system, with separate entrance and exit onto Thame Lane.
17. The applicant estimates that the facility would be capable of recycling 70% of the waste tyres produced in the County. It would also be capable of recycling caterpillar track, which would make it the first of its kind in the country.
18. As this site is located in the Green Belt, the application has been made for a temporary permission for fifteen years. This is intended to allow policy to be re-assessed in the future, while allowing enough time to produce a return on the investment in the plant.

## **Consultations**

19. Consultation Responses

### *South Oxfordshire District Council:*

Object. Description of development is not accurate as the application represents a material change of use of the land and building rather than a re-use. The land is subject to an enforcement notice issued by South Oxfordshire District Council (SODC) requiring the removal of all buildings on site. The applicant has also entered into a section 106 agreement with SODC, the terms of which require the removal of the building, hardstanding and roadways which this application relates to, by 2010.

This proposal is inappropriate development in the Green Belt and the applicant has made no attempt to refer to 'very special circumstances' which may justify the departures from Green Belt policy. It is also considered harmful to the countryside and contrary to SOLP policies G2, G4 and C1.

Concerned with findings of Risk Hazard Analysis as the level of risk is described as acceptable if there are mitigating measures, but these measures are not specified.

Contrary to transport policy as heavy vehicles would have to travel through Abingdon, Didcot or local villages.

SODC do not believe that Culham is a suitable location for this type of facility, but Culham No 1 site would provide a more suitable alternative site than Culham No 4.

In the event that Oxfordshire County Council were of a mind to approve the application then a condition should be added to ensure that plant, machinery and equipment is installed and operated in such a way that noise and vibration do not cause a nuisance.

*Culham, Clifton Hampton and Nuneham Courtenay Parish Councils:*  
No responses received.

*Environment Agency:*

No objection. The development will require a waste management licence. Would like further detail of the proposal to drain the surface water to ground. Suggests advice to applicant and conditions.

*English Heritage:*

No objection. The application should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice.

*National Grid:*

No objection. The risk to the operational electricity and gas transmission network is moderate, and this risk can be successfully managed. Provides advice for applicant and conditions.

*Oxford Green Belt Network:*

Object. Inappropriate development in the Green Belt. Is their understanding that there is an intention to restore the site to a rural land use. Site has not been put forward through the Local Development Framework. Will be additional development in addition to the re-use of an existing building. There would be considerable lorry movements. Potential for pollution and problems of noise and smell.

*County Ecologist:*

No objection, but requires further information regarding the composition and layout of the landscape strips.

*Fire Service:*

No objection. No adverse comments in principle, however insufficient technical information has been supplied to enable comment regarding any fire and rescue operational response or intervention issues which may arise.

*Transport Development Control:*

The previous use of the site is stated as storage. Storage has limited or no vehicle trip generation. The proposed development would, therefore, generate trips not currently on the network. The proposed development represents a significant regional facility and should be served by the primary A

roads and motorway. This site is served by lower category A roads linking settlements. The proposed development would lead to an increase in HGV movements through already congested, sensitive areas, primarily towns and villages. The sustainable transport infrastructure that serves the site does not mitigate the HGV movements.

The proposed development is inappropriately served by inadequate highway infrastructure and is sited in a location away from connection to regional infrastructure. Recommends refusal on the grounds that there would be increased HGV movements in unsustainable locations not served by appropriate infrastructure contrary to OSP policies G3 and T8.

*Rights of Way:*

No comments at time of writing report.

**Representations**

20. One letter of representation has been received in support of the application. This was sent by an independent waste management academic who considers that there is a strong case that the environmental benefits of the facility outweigh the negligible environmental consequences of it being sited in a Green Belt and that it is in line with DEFRA strategy for the future.

**Relevant Planning Policies (see Annex 2)**

21. The key policy issues are waste management, Green Belt, biodiversity and landscape and traffic.

*Waste Management*

22. RPG policy W3 promotes regional self sufficiency in the provision of waste management capacity, and policy W4 promotes the same at a sub-regional level.
23. RPG policy W10 states that sub regional facilities are required for the recovery and processing of tyres.
24. RPG policy W17 addresses the location of waste management facilities and states that the suitability of sites should be assessed on the basis of accessibility from urban areas, transport connections and compatible landuses such as previous or existing industrial land use and derelict land.
25. Oxford Structure Plan Policy WM1 supports the provision of facilities to treat and/or dispose waste. It encourages proposals which increase the recycling of materials. Policy WM2 states that regard must be had for the Best Practicable Environmental Option. This includes the waste hierarchy and proximity principle.
26. Oxfordshire Minerals and Waste Local Plan (OMWLP) policy W3 states that proposals for recycling/reuse will normally be permitted, providing that the;

- (a) site is close to the source of the waste and/or the market for reused materials;
  - (b) site is well related to appropriate parts of the transport network and located where number and length of motorised journeys is likely to be minimised;
  - (c) proposal will not cause unacceptable nuisance in terms of noise, dust, fumes, smell, visual intrusion or traffic;
  - (d) proposal will not pose an unacceptable threat to the water environment;
  - (e) proposal does not conflict with structure and local plan policies.
27. OMWLP policy W4, however, states that proposals for recycling or reuse will not normally be permitted in the open countryside unless 'there is an established overriding need and there is no other suitable site available' or it is on a mineral extraction or landfill site.

*Green Belt*

28. The six objectives for the use of land in Green Belts as laid out in PPG2 are; to provide opportunities for access to the open countryside for the urban population; to provide opportunities for outdoor sport and outdoor recreation near urban areas; to retain attractive landscapes and enhance landscapes near to where people live; to improve damaged and derelict land around towns; to secure nature conservation interest; and to retain land in agricultural, forestry and related uses. PPG2 states that the making of a material change in the use of land is inappropriate development unless the openness of the Green Belt is maintained. It states that inappropriate development will only be permitted in very special circumstances.
29. OSP policy G4 states that development in the Green Belt will only be permitted if it maintains the openness of the Green Belt and does not conflict with the purposes of the Green Belt or harm its visual amenities. SOLP policy GB3 also protects the openness of the Green Belt and requires that development does not conflict with the purposes of the designation.
30. OSP policy G4 also lists five purposes of the Green Belt. They are to a) preserve the special character and landscape setting of Oxford; b) check the growth of Oxford and prevent ribbon development and urban sprawl; c) prevent the coalescence of settlements; d) assist in safeguarding the countryside from encroachment; and e) to assist in urban regeneration by encouraging the recycling of derelict and other urban land.
31. SOLP policy GB4 states that development in the Green Belt should be designed and sited in such a way that its impact on the open nature, rural character and visual amenity of the Green Belt is minimised.
32. PPS10 states that when determining planning applications Green Belts should be protected but the particular locational needs of some types of waste management facilities should also be recognized. It states that 'These

locational needs, together with the wider environmental and economic benefits of sustainable waste management, are material considerations that should be given significant weight in determining whether proposals should be given planning permission.'

33. RPG policy W17 states that 'waste management facilities should not be precluded from the Green Belt.'
34. The site is not allocated for development in the SOLP. It is outside the area of Culham Science Park which is marked as a major development site in the Green Belt subject to specific policies which permit limited infill and redevelopment subject to certain criteria.

#### *Biodiversity and Landscape*

35. OSP EN2 states that on sites of acknowledged nature conservation importance development will only be permitted if there is an overriding need or if damage to the ecological interest can be prevented through the use of conditions or planning obligations.
36. OSP EN4 states that historic parks and gardens will be protected from harmful development.
37. SOLP policy C7 states that on locally designated sites of nature conservation importance, development that would damage biodiversity impact would not be permitted unless the importance of the development outweighs the local value of the site and unless the loss can be mitigated.
38. SOLP policy C1 states that measures will be sought to integrate new development sensitively, mitigate landscape impacts and where appropriate, enhance local landscape character through conditions and agreements.
39. OSP policy G3 states that proposals for development will not be permitted unless, amongst other things, necessary infrastructure or on or off site transport measures will be provided.

#### *Traffic*

40. OSP policy T8 states that proposals for development will be permitted only if they provide adequate access and mitigation of adverse transport impacts.

#### *Other*

41. OSP policy R2 states that the development which would damage the rights of way network will be resisted.

### **Comments of the Head of Sustainable Development**

42. There are four main issues that need to be addressed in deciding the merits of this proposal. These are described below.

*Waste Management*

43. As the proposed development would provide a facility to recycle Oxfordshire's waste, and thus move it up the waste hierarchy, it is in accordance with OSP WM1 and WM2. It accords with the proximity principle in that it is located centrally within Oxfordshire, which is the source of the waste.
44. OMWLP policy W3 supports this application in principle. The development would be located close to the source of the waste tyres. The market for the recycled product potentially covers a wide area, but is expected to be primarily within the South East of England. As there has been no objection on Environmental Health grounds, or from the Environment Agency, and as there are no residential properties within a kilometre, I am satisfied that it would cause neither an unacceptable nuisance in terms of noise, dust or smell, nor an unacceptable threat to the water environment.
45. This development is potentially in conflict with OMWLP policy W4 because of its location in the countryside. Although an industrial park lies to south, the site is not within its boundaries. It is surrounded on other sides by open fields and woodland and a legal agreement requires that the site itself is returned to countryside by 2010. Therefore, the site should be considered open countryside and the development contrary to this policy unless an overriding need can be proven. RPG9 states that the South East Region has a shortfall in processing capacity for used tyres (para 10.198.) This shortfall suggests that there is an established need for the development, but not by definition an 'overriding' need.
46. The development of a tyre recycling facility in Oxfordshire would prevent the need for waste tyres to have to travel outside the County to be recycled. Therefore this proposal is supported by RPG policies W3, W4 and W10.
47. RPG policy W17 provides criteria for addressing the suitability of sites. This site is located away from urban areas on previous industrial land adjacent to existing adjacent land and the likelihood of it causing a nuisance to neighbours is limited.

*Green Belt*

48. This site is in the Green Belt. There is a legal agreement that requires that the existing building intended to be used waste tyre recycling be removed by 2010. This is an application for a temporary permission for 15 years, and so the building and its use would continue until 2023, (a further 13 years). Retention of the building will restrict the openness of this part of the Green Belt, contrary to OSP policy G4 and SOLP policy GB3.
49. This development does not fit with any of the five purposes of the Green Belt identified in OSP policy G4 or the uses listed in PPG2 (see paragraph 1.5.). Therefore 'very special circumstances' are required to be demonstrated before a breach of Green Belt policy can be justified.

50. PPS10 states that the locational needs of some types of waste management facilities should be recognised. In this case the applicant has argued that this location is necessary because there is a 10MVA power supply to the site, due to the proximity of Culham Science Centre. They argue that this may not be possible in any other location in Oxfordshire, as most industrial estates have 100 amp electricity. This power need could constitute a very special circumstance. However, the Culham No 1 site is also in close proximity to the Culham Science Centre, which would be a more suitable location because, although it is in the Green Belt, it is identified in the SOLP as an area for employment uses. South Oxfordshire District Council have suggested the Culham No 1 site as an alternative site in their consultation response.
51. The applicant argues that this development would not be inappropriate development because it is the reuse of an existing building. They also state that the site is adjacent to an area with the status 'Major Developed Site in the Green Belt' and there are positive benefits to the recycling operation. However, the proposed development cannot be considered re-use of an existing building after 2010 when the building is required to be removed. In addition the site is not within the Major Developed Area in the Green Belt. Although policy is generally supportive of recycling operations these need to be located in the most suitable locations. The fact that the proposal is for a recycling facility does not mean in itself that very special circumstances exist.
52. RPG W17 states that waste management facilities should not be precluded from the Green Belt. There is one representation which supports this policy and states that the environmental benefits outweigh the consequences for the Green Belt. However, other Green Belt policy does not support this development in this particular Green Belt location.

*Biodiversity and Landscape*

53. Although the proposed site is close to Furze Brake County Wildlife Site, a site of acknowledged conservation importance, the County Ecologist is satisfied that conditions could ensure that there would be no damage to the County Wildlife Site or its ecological interest. Therefore the development is does not conflict with OSP EN2 and SOLP C7.
54. The site is very close to Nuneham Courtenay Park and can be seen clearly from the edge of the park. There has been no objection from English Heritage.

*Traffic*

55. Both SODC and Transport Development Control object to the application because of the effect of heavy good vehicles in local towns and villages. Transport Development Control point out that such a development, designed to act as a regional facility, should have a location served by primary roads. I agree with their comments and conclude that the proposal is, therefore, contrary to OSP policies G3 and T8.

## Conclusion

56. The provision of waste facilities of the tyre proposal is supported by waste management policy and such a facility would help to move locally generated waste up the waste management hierarchy. The site is situated away from residential properties, however although there is a need for such a development in the South East of England, no overriding need has been demonstrated for the development in this particular countryside location. It is located in the Green Belt and the proposal will affect the openness of the Green Belt and is inappropriate development in the Green Belt for which very special circumstances have not been demonstrated. It has inadequate road infrastructure and this would mean heavy goods vehicles travelling through local towns and villages.

## RECOMMENDATION

57. It is **RECOMMENDED** that planning permission for application be refused for the following reason(s):
- (a) the proposed development is contrary to OSP policy G4 in that there are no very special circumstances for its location in the Green Belt;
  - (b) the proposed development is contrary to OMWLP policy W4 in that it is a proposal for a recycling facility located in the open countryside for which an overriding need has not been demonstrated;
  - (c) the proposed development is contrary to OSP policies G3 and T8 in that necessary road infrastructure is not present and there would be inadequate mitigation of adverse transport impacts on local towns and villages.

CHRIS COUSINS  
Head of Sustainable Development  
Environment & Economy

Background Papers: The re-use of an existing building for a waste tyre and caterpillar track recycling facility, handling approximately 3500 tonnes of waste per year.  
File 8.3/5396/2 located in Minerals and Waste Development Control Team area at Speedwell House, Speedwell Street, Oxford.

Contact Officer: Mary Thompson, Tel: Oxford 815901

July 2007

**Relevant Development Plan and other Policies**

Oxfordshire Structure Plan 2016 (OSP)  
WM1, WM2, G3, G4, EN2, T8, R2, EN4

Oxfordshire Minerals and Waste Local Plan (OMWLP) 1996  
W3, W4

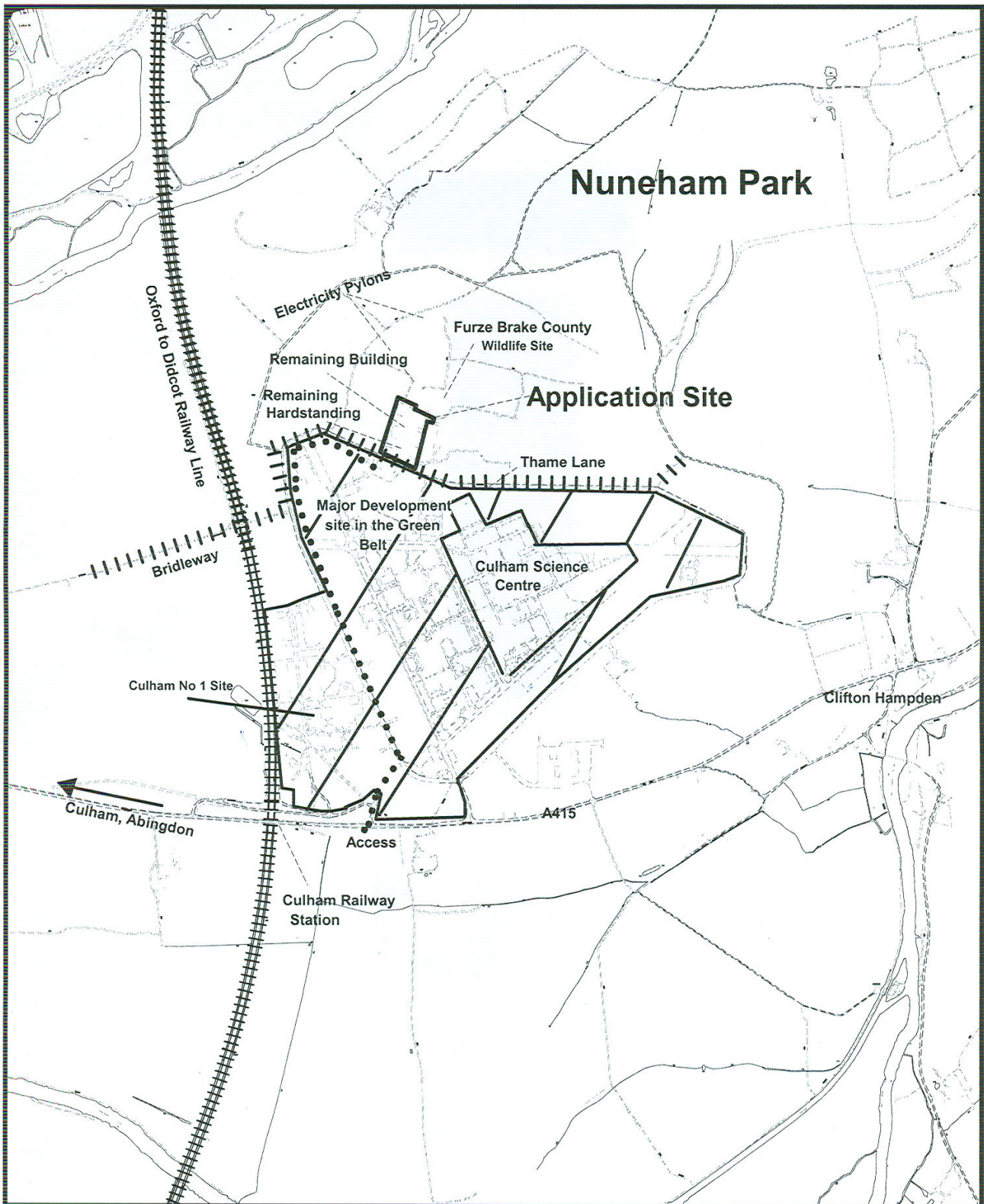
South Oxfordshire Local Plan  
GB4, C1, C7, E8

RPG9  
W3, W10, W17

PPG2

PPS10

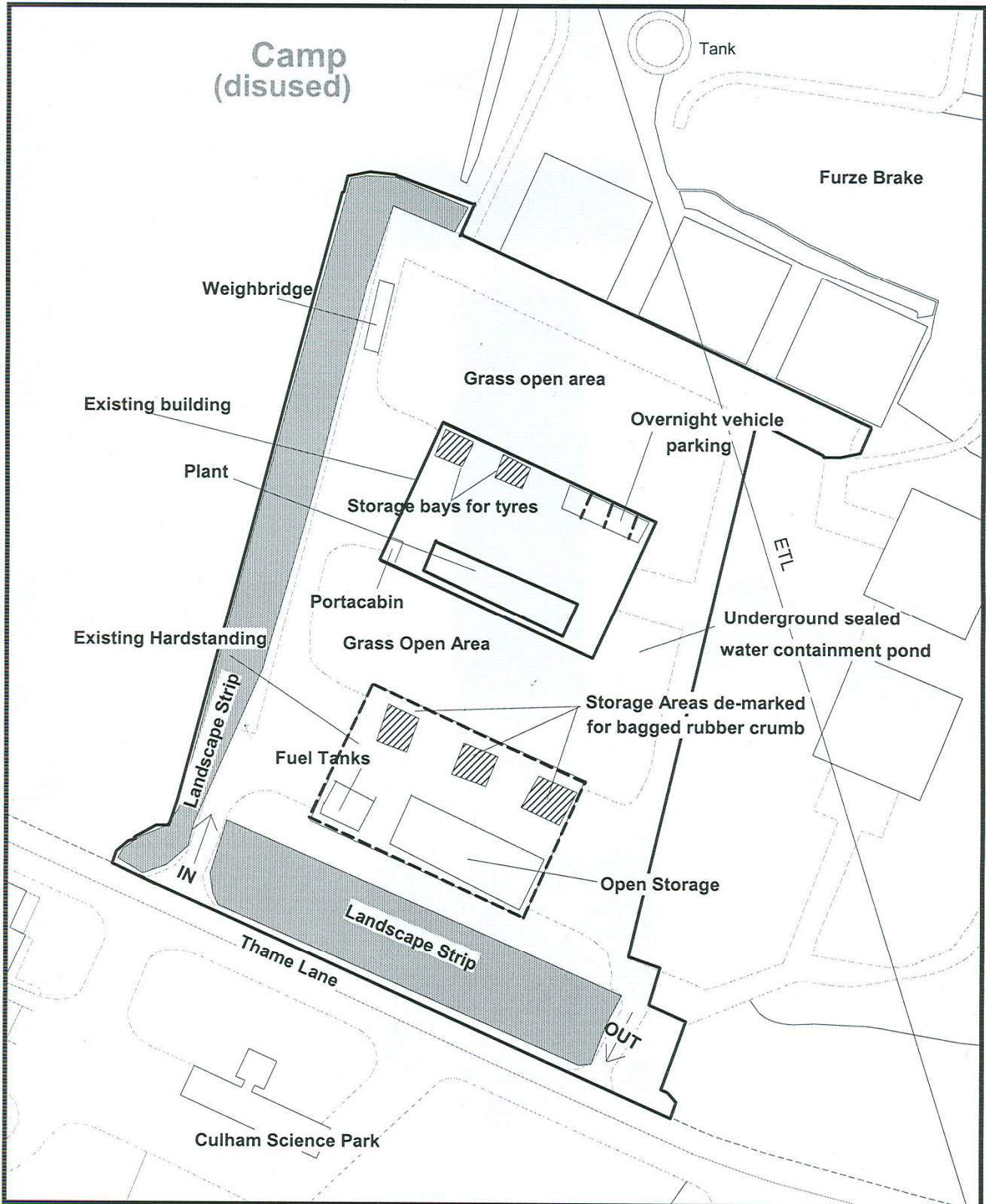
# Plan 1 - Location



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### Plan 2 - Proposed Site Layout



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Division(s): Eynsham

## **PLANNING & REGULATION COMMITTEE – 15 FEBRUARY 2010**

### **PROCESSING PLANT FOR RECYCLED AGGREGATES – GILL MILL QUARRY, DUCKLINGTON NEAR WITNEY**

#### **Report by Head of Sustainable Development**

**Applicant:** Smith & Sons (Bletchington) Ltd

**Application No:** 09/0047/P/CM

**District Council Area:** West Oxfordshire

#### **Introduction**

1. This is an application for the erection and use of a washing plant to recycle suitable inert waste materials for use as aggregate on a site within Gill Mill Quarry. There is already a dry recycling operation producing aggregate at the quarry which would be relocated next to the washing plant. Both would be located to the east of the Sand and Gravel Processing Plant.

#### **Location (see plan 1)**

2. The application site is located within Gill Mill Quarry 1.1 kilometres (0.7 miles) to the east of Ducklington and 1.4 kilometres (0.9 miles) to the south of Witney.

#### **The Site and its Setting (see plan 2)**

3. The application site covers 3.6 hectares (9 acres) and comprises the proposed site of the plant and the existing office and weighbridge and access road. The plant site area is rectangular in shape and is stripped of soil. It is currently used for an aggregate bagging plant and for stocking aggregates and is part of the quarry "plant complex" area.
4. The site is flat, being in the flood plain of the river Windrush. Immediately to the south-west are the ponds providing washing water for the sand and gravel plant which is just beyond the ponds. The Hardwick brook and a row of trees separate the ponds from the plant. To the south-east is the vehicular access leading to the office and weighbridge and then to the A415 to the south-east of Ducklington. The Hardwick brook also runs along the south-eastern boundary and beyond the brook lie the quarry silt ponds. To the north-east are soil mounds and beyond them arable agricultural land. To the north-west is a quarried area being restored to lakes using imported fill.

5. The closest properties are Cogges Bridge Cottage 400 metres to the north, Gill Mill House 700 metres to the east and Ducklington Mill 800 metres to the west. Ducklington Mead SSSI lies 600 metres to the west.

### **Details of the Development**

6. The applicant is seeking to erect a plant to wash and recycle construction, demolition and excavated wastes to operate until Gill Mill Quarry closes. The existing bagging plant and stockpiling on site would be relocated to another part of the plant complex just north of the sand and gravel processing plant to make room for the new plant. The dry recycling plant, currently located just off the access road south of the river Windrush, would be relocated next to the washing plant: no further planning permission is needed for this relocation. The dry recycling plant currently recycles 60,000 tonnes of inert wastes per annum and the two plants operating together would increase that figure to 150,000 tonnes per annum. Traffic movements at the quarry would increase from 360 to 380 a day. This limited increase would be achieved by increasing the amount of backloading i.e. lorries bringing in a load and exiting with a load rather than empty in one direction as happens now.
7. The applicant states that washed waste aggregates are a higher quality product than dry recycled wastes and can be used in making concrete. The washing plant would be a back up for when the sand and gravel plant was out of commission.
8. When waste enters the site it would either go direct to the washing plant for washing and grading, or be crushed at the dry recycling plant and then be directed to the washing plant, or, if unsuitable for washing, just dry graded. All recycled materials would be stockpiled on the site prior to sale. The washing water holds silt and clay which would go to a thickener unit and then a centrifuge. The sludge produced would be used in restoration works in the quarry or, if not clay or silt, would be sent to landfill off site. The water would be re-circulated to the plant. The washing plant would be located on a concrete base with a contained drainage system to avoid pollution problems. A bund would be constructed on the south-eastern boundary to prevent runoff of dirty water into the Hardwick brook.
9. The plant would be 10 metres high, 2 metres lower than the adjacent sand and gravel processing plant. It would be painted dark green and would operate the same hours as the quarry i.e. 6 am to 7 pm Mondays to Fridays and 6 am to 4 pm on Saturdays but lorry movements to and from it would be 7 am to 6 pm Mondays to Fridays and 7 am to 1 pm on Saturdays.
10. The site is in flood zone 3B, a floodplain. The applicant states that careful attention to detail means that there would be no loss of floodplain storage or risk of flooding elsewhere.

## Consultation Responses

### 11. West Oxfordshire District Council:

#### Initial comments:

- Development accords with WOLP policy E7 as it is an expansion of an existing business commensurate with the scale and character of the area;
- Natural England should be consulted to protect nearby protected species;
- Residents should be protected from undue noise and pollution;
- It is screened and no harm would come to the surrounding landscape;
- The traffic assessment was rudimentary and the A415 has a bad safety record. The MPA should be satisfied that there is no unacceptable increase in highway danger. A full transport assessment may be necessary;
- There is evidence that pollution mitigation measures are not working at Gill Mill Quarry. Permission should not be granted unless it has been demonstrated that such measures are working and no further pollution would occur. A full EA may be needed. The applicant's argument for not providing an EIA are weak;
- No objections subject to consideration of our points and existing and revised conditions being attached to any permission.

#### Second response:

- The MPA should satisfy itself that the development would not give rise to unacceptable highway safety impacts and that current environmental protection measures are working unless it is demonstrated that there will not be further watercourse pollution;
- Natural England should be consulted about protecting identified protected species;
- Provided the MPA is satisfied the drainage details are correct then there are no objections to the application.

Duckington Parish Council – No comments.

South Leigh Parish Council – Only concern is noise but as plant will be soundproofed and the nearest dwellings are a long way away, no objections.

#### Environment Agency –

Initial response: Object in the absence of an acceptable flood risk assessment. The application had failed to demonstrate that the development would not increase flood risk or surface water flooding on and off site.

Second response: Following re-consultation on additional information submitted the EA withdrew their objection subject to conditions requiring submission and implementation of a surface water drainage scheme and the development being carried out in accordance with the approved flood risk assessment and mitigating measures.

Natural England – No objections subject to the proposal being carried out in strict accordance with the terms of the application.

Defence Estates – No safeguarding objections.

Thames Water – No objection. Attach an informative about taking account of minimum pressures provided by Thames Water in plant design.

Transport Development Control – The additional traffic could be adequately accommodated by the highway network and would not add significantly to road safety risk. No objection subject to a routing agreement as for the existing quarry.

County Ecologist – No objections.

## **Representations**

12. Two representations have been received. The following points are made:
- (a) a new industrial process in rural location next to Ducklington and isolated dwellings is undesirable;
  - (b) noise and dust locally from heavy machinery;
  - (c) substantial heavy lorry traffic on rural roads;
  - (d) it is important that the area reverts to a complex of lakes and woodland;
  - (e) it lies in a vital green belt area for Witney;
  - (f) the effect on the river Windrush;
  - (g) digging here has been catastrophic with loss of fields and meadows and the noise has been unbearable.

## **Relevant Policies**

13. The main policy issues are recycling policies, amenity and hydrology.

### Recycling

14. PPS1 states that more efficient use should be made of existing resources.
15. PPS10 states that waste should be used as a resource wherever possible without endangering human health or harming the environment. Sustainable waste management should be achieved by moving waste up the hierarchy. Facilities should be provided of the right type, in the right place and at the right time.
16. Waste Strategy 2007 states that waste should be considered as a resource and sustainable waste management through more recycling should take place.
17. MPS1 states that recycled materials should minimise the requirement for minerals.
18. SEP policy M2 states that the use of recycled materials should increase to reduce the need for primary aggregate production. It gives an apportionment of secondary and recycled material for Oxfordshire of 0.9 mtpa by 2016.

19. SEP policy W3 states that provision of capacity for rapidly increasing recycling should be made.
20. SEP policy W4 states that WPAs should plan for net self sufficiency of waste management capacity equivalent to the amount of waste arising in their area.
21. SEP policy W5 states that an increase in recovery and decrease in landfill is required and that recycling is a recovery process.
22. SEP policy W6 states that recycling targets should be met.
23. SEP policy W7 states that WPAs should provide for a mix of waste management facilities, including those on open sites.
24. SEP policy W17 states that priority should be given to expanding existing waste management sites which have good transport connections, good accessibility from urban areas and compatible land uses such as active mineral workings.
25. MWLP policy W4 states that recycling will not normally be permitted in the open countryside unless it formed part of a mineral extraction site and was removed on completion of extraction.

#### Amenity

26. MWLP policy W3 states that recycling will normally be permitted provided that it is close to the source of waste and markets for recyclates, has good transport links and will not cause environmental nuisance.
27. MWLP policy W5 states that waste treatment facilities should be visually screened.
28. MWLP policy PB1 states that processing plants should be sited, designed, landscaped and maintained to minimise environmental disturbance and removed when no longer required.
29. MWLP policy PB2 states that processing plant should be removed within 24 months of expiry of the permission.
30. MWLP policy SH2 states that permission will not be granted for intensification of waste disposal and would lead to a significant increase of traffic in Sutton.
31. MWLP policy SH3 states that the County Council will seek routeing agreements to limit the use of the A415 through Standlake and over Newbridge. The preferred routes are via bypasses including the Ducklington bypass.
32. MWLP policy SH4 states that waste traffic will be required to use the Ducklington and Witney bypasses. The B4449 will only be used if the Sutton bypass construction has been financed and built. The existing Gill Mill access will be required to be used.

33. WOLP 2011 policy BE19 states that permission will not be permitted if there is significant noise disturbance for housing.

Hydrology

34. PPS25 states that site-specific flood risk assessments should be done for development as appropriate, a sequential approach is taken to direct vulnerable development to low flood risk areas, priority is given to sustainable drainage systems and development in flood risk areas is flood resistant and resilient.
35. SEP policy NRM1 states that ground water will be maintained through avoiding adverse effects of development on the water environment and should include things such as using sustainable drainage solutions (SUDS).
36. SEP policy NRM4 states that a sequential approach to development in floodplains will be followed and inappropriate development in flood zones 2 and 3 will not be permitted.
37. MWLP policy W3 states that recycling will normally be permitted provided it does not pose an unacceptable risk to the water environment.
38. WOLP 2011 policy NE7 states that development should not have an adverse impact on the water environment.
39. WOLP 2011 policy NE8 states that intensification of development will not be permitted in flood risk areas if water flows are impeded and there is net loss of floodplain.
40. WOLP 2011 policy NE9 states that intensification of development will not be permitted if additional surface water run-off increases risk of flooding, damage to river channels or habitats unless pollution control provided.
41. WOLP 2011 policy NE11 states that development must not have an adverse impact on quality of surface and ground water.
42. WOLP 2011 policy NE10 states that development will not be permitted which increases the need for water unless water resources already exist.

**Comments of the Head of Sustainable Development**

43. The main issues that need to be considered in deciding whether or not to grant planning permission for this proposal are whether the proposals:
- (1) are compatible with recycling policies;
  - (2) adversely affect the amenities of neighbours, and
  - (3) adversely affect the water environment.

(1) Compatibility with Recycling Policies

44. The proposal would generate more, and better quality, recycled aggregate from the existing waste stream. The Council's Minerals and Waste Annual Monitoring Report 2009 states that the regional target for secondary and recycled aggregate should go up from 6.6 mtpa to 7.7 mtpa by 2016 with an apportionment for Oxfordshire of 0.9 mtpa by 2016. The current capacity for Oxfordshire is just over 0.9 mtpa. However, much of the capacity is temporary and will end before 2016. The Gill Mill site has permission for extraction until the end of 2020 and any permission for more recycling would have the same end date, to accord with MWLP policy W4, so the target would be met for longer in accordance with SEP policies M2 and W6. It would allow Oxfordshire to maintain a net self sufficiency for recycled aggregates as required by SEP policy W4.
45. Washing of waste is a new technique and one that has not taken place in Oxfordshire before. It would allow more waste to be recycled moving it up the waste hierarchy as PPS10 and Waste Strategy 2007 envisaged. It would allow some recycled materials to be used as a concreting aggregate for the first time. The increase in yield and the better quality use increases the efficiency of recycling as sought by PPS1.
46. The proposal would only process inert wastes and the silts and clays washed from these wastes would be sent to a thickener unit to be recovered for use as restoration materials rather than letting them drain into nearby watercourses. Harm to the environment and to humans would be avoided and the proposal would be compatible to PPS10.
47. The proposed location in a sand and gravel quarry and alongside an already permitted recycling operation is as required by SEP policy W17 and PPS10. The location next to dry recycling accords with SEP policy W7 as a mix of facilities would be offered. The location alongside a sand and gravel quarry is desirable as it offers a range of aggregates as envisaged by SEP policy W17 and the complementary situation should encourage the increase in recycling to meet the provisions of SEP policies W3 and W5.

(2) Amenity of Neighbours

48. The site is close to Witney and is, therefore, close to both the source of waste and markets for the recycled products. The applicant's existing quarry access would be used. This access has good connection and complies with MWLP policy W3. Transport Development Control has no objection to the application provided traffic accesses to and from the north along the bypass as required by MWLP policy SH4 and that that is secured by a routeing agreement as required by MWLP policy SH3. Traffic would then avoid travelling through Standlake or over Newbridge and avoid Sutton Village thus complying with MWLP policy SH2. The applicant has confirmed that the proposed routeing agreement is acceptable.
49. The plant would be at least 400 metres from the closest property and there are only three properties within 800 metres of the site. The site has a substantial stand of trees to the west which would act as a visual screen or as

a screening backdrop to views from those properties. Conditions on any permission could require that the tree screen is maintained. The proposed plant is also 2 metres lower than the existing sand and gravel washing plant and would be painted the same colour as the tree screen. That plant has not elicited complaints about visual intrusion and, in my view, the application therefore complies with MWLP policy W5. Lighting will be required at certain times of the year and it would be necessary to control its nature and time by condition on any permission granted.

50. The distance of properties from the development also means that noise intrusion would not be a problem and the District Council's EHO has not objected provided the properties are protected from undue noise. If permission is given conditions similar to those for the quarry could secure neighbours against undue noise such that the development would comply with WOLP 2011 policy BE19. Objections to the proposal refer to the problems they said they had with the existing mineral extraction rather than the proposed plant site. In my view those objections have no bearing on the current proposal.
51. Pollution of the water environment is the main potential environmental nuisance. Design of the plant is standard with respect to processing and grading but the thickener unit is not standard. Together with a concrete base and bund against the stream, this plant would reduce the potential for pollution of the immediate environment by reducing the presence of particulates in the runoff and the retaining of the runoff on site and accords with MWLP policies W3 and PB1.
52. There are objections to the plant as an industrial facility in the countryside but provided it is removed on completion of the current mineral permission it accords with MWLP policies W4 and PB2. Conditions on any permission could secure its removal.

(3) Hydrology

53. Delay in bringing this application to Committee has been due to repeated objections being received from the Environment Agency. The applicant has provided more information such that the Agency has finally withdrawn its objection. The modified flood risk assessment with its mitigating measures is recommended as a condition as well as the provision of a surface water drainage scheme and this should be incorporated in any permission.
54. Acceptance by the Environment Agency means that I am not satisfied that policy considerations related to hydrology are all satisfied. However, SEP policy NRM4 requires a sequential approach be made to development in the floodplain. In this case, the proposal is to complement an existing dry recycling activity in the area and an existing sand and gravel processing plant so it is located in the right location albeit one that is in flood zone 3.

Conclusion

55. The washing of inert waste would be a new activity for Oxfordshire but one which allows greater recovery of materials and a higher quality of product. It

would complement the other inert recycling activities on site and the sand and gravel operation and allow Oxfordshire to maintain net self sufficiency for secondary and recycled aggregates. The site is at a distance from neighbours and is well screened from them and it is judged that any adverse amenity effect would be insignificant. Flood risk and other hydrological effects are not longer judged to be an issue subject to appropriate conditions and it is concluded that the proposal accords with Development Plan policies and should be recommended for approval.

## **RECOMMENDATION**

56. It is **RECOMMENDED** that subject to a routeing agreement to prevent heavy goods vehicles from travelling to and from the south on the A415 that planning permission be granted for the development outlined in application 09/0047/P/CM subject to conditions to be determined by the Head of Sustainable Development to cover matters including those set out below:

1. complete compliance;
2. commencement date;
3. completion and restoration by 2021;
4. restoration as per existing quarry permission;
5. surface water drainage scheme to be submitted and agreed;
6. compliance with submitted flood risk assessment and mitigation measures;
7. opening hours to be agreed;
8. existing vegetation to be retained;
9. noise mitigation as for existing quarry;
10. details of a lighting scheme to be submitted and agreed;
11. use of existing access only;
12. details of bund construction and their maintenance to be submitted and agreed;
13. external elevations of plant to be painted a dark green colour.

**Thames Water informative: take account of Thames Water water pressures.**

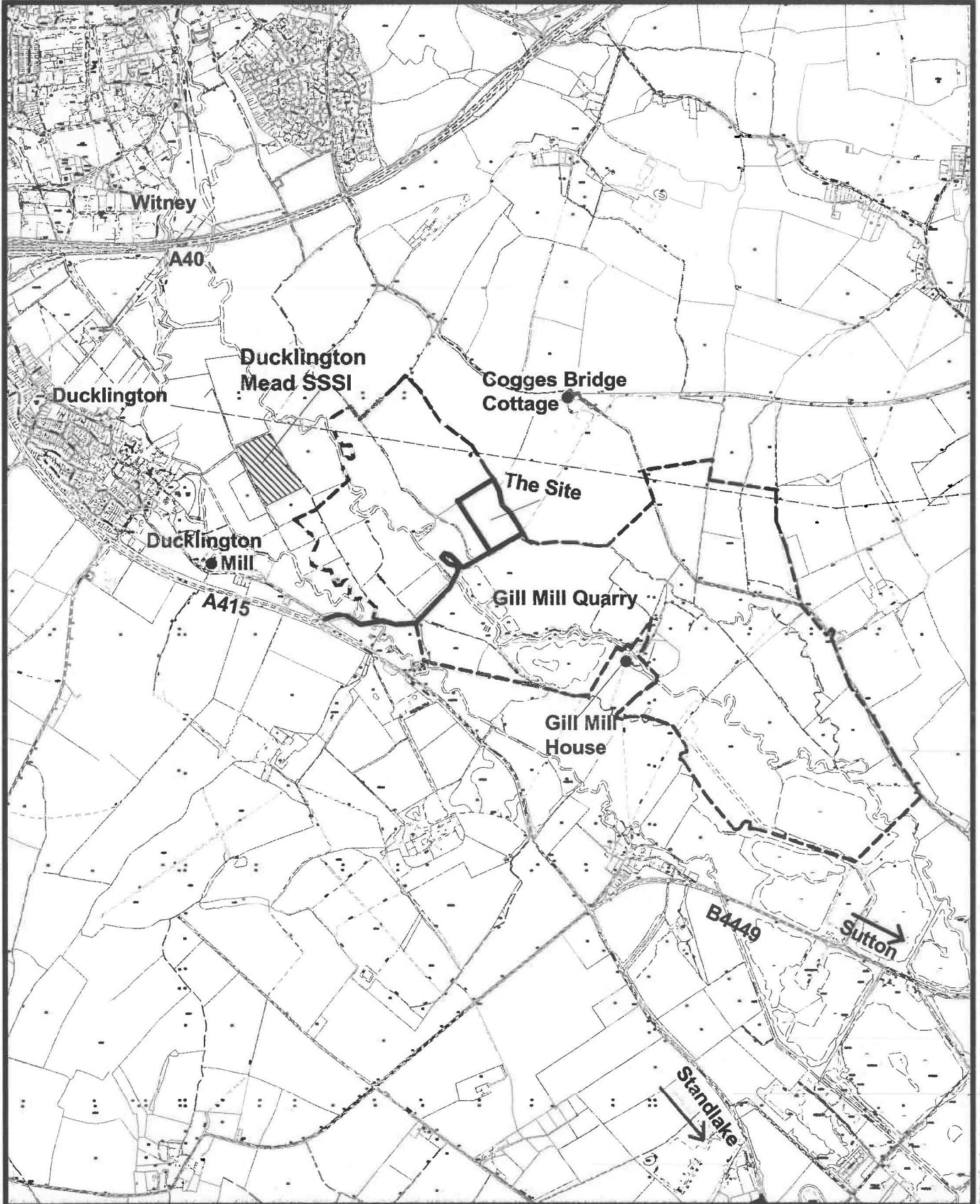
CHRIS COUSINS  
Head of Sustainable Development  
Environment & Economy

Background papers: File no. 8.5/3706/2 "Processing Plant for recycled aggregates" can be viewed in the Development Control Team, Oxfordshire County Council, Speedwell House, Speedwell Street, Oxford OX1 1NE

January

2010

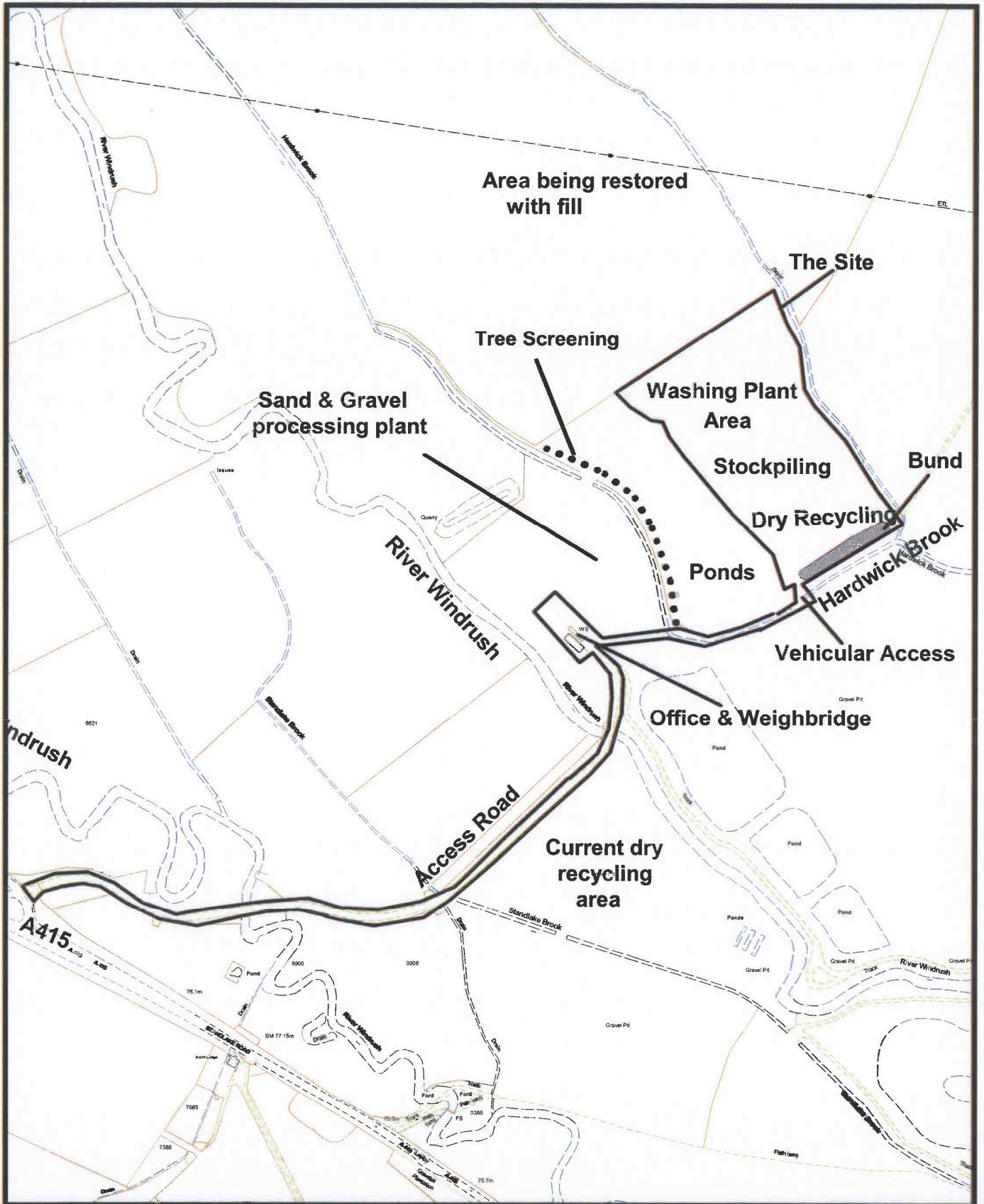
# Plan 1



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# Plan 2



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Division(s): Bloxham

## **PLANNING & REGULATION COMMITTEE – 15 FEBRUARY 2010**

### **PUBLIC RIGHTS OF WAY DIVERSIONS – OBJECTED TO ORDER**

#### **Report by Head of Sustainable Development**

#### **Introduction**

1. Under the Council's Constitution, Section L – Schedule (3)A(b)i, any published public footpath, bridleway or restricted byway diversion order that results in an objection being received must be referred to the Planning & Regulation Committee.
2. This report sets out the details and circumstances of a diversion order that has received objection following publication. The relevant legislative framework and powers are briefly explained to enable the Committee to decide whether the objected to orders should now be submitted to the Secretary of State for determination. Copies of the diversion order and the letters of objection received have been placed in the Members' Resource Centre.

#### **Background – Objected to Orders**

3. Having received objection to an order the Committee cannot confirm it, but is limited to one of two options:
  - (a) To pursue the order despite the objections, in which case the order and objections are submitted to the Planning Inspectorate for the Secretary of State to make a determination. This would usually result in a local public inquiry, but the case may be dealt with at a hearing or by written representations.
  - (b) To withdraw the order in the light of the objections received. The making of diversion orders is a discretionary function under the Highways Act 1980 and there is no right of appeal for the applicant.
4. In coming to a decision the Committee should also be aware of the additional Highways Act 1980 provisions required for the confirmation of an order, which are that the Secretary of State must be satisfied that:
  - (a) The diversion is expedient in the interests of the person(s) stated in the order;
  - (b) The path will not be substantially less convenient to the public as a consequence of the diversion;
  - (c) It is expedient to confirm the order having regard to the effect it would have on public enjoyment of the path as a whole, on other land served by the existing path and on land affected by the proposed new path, taking into account the provisions for compensation.

## **Bodicote Footpath 8 (Part) and Bloxham Footpath 2 (Part) Public Footpath Diversion Order 2008**

5. This order was made on 4<sup>th</sup> December 2008 under section 119 Highways Act 1980. The application had been considered under delegated powers and in line with the 'Statement of Criteria and Priorities' for such diversion applications approved by the Committee at its meeting on 20 May 2002 and updated by the Committee on 27<sup>th</sup> November 2006.
6. Before making a diversion order under s.119 the authority must be satisfied that it is beneficial to divert the path in the interests either of the public or of the owner, lessee or occupier of the land crossed by the path, or both. In the case of the diversion order for Bodicote 8 and Bloxham 2 it was made in the interests of the landowner.
7. The effect of the order, if confirmed, would be to divert part of Bodicote Footpath 8 and Bloxham Footpath 2 that runs along the front of the converted Bodicote Mill onto a new route running to the east of the mill but still within the curtilage of the property. Further details are set out in Annex 1 together with a summary of the consultation responses received and a copy of the order map.
8. Although there has been substantial local objection to the order on balance it is felt that the order would meet the provisions for confirmation set out in paragraph 4 and it is recommended that the order is submitted to the Secretary of State for determination.

### **Financial and Staff Implications**

9. The resources required to submit the order to the Secretary of State and to arrange and present the County Council's case at any consequent public inquiry can be met from the existing budget and staffing for this work.
10. Recovery of costs for publication of such orders is constrained by legislation, but applicants will be re-charged in line with approved charges.

### **RECOMMENDATION**

11. **The Committee is RECOMMENDED to submit the objected to order for Bodicote Footpath 8 and Bloxham 2 to the Secretary of State for Environment, Food and Rural Affairs for determination.**

CHRIS COUSINS  
Head of Sustainable Development  
Environment & Economy

Background papers: In File 137/FP8/DIV/06.07 located in Rights of Way Office, Environment & Economy, Central Library, Westgate.

Contact Officers: Keith Wheal, Countryside Service Manager  
Tel: 01865 810202  
Andy Sylvester, Rights of Way Officer. Tel: 01865 815302

February 2010

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**BODICOTE FOOTPATH 8 (PART) AND BLOXHAM FOOTPATH 2  
(PART) PUBLIC PATH DIVERSION ORDER 2008**

Applicant: Mr and Mrs MJB Weston, Bodicote Mill, Church St, Bodicote  
OX15 4DR

Date of Application: 5<sup>th</sup> June 2002

Reason for application:

- To address the privacy and security concerns of Mr and Mrs Weston, the owners of Bodicote Mill.

Additional Information:

Historically, the mill at Bodicote ceased to operate in 1938. It was then purchased by Thames Water who converted the mill into a series of flats for employees. Following a fire the mill fell into disrepair before being purchased in 1988 for renovation as a private residence. In 1992 the then owners, Mr and Mrs Purton, submitted the footpath diversion application before the current owners bought the property in 1998.

The Planning and Regulation Committee resolved at its meeting on 27<sup>th</sup> November 2006 not to pass two concurrent Orders made in respect of this diversion application to the Secretary of State for determination. This was to avoid the potential retention of a cul-de-sac route when walking from Bodicote village, should the Secretary of State have confirmed only one of the Orders. The Order now before the committee addresses that possibility.

**CONSULTATIONS:**

Prior to any Order being made, 'pre-Order consultations' are carried out with amenity groups, local councils, etc. and if an Order is then made, formal consultations are sent out.

**Pre-Order Consultations:** 10<sup>th</sup> July 2007

Bodicote Parish Council:

- No objection providing a right of way is maintained onto the bridge [part of Bloxham Footpath 2] crossing the river. [to which the applicants agreed].

National Farmers Union:

- No objection.

***1 representation of support:***

County Councillor Keith Mitchell, Bloxham Division:

- Strongly supports the diversion. The diversion maintains an adequate right of way for the public whilst providing improved security and privacy to the applicants.

**4 Objections:**

Andrew Willis, 42 The Rydes, Bodicote:

- Applicants should not have bought the property as they were aware of the privacy and security aspects.
- The path through the mill is the best part of the footpath.
- Diverting the path will remove the ability to see Sor Brook, wildlife at close quarters and the historic mill.

Mr Dave Meadows, 15 Blackwood Place, Bodicote:

- The most pleasing part of the route is the view and proximity to the river.

The Ramblers' Association:

- The enjoyment of the path would be reduced in that the views of the mill stream and the house would be reduced.

The Oxford Fieldpaths Society:

- The view of the mill stream is lost and the view of the house is diminished.

**Order Made:** 4<sup>th</sup> December 2008      **Order published:** 11th December 2008

The following formal objections were made following the publication of the Order:

Martin and Veronica Warner:

- The diversion would remove the direct passage over the fields to Bloxham and Milton.
- Sets a precedent for the two footpaths across the Sor Brook either side of Bodicote Mill which also run past converted mills.

Mr EM McAlpine:

- The landscape and historical setting of the Mill can only be more fully appreciated from the existing path.
- Privacy concern might be valid.
- Concern about security does not appear to be substantiated.
- The diversion based largely on privacy and security creates a precedent.

MH Peel:

- No advantage to the public.
- Footpath was in existence long before the owners took up residence.
- It is part of Bodicote circular walk No.1.
- The pleasant views from the footbridge will be lost.

Catherine Berry:

- The footpath is an ancient right of way and the most direct route from Bloxham to Bodicote.
- Does not believe any exceptional circumstances exist to warrant a diversion.
- The applicants bought the property knowing the footpath may entail loss of privacy and/or security.
- Alarm systems and CCTV could provide adequate protection.
- The applicants clearly stand to benefit in terms of enhanced privacy but at the cost of a significant and permanent loss of amenity to the public.
- There is particular pleasure in walking close by old and historic buildings.
- Most walkers appreciate the sense of history that mills have and their relationship to the landscape and historical setting.
- The diversion would set a precedent.

Mr E. Tait:

- The owners bought the property in the knowledge that the path ran in front of the house.
- People who use footpaths are generally considerate and sensitive and therefore would not engage in felony.
- The proposed route would receive little use due to its proximity to the road.
- A diversion of this footpath would set a precedent for the Mills either side of Bodicote Mill which also have rights of way running through them.

Mr Keith Palmer:

- A diversion of a footpath to and from the mill would erase the history of this path.
- The owners bought the property in the knowledge that the footpath passed in front of it.
- Restricted Byway 12 [part of the diversion route] is less safe than the existing route.

Miss Isabel Hands:

- To divert the path away from the mill would divorce it from its original purpose and the historical significance would be lost.
- Whilst understanding the need for privacy, the owners bought the property in the knowledge that the footpath runs directly in front of the building.
- Walking the footpath provides proximity to the historic mill.
- Removal of the path would not deter thieves.
- The footpath provides part of a completely 'off-road' route to Bloxham.

Rita Palmer:

- People have enjoyed walking alongside the mill with its working heritage.
- The new path would rarely be used due to a tree plantation obscuring the view.
- Two mills close by [Upper Grove and Lower Grove Mills with routes of way through their grounds] have not registered concern about their privacy.
- The owners knew of the paths existence.

Mr MH and Mrs ES Shotton:

- A diversion would set a precedent.
- The path is the most direct route between Bodicote and Bloxham.
- The historic building and its detail rewards close observation and cannot be appreciated from a distance.
- The owners bought the property in the full knowledge of the footpaths existence.
- Do not believe there are grounds for privacy.
- Owners must have been aware of the security concerns at the time of purchase.
- There are other security systems available such as CCTV cameras and walkers are not opportunistic thieves.
- The proposed route will be virtually unused.

The Oxford Fieldpaths Society:

- The diversion would affect public enjoyment of the footpath as a whole because those who use it as a through route between Bloxham and Bodicote will lose the view of the river and mill stream.
- The proposed route could give rise to similar drainage problems as that along the existing route.

The Ramblers' Association:

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Mrs Julie Hart:

- The existing path is an historic one and particularly pretty.
- The owners bought the property knowing of its existence.

Mr Martin Saunders:

- The footpath is part of Bodicotes local history.
- Passing closely to the ancient mill is a great part of the pleasure in using the path and its loss would be a great loss of amenity to the public.
- The existing footpath provides a route to Bloxham wholly over fields.
- The proposed route is pointless as it takes walkers back onto the road and there would be no reason to enter the field only to be led back onto the road again.
- The owner bought the property in the knowledge of the paths route.
- This diversion would set a precedent that could result in the loss of similar footpaths at other local mills and any places where a desire for privacy is requested.

Mr RW Watson objected but subsequently agreed to withdraw his objection.

**Case Officers Remarks:**

It is considered that the diversion Order meets the salient tests laid out in s119 of the Highways Act, both for making an Order and confirming an Order. The diversion would address the privacy issues of the owners whilst providing an alternative route that is not substantially less convenient to the public. It is acknowledged that there is strong local objection to this diversion due to the loss of the path's route running directly past the mill and that some loss of enjoyment for the public would result. However, the diversion of the path would vastly improve the applicant's privacy since the current route runs directly alongside the front of the house and near to the converted coach house, now lived in by Mrs Weston's elderly mother.

Although this is a finely balanced case it is considered that such is the route of the path and circumstances of the occupancy, the grounds of "privacy" counteract the objections.

**Recommendation:**

To pursue the Diversion Order by referring the Order to The Secretary of State for Environment, Food and Rural Affairs.

**ABS**

January 2010

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**Case Officers Remarks:**

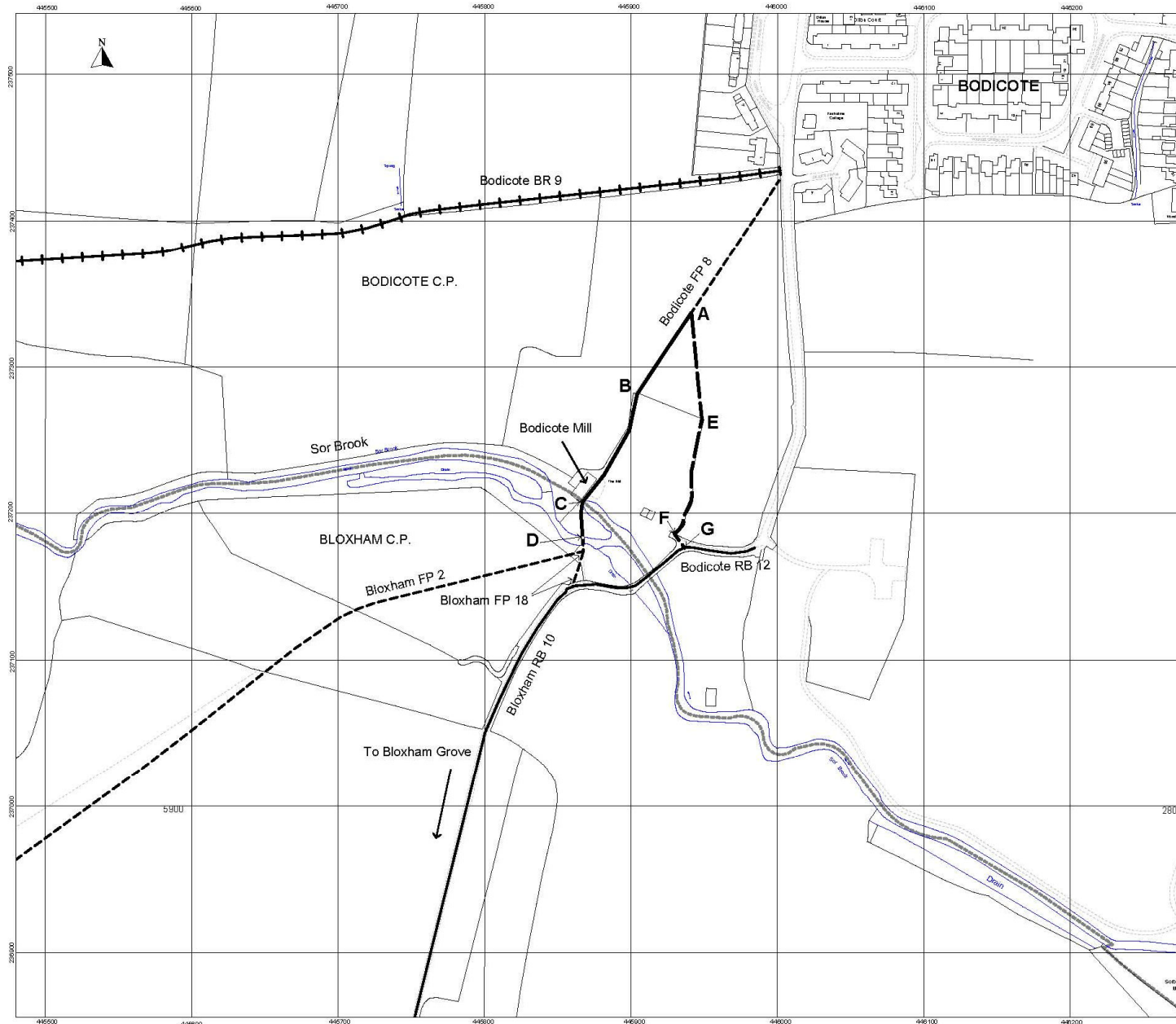
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**Recommendation:**


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**ABS**  
**January 2010**





**Highways Act 1980  
Sec 119**


**Order to Divert  
Bodicote FP No. 8 (part)  
and  
Bloxham FP No.2 (part)**


**Existing Footpath No. 8  
to be deleted**  
A - B - C   
Length: 150m

**Existing Footpath No. 2  
to be deleted**  
C - D   
Length: 25m approx

**Proposed new route  
of Footpath**  
A - E - F - G   
Length: 167m  
Width: 1.5m

**Unaffected rights of way**  


**Parish boundary**  




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**Huw Jones,  
Director for Environment & Economy  
Oxfordshire County Council  
Central Library  
Westgate  
Oxford OX1 1DJ**

OS Reference: SP 4537, SP 4637  
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