

Application 11/00890/CM	No:	Ward:	Kidlington	Date Valid: 31 May 2011
Applicant:	Oxfordshire County Council			
Site Address:	Land East of Oxford Spires Business Park, Langford Lane, Kidlington			

Proposal: Construction of a household waste and commercial waste recycling centre (OCC ref. R3.0167/10)

1. Site Description and Proposal

1.1 The site is located to the north side of Langford Lane, to the east of the Oxford Spires Business Park. It is currently open agricultural land with hedgerows to its boundaries however the northern boundary of the site is not currently marked. The site is within the Oxford Green Belt and a public footpath runs to the east of the site. The Rushey Meadows SSSI is within 2km and the site is abutting the Lower Cherwell Valley Conservation Target Area. The site is potentially contaminated. The site is unlevel with a fall of approximately 6m across the width of the site. The area of the site to be used for the waste recycling centre is approximately 16,000m².

1.2 The proposal seeks planning permission for the above development, which comprises the following:

- New vehicular entrance/exit road serving the site off Langford Lane.
- New pedestrian entrance/exit footpaths off Langford Lane.
- New tarmac roadways for household, commercial and operational site traffic circulation around the site, including vehicle ramps up to elevated waste disposal areas;
- Traffic bollards/crash barriers for segregation of vehicles and pedestrians;
- Tarmac parking spaces for site staff and visitor vehicles, including disabled-user spaces.
- New concrete hard standing areas for site operations and waste skips/container storage;
- Concrete retaining walls and upstand walls for segregation of visitors from the site vehicle operations.
- New steel-framed, fabric-clad canopies situated over the visitor parking adjacent to the household waste disposal areas.
- A new single-storey principal building with an internal footprint of approximate dimensions 9 x 47m. This building will contain offices and welfare accommodation for the site staff, and a Reuse Store for use by

members of the public.

- Ancillary storage areas, including a fenced compound for storage of external re-use material (bricks, paving slabs, gravel bags, etc.), a small lean-to external store for storage of operational staff equipment and a staff 'meet and greet' kiosk.
- The development will include provision of all necessary engineering services and facilities including external lighting throughout the site, CCTV system, intruder alarms, foul water and surface water drainage systems, etc.
- Freestanding waste skips, containers, bottle banks, etc. will be provided for the deposit of various waste materials in line with the OCC Waste Management Group HWRC Operating, Access and Waste Acceptance Policy.

The site will form a 'Flagship Site' for the County Council.

1.3 **Planning History**

CHS.15/92 (Withdrawn) Construction of a recycling and waste reception centre to include an office, garage, landscaping, fencing, balancing pond and access from Langford Lane (CDC intended to object to this proposal)

This proposal has been before committee in January 2010 (10/01841/CM) but was deferred pending the submission of additional information.

2. Application Publicity

- 2.1 As this matter is a County Matter, all publicity has been undertaken by Oxfordshire County Council.

3. Consultations

- 3.1 As this matter is a County Matter, all formal consultations have been undertaken by Oxfordshire County Council. However, internal consultations have been undertaken (received to the previous application):
- CDC (Anti Social Behaviour Manager) – Questions how the acoustic report has been carried out and comments that it is flawed in the way the comparison within the report has been carried out. The usual approach and indeed that recommended in PPG 24 Planning and Noise is to compare the activity noise level (measured as an LAeq(t)) with the current background noise level at the development site (measured as an LN90) applying British Standard BS 4142:1997 if appropriate.
 - CDC (Environmental Protection Officer) – No comments received to date
 - CDC (Ecology) – Further information needed before work commences
 - CDC (Landscape) – No comments received to date

- CDC (Footpaths) – No comments to make
- CDC (Arboricultural Officer) – No objections

4. Relevant Planning Policies

- 4.1 PPS1: Delivering Sustainable Development
PPG2: Green Belts
PPS9: Biodiversity and Geological Conservation
PPS10: Planning for Sustainable Waste Management
PPG13: Transport
PPG24: Planning and Noise
- 4.2 The South East Plan: Policies CO4, Waste policies, BE1
- 4.3 Adopted Cherwell Local Plan: GB1, C7
- 4.4 Oxfordshire Minerals and Waste Local Plan

5. Appraisal

5.1 Planning policy

Firstly it is important to set out the planning policy background. The site is situated within the Oxford Green Belt and therefore PPG2: Green Belts is relevant. This National guidance is reflected within regional and local level policy. PPG2 advises that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the most important attribute of Green Belts being their openness. The purpose of including land within the Green Belt is for the following reasons: to check the unrestricted sprawl of large built-up areas, to prevent neighbouring towns from merging into one another, to assist in safeguarding the countryside from encroachment, to preserve the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

- 5.2 PPG2 advises that there is a presumption against inappropriate development within the Green Belt, which should not be approved, except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Development which is appropriate within the Green Belt is identified within PPG2.
- 5.3 PPG2 goes on to state that the statutory definition of development includes engineering and other operations, and the making of any material change in the use of land. The carrying out of such operations and the making of material changes in the use of land are inappropriate development unless they maintain openness and do not conflict with the purposes of including land in the Green Belt.
- 5.4 Visual amenity is also addressed within PPG2, with the following advice: the visual amenities of the Green Belt should not be injured by proposals for development

within or conspicuous from the Green Belt which, although they would not prejudice the purposes of including land in Green Belts, might be visually detrimental by reason of their siting, materials or design. The development must therefore be assessed in relation to this policy position.

- 5.5 Essentially, the development of this site for this purpose constitutes inappropriate development in the Green Belt. This site is however an allocated site within the Minerals and Waste Local Plan 1996. Saved policy W6 states:

W6 The County Council will seek to develop a waste reception centre on the north side of Oxford in a manner which encourages recycling of household and minor trade wastes. Subject to there being no more acceptable site on the north of Oxford, and subject to the detail of the development meeting policy W3(c) and W5, a waste reception centre will be developed at Langford Lane.

- 5.6 The policies referred to in W6 state the following:

W5 In all cases waste treatment plant, buildings, machinery and stockpiles must be properly screened from the surrounding landscape. Such screening – by landscaping or other means – should be in place before any waste stockpiling or treatment begins.

- 5.7 **W3** Proposals for re-use/recycling will normally be permitted provided that:
c) the proposal will not cause unacceptable nuisance in terms of noise, dust, fumes, smell, visual intrusion or traffic.

- 5.8 Clearly as set out by Policy W6, the site is allocated, however only where there are no other more acceptable sites to the north of Oxford. This has been explored within this application and is set out below.

Given that the site is allocated within Policy W6, means that it was considered by an Inspector at the inquiry relating to the Mineral and Waste Local Plan. The Inspector considered a number of points, including:

- Removing the land from the Green Belt – the Inspector did not consider this was appropriate as if the proposal for a recycling centre did not go ahead, a development with a far greater impact may be possible here.
- Whether there are any very special circumstances which exist – the Inspector considered at the time that the unmet statutory duty to provide recycling facilities combined with the demonstrable lack of alternative sites in accessible locations (at the time) was a sufficiently special circumstance for there to be an exception made in principle to the normal presumption against inappropriate development, however any application would still be subject to Green Belt policy and therefore it would be necessary to demonstrate afresh that there are very special circumstances and that no more suitable sites were available.
- Impact upon surrounding businesses
- Impact on traffic conditions on Langford Lane

- 5.9 As explained, the development of the site is inappropriate unless there are very special circumstances which exist, however the site is allocated which is a material consideration and special circumstances may exist in the form of no other available sites and the need for the development, which will be explored below.
- 5.10 **Other site options**
An assessment of other sites to the North of Oxford has been carried out, which used the following search criteria:
- Site size minimum 4 acres (1.62 hectares)
 - Within 8km radius of Pear Tree Roundabout. (semi circular search area to cover north of Oxford i.e. no further south than the centre point of Pear Tree)
 - All of site in floodplain zone 1
 - All of site >100m from the nearest dwelling?
 - Within 5km of an A road
 - Not within 8km (5miles) of an existing / proposed WRC
 - Site is not a housing LDF site
- 5.11 162 sites were identified, which were reduced in a short list to 11 sites, which met all identified criteria. Further assessment was made of these sites, using a further set of criteria including housing proximity, area of demand, highways issues and landscape/ environmental issues amongst others. Further assessment including site visits and detailed consideration led to the sites being ranked in terms of their suitability. The top 3 sites were 1. Land north of Langford Lane/ East of Spires Business Park, Kidlington (this site), 2. Land at Stratfield Brake, south of Kidlington, 3. Gosford Grain Silos.
- 5.12 All of these sites are situated within the Green Belt and only the Grain Silos site could be considered previously developed (however it benefits from no special status within the Green Belt).
- 5.13 The Stratfield Brake site was purchased by the County Council to provide a strategic gap between Kidlington and Cutteslowe and therefore developing this land would conflict with the original purpose for purchasing the land (i.e. to keep the land open). This site is currently being managed for the production of a bio fuel crop by Thames Valley Energy on behalf of Oxfordshire County Council. Highways was also a considerable issue here with it being difficult to provide a safe and convenient access into the site due to the proximity of other major roads and risks associated with visibility to the south and for queuing traffic on the roundabout to the north.
- 5.14 The Grain Silos site has a sub-standard access beyond the A4165 junction and it would be costly to make improvements here. There is also no right turn access from the south. There would also be the necessity to possibly reconfigure the entrance to this site and to the Park and Ride site, which may have timing and cost implications.
- 5.15 The Langford Lane site was therefore considered to be the most appropriate option because although it would conflict with the countryside encroachment and unrestricted sprawl requirements of Green Belt policy (as the other sites would also), the development of this site would not impact on the setting of Oxford or result in the coalescence of Kidlington with other settlements as the development of the other two sites would, which are the intended purposes of Green Belts, as set out within PPG2. Furthermore, the provision of an access into this site would not be

so complicated.

5.16 **Need for the development**

Planning Policy in relation to Waste and Recycling is contained within PPS10: Sustainable Waste Management which states that “the overall objective of Government policy on waste, as set out in the strategy for sustainable development, is to protect human health and the environment by producing less waste and by using it as a resource wherever possible. Through more sustainable waste management, moving the management of waste up the ‘waste hierarchy’ of reduction, reuse, recycling and composting, using waste as a source of energy, and only disposing as a last resort the Government aims to break the link between economic growth and the environmental impact of waste. This means a step-change in the way waste is handled and significant new investment in waste management facilities”. PPS10 also provides key principles relating to waste management, one of which is of particular importance to the Green Belt. This states that planning strategies should “protect green belts but recognise the particular locational needs of some types of waste management facilities when defining detailed green belt boundaries and, in determining planning applications, 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”.

5.17 Langford Lane is proposed to form part of the strategic network of recycling centres in Oxfordshire assisting the County Council in ensuring a large majority of residents have a facility within 5 miles of their home and to help meet the recycling targets set by the Oxfordshire Waste Partnership. In 2002, the County Council commissioned a study titled ‘Review of Waste Recycling Centre Provision and Future Requirements’, which concluded that 70% of the population was within 5 miles of a Household Waste Recycling Centre (HWRC) and all households were within 10 miles of a site. To ensure all households are within 5 miles would require the relocation of some of the existing HWRC provision. The report found that the provision of a new HWRC north of Oxford would fill a current gap would bring the figure for population within 5 miles of a HWRC to 76% (as it would take some demand away from other sites – in particular the Redbridge site). The HWRCs form an important element of the total recycling figures for the County. In 2008/09, 43.05% of household waste was reused/ recycled/ composted; however the target is likely to rise to around 55% by 31/03/2020. Cherwell District has two other HWRCs, Alkerton and Ardley Fields. A centre is therefore needed to the North of Oxford to avoid residents having to travel further for recycling facilities. It is proposed that this facility would bring more residents within a 5 mile radius of a HWRC and would help the County Council to meet its targets for waste recycling in the County.

5.18 Detail has also been provided on the operations currently occurring at Redbridge WRC to the South of Oxford. This facility requires major works to ensure the long term future of the site. The re-development of this site will involve it needing to be closed for a period. It is envisaged that should permission be granted for this site and providing development works were timed correctly, it would provide an alternative site when the Redbridge site is being re-developed.

5.19 Additional information further to the review of the Household Waste Recycling Strategy

The County Council approved a Household Waste Recycling Strategy, in April 2011. The report which went to the County Cabinet, which was subsequently approved detailed that the County Council currently has eight HWRC's and that recycling rates are increasing and due to increased kerbside collections of recyclable material, the need for people to visit HWRC's is reducing and their role and service is changing. It states that the current network of sites needs to be refined to maintain an efficient and effective solution as part of the wider joint municipal waste management strategy. It details that the current network of sites requires significant investment to bring them up to date as the current infrastructure is deteriorating and in a number of locations, the expiration of temporary planning permissions requires action to be taken. The County Council aims that the proposals link the proposed facilities to the major areas of population.

5.20 The proposal detailed that: The County Council is committed to investing in a new, modern recycling facility at Kidlington, which would have a dedicated re-use store. At Redbridge, the infrastructure is deteriorating and the site needs to be modernized and re-furnished (construction of the new site at Kidlington would enable Redbridge to be closed for re-development). Until re-opening, it is envisaged that this site will operate as an additional commercial waste facility during the week and a facility for household waste at the weekends and bank holidays. A new facility would be provided at Banbury (site yet to be identified). Sites at Dean Pit, Ardley and Stanford in the Vale would be closed as their temporary permissions expire and investment in new facilities comes on stream. (Final site closures would not take place until December 2014). It is envisaged that the Kidlington site would provide this facility for the Oxford City and Bicester areas.

The Applicant does add that there is some initial investigation for a new District run recycling facility at Bicester Eco Town, which, if brought forward may take some trips from the Bicester area (however this is at an early stage of consideration).

5.21 The applicants have therefore re-considered the site selection criteria to ensure that they were still appropriate and relevant taking into account the new Household Waste Recycling Strategy and the proposals for other waste sites in the County. The initial sieving criteria used were considered to be still relevant and were not altered as part of the review. The detail of the Option Appraisal Quality Matrix (appendix C) was also reviewed and again were unchanged as part of the review. As such, the individual site scores remained unchanged and so the site the subject of this application still scored highest.

5.22 The SDPHE considers that although it appreciates the site selection criteria and the justification that has been put forward for this site, concerns are held that the proposal results in a new site in the Green Belt where there are other sites within the County which are proposed to be closed. It is questioned why the temporary planning permission relating to these sites cannot be renewed or why one of these could not become a permanent site. As such, it is considered that the justification for the scheme relating to the need for a site in this location and in the Green Belt is not such a special circumstance that this sets aside the normal presumption against inappropriate development in the Green Belt. Furthermore, the closure of other sites appears to mean that residents in these locations may have to travel further, which may impact upon the intention that more residents have a HWRC within 5 miles of

their home.

5.23 Other very special circumstances

Other very special circumstances are considered to be the screening of the development, which would reduce its overall impact (this will be expanded upon below), the land is classified as Grade 4 Agricultural Land (outside the best and most versatile agricultural land) and therefore is more appropriate for development. Sustainable Construction and use of Modern technology will be used to achieve a BREEAM rating of 'very good' for the building and that a re-use store will be included. These circumstances when taken together and with the other special circumstances outlined above are considered by the applicant to outweigh the harm to the Green Belt by its inappropriateness.

5.24 Conclusion to the principle of the development

As it has been set out, it is considered that due to the closure of some other sites within the County, there are no very special circumstances which outweigh the harm to the Green Belt and its openness, which should set aside the normal presumption against inappropriate development. Notwithstanding this view, the detail of the scheme must now be considered and in relation to Green Belt policy.

5.25 Detail of the scheme

Site layout

The site is accessed from Langford Lane, with a single storey building to the north of the access. The building is designed in such a way that it will have a lean to pitched roof, with the roof sloping to the north. This building will house the site office and welfare accommodation and a separate re-use store and will be constructed from UK sourced timber cladding with a profiled metal roof, with the possibility of a green roof. To the north of the building are to be the commercial waste skips and to the north of these, the household waste skips. To the eastern elevation are other containers for specific items. Two reed planted ponds are proposed to the east and west of the site. The site is to be leveled in such a way that the skips are to be largely below ground, with vehicular access above to allow ease for depositing waste, which will involve both digging out and building up ground levels. This can be seen on the drawing showing the site sections. Associated landscaping has been included, along with parking spaces and other ancillary development for example a vehicle wash down area, meet and greet kiosk and weighbridge. Canopies are proposed to provide some cover for vehicles dropping off waste to the containers. The site layout has also been determined taking into account other possible uses of the site, which may result in the land to the north being utilized, although this is not the current intention.

- 5.26 The SDPHE considers the site layout to be largely acceptable being practical for the intended use and purpose of the site. The ground works proposed, which result in some excavation and some building up to ensure vehicles are separated from the skips is considered appropriate and helps to limit the impact the development may have on the openness and the visual amenities of the Green Belt particularly when views are gained from Langford Lane. This layout also means there is a separation between lorries and cars, creating less conflict between different users of the site. The building is fairly large, however is single storey and again is suitable for the

purpose; the roof sloping away from the road will reduce the overall impact. The canopies however, are considered to be unnecessary and will result in further built development to the north of the site resulting in development encroaching further into the countryside (at some height). It is also considered that rather a large amount of tarmac/ hard standing is currently being proposed, and it is therefore recommended that this be reduced to as little as possible.

5.27 Visual amenity

The site, although currently agricultural land, is adjacent to an industrial area within Kidlington and although this consists of some office development and a motor park, it is not considered that the proposal will have such significant harm on visual amenity. The following section on landscape is also relevant here.

5.28 Landscaping

Some landscaping of the site is proposed, however it is the opinion of the SDPHE that further landscaping should be used to provide a more substantial screen to the site, particularly along the northern and western boundaries. In this case, more substantial landscaping is likely to ensure the development has a lower impact on the visual amenities of the area and the Green Belt and therefore improve its overall impact on the area.

5.29 Protected species

The Council's Ecologist considers that the ecological construction and management plan including a timetable of works as regards ecology and a management plan for landscape and biodiversity features in the long term should be submitted before works commence, however the County also have an Ecologist who will also consider the information submitted.

5.30 Acoustic impact

An acoustic survey has been carried out making a comparison between data received from the Redbridge Waste Centre to see the potential impact on the Thames Valley Police (TVP) Headquarters. This survey concludes that on the site itself, there is likely to be a fairly significant increase in noise levels. In terms of the nearest property, the TVP Headquarters the increased noise level is likely to be marginal. However, the Council's Anti Social Behaviour Manager has questioned the suitability of this survey and how it has been carried out. This has therefore been raised with the County to ensure the results are appropriate and accurate.

5.31 Trees

An Arboricultural Survey has been carried out and makes a number of recommendations in relation to the trees on site. A number of trees on the western boundary of the site are protected by a Tree Preservation Order. The Council's Arboricultural Officer has commented that he raises no objections to the proposal however; a further survey is required of all additional trees noted to be within influencing distance of the proposal yet not included within the submitted report. This additional survey and the recommended AMS (site specific method statement) may be subject to condition upon approval.

5.32 Assessments in relation to landscape impact, air quality, drainage, flood risk and transport have all been carried out and submitted and these will be considered fully by the County Council taking technical advice where necessary.

5.33 Conclusion

As has been discussed, it is considered that due to the closure of other waste sites in the County, there is no special justification for a new facility in this particular location particularly as it results in inappropriate development in the Green Belt. As such, it is considered that there are no very special circumstances that outweigh the harm to the Green Belt or its openness. The SDPHE acknowledges the need to deal with waste and through recycling; however concerns are raised over this particular site. It is considered that Cherwell District Council should raise their concerns with Oxfordshire County Council. Notwithstanding this in principle view, the detail of the scheme has been assessed and a number of comments have been made as set out below if the County were to find the principle acceptable. It is considered that as the County is the determining Authority, a full assessment of the scheme including all the detail will be made.

6. Recommendation

That Cherwell District Council has concerns about this scheme for the following reason:

1. The proposal represents inappropriate development in the Green Belt, and, taking into account the closure of existing household waste sites, it is considered that there are no very special circumstances for the current proposal in this location, which outweighs the harm by reason of its inappropriateness and the harm caused to the openness of the Green Belt, which would set aside the normal presumption against such inappropriate development. The proposal is considered to be contrary to PPG2: Green Belts and Policy GB1 of the adopted Cherwell Local Plan.

If Oxfordshire County Council consider the principle of the scheme to be acceptable, Cherwell District Council have the following comments on the detail of the scheme:

1. CDC have some concern over the proposed canopies situated over the visitor parking adjacent to the household waste disposal areas as this results in further built development encroaching into the countryside and Green Belt and these canopies are not considered to be wholly necessary;
2. CDC consider that the proposed landscaping could be improved, particularly along the eastern and northern boundaries of the site to provide a better screen to the development;
3. CDC would suggest a management scheme is put in place to ensure the good house keeping of the site to stop waste being swept to the surrounding areas;
4. CDC consider the amount of tarmac is a significant amount and would request that this be kept to as little as possible;
5. CDC Anti Social Behaviour Manager has questioned the way in which the acoustic survey has been carried out due to the comparison exercise carried out. The usual approach and indeed that recommended in PPG 24 Planning and Noise is to compare the activity noise level (measured as an LAeq(t)) with the current background noise level at the development site (measured as an LN90) applying

British Standard BS 4142:1997 if appropriate. CDC would therefore ask that the County ensure they are happy with the conclusions set out and the way in which the report has been carried out.

6. CDC suggest the recommendations in relation to ecology are carried out and adhered to, to ensure the development complies with protected species legislation prior to the commencement of the development.

Cherwell District Council request that they be advised of the outcome of the application once it has been determined.

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