

Application number:	24/00075/OUT		
Decision due by	28th May 2024		
Extension of time	N/A		
Proposal	Outline application (with all matters reserved except access) for up to 121 dwellings and a care home, including open space and green infrastructure.		
Site address	Land At Bayswater Farm, Bayswater Farm Road, Oxford, Oxfordshire – see Appendix 1 for site plan		
Ward	Barton And Sandhills Ward		
Case officer	Michael Kemp		
Agent:	Mr Steven Roberts	Applicant:	Cildara Group (Headington) Ltd
Reason at Committee	The proposals are major development		

1. RECOMMENDATION

1.1. The Oxford Planning Committee is recommended to:

1.1.1. **Refuse planning permission** for the reasons given in the report and agree to delegate authority to the Head of Planning Services to:

- Finalise the recommended reasons for refusing the application as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning and Regulatory Services considers reasonably necessary.

1.1.2. **The Refusal Reasons are as follows:**

1. The applicant has not provided sufficient detail for the proposed accesses off Delbush Avenue and Burdell Avenue to demonstrate the proposed accesses provide safe and suitable access into the site for all users and modes of transport. As such the proposed development is not in accordance with policies M1, M2 and DH1 of the Oxford Local Plan 2016-2036 and paragraph 114 of the National Planning Policy Framework.
2. The highways impact assessment has not been undertaken in accordance with the Highway Authority's adopted 'Implementing 'Decide & Provide': Requirements for Transport Assessments (September 2022), whereby highway impacts resulting from this development cannot be fully assessed. As such, any proposed highway mitigation may fail to deliver appropriate off-site

infrastructure that mitigates the highway impacts of the proposal. The proposed development therefore is not in accordance with policies M1 and M2 of the Oxford Local Plan 2016-2036, paragraphs 108 and 114 of the National Planning Policy Framework and Policy 36 of the Oxfordshire Local Transport and Connectivity Plan 2022-2050.

3. The proposals fail to fully provide for safe and suitable off-site walking and cycling provision in accordance with LTN 1/20. Without these modes of transport suitably facilitated, the occupants of the site will be encouraged to rely on the private car for access to services and facilities. The proposed development therefore does not represent sustainable development and is contrary to policies M1 and M2 of the Oxford Local Plan 2016-2036 paragraphs 114 and 116 of the National Planning Policy Framework and Policies 1, 2, 18 of the Oxfordshire Local Transport and Connectivity Plan 2022-2050.
4. In the absence of agreed heads of terms for and the subsequent completion of a Section 106 legal agreement, the proposed development fails to secure infrastructure necessary to meet the needs of the development. As such the proposal is contrary to Policies S2, M1 and M2 of the Oxford Local Plan 2016-2036.
5. The proposals would result in the loss of a prominent, mature tree which provides an important contribution to the character and visual amenity of the streetscape, public rights of way and the local landscape setting. The proposals would be contrary to Policy G7 of the Oxford Local Plan 2016-2036 and Paragraphs 136 and 180 of the NPPF.

2. EXECUTIVE SUMMARY

- 2.1. Outline planning permission is sought for the development of up to 121 dwellings and a care home, including open space and green infrastructure. The development site consists primarily of undeveloped greenfield land which lies to the north of Sandhills. All matters are reserved except for the means of access into the site. The vast majority of the development site lies within South Oxfordshire District Councils (SODC) Local Authority area, the only parts of the development falling within Oxford City Councils Local Authority Area are two areas of land to the north of Burdell Avenue and Delbush Avenue. It is proposed that the access connections into the development site would be provided via both roads.
- 2.2. A parallel planning application was submitted to SODC relating to the parts of the development located within the SODC boundaries (Planning reference P24/S0133/0). Planning permission was refused under delegated authority. Oxford City Council may only consider matters which relate to parts of the development within the Oxford Local Authority Area, matters relating to development on the wider site have been considered by SODC against the relevant policies in the South Oxfordshire Local Plan.
- 2.3. Officers consider that the proposed accesses into the site fail to provide safe and suitable access for all users and modes of transport, whilst it has also not been demonstrated that appropriate off-site infrastructure would be provided to mitigate

the highway impacts of the proposed development. The proposals fail to fully provide for safe and suitable off-site walking and cycling provision in accordance with LTN 1/20a and consequently would fail to promote sustainable modes of travel. Consequently, on access and transport grounds, officers consider that impact of the development would be unacceptable and fails to comply with Policies M1, M2 and DH1 of the Oxford Local Plan, the Oxfordshire Local Transport and Connectivity Plan 2022-2050 and the NPPF in particular paragraphs 108, 114 and 116.

- 2.4. Facilitating access into the site would also require the removal of a prominent, mature Norway Maple tree which provides an important contribution to the character and visual amenity of the streetscape, public rights of way and the local landscape setting contrary to Policy G7 of the Oxford Local Plan 2016-2036 and Paragraphs 136 and 180 of the NPPF.
- 2.5. It is recommended that the Committee resolve to refuse planning permission for the development.

3. LEGAL AGREEMENT

- 3.1. This application is recommended for refusal, however, were members minded to approve the application for that part of the development within this Council's area a Section 106 agreement would be required, and the heads of terms would need to ensure any identified mitigation. As reasons for refusal 1- 4 relate to Highways and transport infrastructure, and Members would need to give reasons for taking a different view to the County Council as Highway Authority, Officers recommend that in such circumstances a report is brought back with Members reasons for grant further information on the proposed heads of terms of any S106 and any conditions.
- 3.2. Members are advised that as South Oxfordshire District Council have already refused Planning Permission for the main part of the site if Planning Permission was granted by Oxford City Council the main development in the area of South Oxfordshire District Council, could not go ahead unless the Applicant was successful on Appeal to the Planning Inspectorate. Based on current information any s106 Obligation for the Site as a whole would cover the following matters:
 - Provision of on-site affordable homes.
 - A financial contribution towards street naming and numbering at a rate of £268 per 10 houses (Index RPIX February 2022).
 - A financial contribution towards the provision of recycling and refuse bins at a rate of £186 per property (Index RPIX October 2019).
 - Monitoring fee to cover the costs involved in the administration and monitoring of the agreement.
- 3.3. The following financial contributions would be required to mitigate the impact of the development:

Contribution	Amount £	Price base	Index	Towards (details)
Primary and nursery education - building costs	£ 1,233,627	327	BCIS All-In TPI	Primary education capacity serving the development
Primary and nursery education - land costs	£ 76,712	Nov 2020	RPI-X	Towards the costs of a site for a new primary school
Secondary education - building costs	£ 764,451	327	BCIS All-In TPI	Secondary education capacity serving the development
Secondary education - land contribution	£70,886	Nov 2020	RPI-X	Towards the costs of a site for a new secondary school
Special education	£ 62,819	327	BCIS All-In TPI	Special school education capacity serving the development
Total	£2,208,495			

3.4. Necessary highway mitigation would have been secured through the provisions of a S106 if the application had progressed positively. The following contributions / obligations would be required:

Contribution	Amount £	Price base	Index	Towards (details)
Public Transport Services contribution	£230,999,80	January 2024	RPIX	Towards improving bus services serving the development site.
Public Rights of Way contribution	£50,000	March 2024	PAFI (Baxter)	Towards local improvements to the public right of way network.
Residential Travel Plan Monitoring Fee	£1,890	March 2024	RPIX	Monitoring of the residential development Travel Plan.
Care Home Travel Plan Monitoring Fee	£3,110	March 2024	RPIX	Monitoring of the Care Home Travel Plan.
Other requirements	Potential off-site highway works (or local improvement contributions) cannot yet be determined as subject to further assessment work to be carried out by site promoter.]			

3.5. In their role as a Waste Disposal Authority, the county council would also require a contribution towards the expansion and efficiency of Household Waste and Recycling Centre capacity. The following contribution / obligations would be required:

Contribution	Amount	Price base	Index	Towards (details)
Household Waste Recycling Centres	£11,369	327	BCIS All-In TPI	Expansion and efficiency of Household Waste Recycling Centres (HWRC)

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. CIL on the wider development would be required and payable to South Oxfordshire District Council.

5. SITE AND SURROUNDINGS

5.1. The application site is located to the north of Sandhills and to the east of Barton and measures approximately 7.16 hectares in area. The site includes two undeveloped open fields separated by a mature hedgerow. There is a considerable difference in levels between the southern and northern section of the site, with the land falling away between the upper sections of the site adjoining Sandhills and the Bayswater Brook and a small, wooded area to the north. A public right of way (215/8/10) crosses the southern edge of the site which forms part of the Oxford Greenbelt Way which leads from Barton to Forest Hill to the east across an area of open countryside.

5.2. The application site falls within both the South Oxfordshire District Council (SODC) and Oxford City Council (OCC) administrative areas. The vast majority of the site falls within the SODC administrative area, including the two fields and the public right of way. In total 7.08ha of the application site falls within the SODC administrative area (wider site), whilst 0.08ha falls within Oxford's administrative area (application site). The strategic allocated site was formerly located in the Oxford Greenbelt but was removed following the sites allocation within the South Oxfordshire Local Plan. A section of the wider site subject of this planning application which falls within the SODC administrative area falls within the Oxford Green Belt, however the land within OCC's administrative boundary.

5.3. The site location plan below shows the district boundaries in relation to the application site:



5.4. The parts of the application site which fall within OCC's administrative boundary consists of two sections of land at the northern end of Burdell Avenue and Delbush Avenue. Both sections of land include parts of the road, including the circular turning heads and adjoining paths and landscaping. There is a large, mature Norway Maple tree located at the end of Delbush Road within a narrow border of grass between the end of the road and adjoining public right of way. It is proposed that the two sections of land falling within OCC's boundaries would be used as two points of vehicular access into the application site to serve the wider development.

5.5. Burdell Avenue and Delbush Avenue are no through roads, which along with the rest of Sandhills benefit from a single point of access from the A40 via Merewood Avenue to the south. The area is characterised by 20th Century suburban development consisting of mainly two storey semi-detached housing with relatively large front and rear gardens.

5.6. The application site forms part of a larger strategic allocation under Policy STRAT13: Land North of Bayswater Brook of the South Oxfordshire Local Plan 2035. The overall allocation is for 1100 dwellings; however the policy does not distinguish between the numbers of dwellings for each part of STRAT 13. There are two parallel planning applications under consideration by SODC and OCC for development on the larger parcel of land forming this allocation located on land to the north of Barton and Barton Park.

6. PROPOSAL

- 6.1. Outline planning permission is sought for up to 121 dwellings and a care home, including open space and green infrastructure. All matters are reserved except for the means of access into the site. A development masterplan has been submitted by the applicants, however as the design, scale and siting of the development are reserved matters, this is only an indicative layout, which serves to demonstrate how the quantum of development proposed would be delivered in terms of the siting and distribution of homes, landscaping and areas of public open space.
- 6.2. As noted above the only parts of the development that lie within OCC's boundaries consist of the formation of two access roads into the site, which would be provided by remodelling Delbush Avenue and Burdell Avenue. The existing turning heads would be reconfigured with the roads realigned to continue into the site, crossing the adjoining bridleway within South Oxfordshire District. The road design would consist of a 5-metre-wide carriageway with two-metre-wide pedestrian paths on either side. The proposals include the removal of the large Norway Maple tree at the end of Delbush Avenue and reconfiguration of the existing access serving No.71 Delbush Avenue to connect this property to the new access road. The City Council may only determine that part of the wider development that lies within their administrative area, however it may have regard to cross boundary impacts that impact on the wider highway and transport network.
- 6.3. An identical application was submitted to South Oxfordshire District Council relating to the parts of the development located within the SODC boundaries (Planning reference P24/S0133/0). It is the responsibility of SODC to determine the parts of the application that well within their administrative area based on the relevant policies within their adopted Local Plan. Planning permission was refused under delegated authority for the following 10 reasons:
- 1. The proposed new accesses off Delbush Avenue and Burdell Avenue are unachievable, given the unregistered land upon which the Bridleway (215/8/10) sits on, therefore, the proposed access roads will not be able to make any legal connection (or land dedication) from the site to Burdell or Delbush Avenue. The access proposals would also require the removal of an existing tree in the public highway, which is not acceptable to the Local Highway Authority. As such, the proposed development is not in accordance with policy TRANS5 of the South Oxfordshire Local Plan 2035 and paragraph 114 of the National Planning Policy Framework.*
 - 2. The applicant has not provided sufficient technical detail for the proposed new accesses off Delbush Avenue and Burdell Avenue to demonstrate the proposed accesses provide safe and suitable access into the site for all users and modes of transport. As such the proposed development is not in accordance with policy TRANS5 of the South Oxfordshire Local Plan 2035 and paragraph 114 of the National Planning Policy Framework.*
 - 3. The highways impact assessment has not been undertaken in accordance with the Highway Authority's adopted 'Implementing 'Decide & Provide': Requirements for Transport Assessments (September 2022), whereby highway impacts resulting from this development cannot be fully assessed. As such, any proposed highway mitigation may fail to deliver appropriate off-site infrastructure that mitigates the highway impacts of the proposal. The proposed*

development therefore is not in accordance with policies STRAT13, INF1, TRANS4 and TRANS5 of the South Oxfordshire Local Plan 2035, paragraphs 108 and 114 of the National Planning Policy Framework and Policy 36 of the Oxfordshire Local Transport and Connectivity Plan 2022-2050.

4. *The proposals fail to fully provide for safe and suitable off-site walking and cycling provision in accordance with LTN 1/20. Without these modes of transport suitably facilitated, the occupants of the site will be encouraged to rely on the private car for access to services and facilities. The proposed development therefore does not represent sustainable development and is contrary to policies STRAT13, DES1, TRANS2, TRANS4 and TRANS5 of the South Oxfordshire Local Plan 2035, paragraphs 114 and 116 of the National Planning Policy Framework and Policies 1, 2, 18 of the Oxfordshire Local Transport and Connectivity Plan 2022-2050.*
5. *The proposal constitutes inappropriate development in the Oxford Green Belt and fails to provide a defensible space to the Green Belt boundary. No very special circumstances have been demonstrated to justify the encroachment of the proposed built form into the Oxford Green Belt. As such the proposal is contrary to policies STRAT6 and STRAT13 3iv, viii, ix of the South Oxfordshire Local Plan 2035 and paragraph 154 of the NPPF.*
6. *By the virtue of the proposed spatial distribution of built form, the proposal fails to demonstrate a strong rural edge, would create an abrupt transition and would result in adverse visual impacts on the character and the appearance of the rural/countryside edge location. As such the proposal is contrary Policies STRAT13 3iv, viii, ix, ENV1 and DES2 of the South Oxfordshire Local Plan 2035.*
7. *Insufficient information has been submitted to demonstrate that the proposed development would not have a harmful impact upon protected species, in particular Barbastelle (*Barbastella barbastellus*). The constraints of the site and quantum of proposed development mean that, on the balance of probability, no acceptable remedy exists for the likely harm to protected species. The proposal is contrary to Policy ENV2 and STRAT13 3xi of the South Oxfordshire Local Plan 2035, and paragraphs 180, 185 and 186 of the NPPF*
8. *It has not been satisfactorily demonstrated how the quantum of the proposed development can be accommodated/achieved on this site without having a harmful impact upon the quality of the design and ensuring satisfactory living conditions for future occupiers of the development, as well as upon character and appearance of the surrounding area. As such the proposal is contrary Policies STRAT13 3 viii, ix, DES1 vii, xiii, xiv, xix, DES5 of the South Oxfordshire Local Plan 2035 and Joint Design Guide (Place and setting, Natural Environment, Movement and Connectivity, Space and Layout).*
9. *In the absence of a completed Section 106 legal agreement, the proposed development fails to secure affordable housing to meet the needs of the district. As such the proposal is contrary to Policy H9, H11 and STRAT13 of the South Oxfordshire Local Plan 2035.*

10. *In the absence of a completed Section 106 legal agreement, the proposed development fails to secure infrastructure necessary to meet the needs of the development. As such the proposal is contrary to Policies INF1, TRANS4, TRANS5, EP3, CF1 and CF5 of the South Oxfordshire Local Plan 2035.*

6.4. A full copy of the delegated report relating to planning application P24/S0133/0 is included at Appendix 2 of this report. The decision made by SODC is a material planning consideration when determining the planning application relating to the parts of the development site falling within OCC’s administrative area.

7. RELEVANT PLANNING HISTORY

- P24/S0133/O – Outline planning application (with all matters reserved except for access) for up to 121 dwellings and a care home, including open space and green infrastructure. (As amended by revised archaeological report received 11 March 2024) – Refused 11th April 2024. (South Oxfordshire District Council Application).

8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan
Design	131-141	DH1 - High quality design and placemaking
Natural environment	180-188	G2 - Protection of biodiversity geo-diversity G1 - Protection of Green/Blue Infrastructure G7 - Protection of existing Green Infrastructure
Transport	108-117	M1 - Prioritising walking, cycling and public transport M2 - Assessing and managing development M3 - Motor vehicle parking M4 - Provision of electric charging points M5 - Bicycle Parking
Environmental	123-130; 142-156; 157-175; 180-188; 189-194	RE1 - Sustainable design and construction RE2 - Efficient use of Land RE3 - Flood risk management RE4 - Sustainable and foul drainage, surface RE6 - Air Quality RE8 - Noise and vibration RE9 - Land Quality RE7 - Managing the impact of development
Miscellaneous	7-11	S1 - Sustainable development

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 22nd March 2024 and an advertisement was published in The Oxford Times newspaper on 7th March 2024.

Statutory and non-statutory consultees

Oxfordshire County Council

Highways

9.2. Overall, the development proposal submitted is not considered acceptable with regards to the access arrangements proposed for the site. There are also several key points that require clarification and additional information ensuring a robust traffic assessment for all highway users has been undertaken. As submitted this planning application is objected to on transport grounds.

Drainage

9.3. No objection subject to conditions.

County Council Ward Councillor – Glynis Phillips

9.4. I oppose this development. This will fundamentally change the character of the current Sandhills community. The narrow tree lined avenues will be full of through traffic and will reduce the safety of pedestrians especially children. There is only one junction in and out of this community and there are already tailbacks at peak times given the dropping off and picking up for the Sandhills Primary School. This plot of green land is much valued and used by residents as the lung of the community. There are concerns about a deterioration of air quality and mental health. I have been contacted by a resident who choose to live in Sandhills because their child with special needs benefits from the quiet and the access to greenspace. I support the request for this land to be deallocated as being unsuitable for development because of the need for access across the bridlepath and to remove precious trees.

South Oxfordshire DC Ward Councillor (Wheatley) – Tim Bearder

9.5. As a South Oxfordshire District Councillor who sits on the planning committee that will decide this application, I remain open minded about the plans and look forward to assessing it on its merits when it comes before the committee. Looking at the information provided the areas of concern that I have at this stage are three-fold. Firstly, it does not seem to comply with either the Planning Inspector's aspiration or the County Council's own Parking Policy for it to be a zero or ultra-low car development. Secondly, I am worried about flooding and waste treatment concerns that exist in the area and I think these look very difficult to overcome. We have just had the wettest February on record and the existing infrastructure was already at breaking point - extra housing, increased runoff and the ever more extreme effects of climate change would appear to make this a very difficult location for new housing on this site. Finally, the stopping up of this well used and much-loved Bridleway which provides important access to green spaces and to the City from my Division would seem unconscionable.

Natural England

9.6. No objection.

Historic England

9.7. No comments.

Active Travel England

9.8. No comments

Thames Water

9.9. The application indicates that surface water will not be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority. Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then we would consider this to be a material change to the proposal, which would require an amendment to the application at which point we would need to review our position.

9.10. With the information provided, Thames Water has been unable to determine the Foul water infrastructure needs of this application. Thames Water has contacted the developer in an attempt to obtain this information and agree a position for foul water drainage. Thames Water request attaching a condition to outline whether foul water Capacity exists off site to serve the development, or 2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan, or 3. All Foul water network upgrades required to accommodate the additional flows from the development have been completed.

9.11. Following initial investigations, Thames Water has identified an inability of the existing sewage treatment works infrastructure to accommodate the needs of this development proposal. Recommend a condition requiring that No development shall be occupied until confirmation has been provided that either:- all sewage works upgrades required to accommodate the additional flows from the development have been completed; or - a development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water to allow development to be occupied.

9.12. On the basis of information provided, Thames Water would advise that with regard to water network infrastructure capacity, we would not have any objection to the above planning application.

Risinghurst and Sandhills Parish Council

9.13. Strongly objects to the development for the following reasons:

- The access to the site is unsuitable and there are doubts to whether access can legally be obtained.
- It is not necessary for the site to be developed to meet Oxfordshire's housing needs.
- The development would result in increased traffic generation through Sandhills during operational and construction phases of the development, there would in turn be increased pressure on the surrounding roads including the A40.
- There would be increased traffic problems during school times.
- There would be a risk to users of the bridleway as a result of the traffic generation from the development.
- Concern about the development increasing flood risk and concern regarding the adequacy of drainage and sewerage infrastructure in the area.
- Facilities and amenities are too distant from the site and residents would be dependent on private car use to access existing facilities.
- The developer would be unable to meet a biodiversity net gain of 10% on site and are dependent on purchasing off-site credits.
- Development on the Sandhills site will have a negative impact on welfare and wellbeing of residents with the loss of the only local green space.

Thames Valley Police

9.14. Have raised detailed concerns in respect of matters relating to the design and layout of the proposed development, parking provision, surveillance, landscaping, provision of bin and cycle stores, public open space, lighting and permeability through the site. Have advised that the applicants address the concerns.

Officer Comments

9.15. It is noted the comments submitted relate primarily to detailed design matters, which are a reserved matter and, in any event, are relevant to parts of the development site falling within SODC's land.

Public representations

9.16. A total of 235 public comments have been submitted in objection to the planning application, a summary of the key points of objection are listed below:

Principle of Development

- The site is likely to be removed/deallocated from the South Oxfordshire and Vale of the White Horse Joint Local Plan 2041.
- Development on the site is no longer required to meet Oxford's housing need.
- The development would not provide facilities and amenities for existing and future residents.
- The proposals would result in the loss of an existing area of green space.
- The site should not have been released from the greenbelt and should be redesignated as greenbelt land.
- Concern regarding cumulative development in the area, including Thornhill

Park and Land North of Bayswater Brook.

- There is no requirement for an 80-bed care home when care homes are closing due to the lack of funding and issue with staff recruitment and retention.
- Previous planning applications on the site have been refused.
- Facilities should be provided in the area before any further housing developments are granted planning permission.
- The fields are a well-used area of green space and amenity for local residents and the loss would be detrimental to the wellbeing of Sandhills residents.
- The distance of the site from local amenities would make the site unsuitable for care accommodation.
- Inaccurate reasons were given for removing the site from the greenbelt and allocating the site in the SODC local plan.
- There is no need for the site to be developed as the Oxfordshire Local Authorities are currently over delivering on housing provision.

Character, design and Visual Impact

- The development would impact on the character of Sandhills negatively as the proposals are for higher density, smaller homes which are not typical of the area.
- Sandhills was built as a garden suburb and the provision of the accesses and increased traffic generation would negatively impact on the character of the area.
- Several comments object to the removal of the Norwegian Maple tree located at Delbush Avenue which is considered to contribute to the visual amenity and character of the area.
- The height and scale of development would have a negative impact on the surrounding landscape character.
- Adaptations required to make the access roads suitable for the quantum of traffic would have a negative impact on the character of Sandhills.
- Proposals are an overdevelopment of the site.
- There is a lack of open space provision within the development.
- Dwelling designs are not in keeping with the scale, character and appearance of the area.

Amenity

- The development would result in noise and air pollution that would impact on the amenity of neighbouring residents.
- Concern regarding noise during construction works.
- A loss of privacy to existing occupiers through increasing overlooking.
- Increased traffic generation would have a negative impact on the amenity of surrounding residents.

Traffic/Highways/Access Impacts

- Concern regarding traffic generation in the streets surrounding the site,

- particularly Burdell Avenue and Delbush Avenue.
- Road access to the development is unsuitable as the existing roads are narrow and there is on street parking.
 - Concern regarding impact on users of the public right of way adjoining the access including walkers and horse riders as a result of the siting of the accesses crossing the public right of way.
 - Concern about potential impact of development on Bayswater Farm Road and traffic generation within surrounding streets.
 - It is important that Bayswater Farm Road is sealed off to all traffic.
 - The Bridleway on the Southern Edge of the site is a significant local asset and should be protected, preserved and enhanced.
 - Concern in relation to traffic generation during the construction phase of the development and impact on the safety of road users.
 - Concern that the development will worsen congestion along existing roads in the area and place additional pressure on surrounding junctions.
 - Concern that the development would result in damage to the existing roads in Sandhills including Delbush Avenue and Burdell Avenue.
 - The development would impact on the use of the surrounding residents driveways.
 - The development would further existing issues associated with parking on the roads in Sandhills surrounding the site.
 - The plans are misleading as the inclusion of the turning circles on the development plans are not available for the development site to use.
 - The claim that the neighbourhood would be low car is misleading.
 - Concerns regarding traffic generation from the care home.
 - Cumulative impact of surrounding developments including at Thornhill Park will result in further traffic congestion.
 - Query regarding who would pay for damage to the surrounding roads caused by construction traffic.
 - Access into the development site would not be possible as the road accesses would cross unregistered land that is not in the applicant's ownership.
 - Concern regarding overspill parking from future residents and visitors on streets surrounding the site.
 - Traffic generation would increase the risk to children walking to children walking to school using the public right of way and surrounding roads.
 - The increase in traffic generation would have negative implications in terms of air quality for existing residents.
 - The site is not accessible in relation to public transport and residents would be reliant on private car use.
 - Concern regarding traffic generation relating to deliveries to homes on site.
 - The development should be car free, which it is not.
 - The owners of the adjacent properties to the turning circles of Delbush and Burdell Avenues have titled ownership of the subsoil below the land around the turning circles.
 - Concern that Hawkes Close will be opened up for access into the site encouraging rat running through the site.
 - A comprehensive traffic survey needs to be carried out over a sustained period of time throughout the year to reflect the raised issues of congestion,

noise & pollution.

Ecology

- The removal of the tree in Delbush Avenue would have an adverse impact on ecology in particular birds.
- The development will have an impact on the ecology of the Bayswater Brook.
- Trees have been removed on the site causing ecological damage.
- There are protected species on the site that would be impacted by the development including bats and grass snakes.
- Concern that the ecology of the site is being degraded to lessen the level of enhancements needed to achieve 10% biodiversity net gain.
- The applicants have chosen to purchase biodiversity credits to deliver 10% biodiversity net gain rather than providing this directly on site, this will not benefit local residents.
- SODC is proposing to raise required BNG to 15% in the Local Plan 2041 and the development would not meet this target.
- An ecological management plan should be submitted and be a condition of any approval.
- Concern that there are badgers on the development site that could be harmed or disturbed as a result of the works.

Flooding/Drainage

- Inadequacy of sewage infrastructure.
- The development will increase the risk of Bayswater Brook flooding.
- The steep topography of the site will increase run-off and flooding of the lower sections of land adjoining the Brook.
- Increased impermeable surfacing will increase run-off and will increase the risk of flooding.
- Concern that the development will increase the risk of flooding along Watermill Way.

Other Matters

- The Brook area is archeologically sensitive and shows extensive works that were part of the Bayswater Mill including relief channels and sluice gates. These should be noted and preserved within the environment to reflect the changing history and use of the site.
- The site slopes, with a drop in height of 20m overall, and is particularly steep as it approaches the Bayswater Brook. This makes the structural implication of building safely, on land that is very sandy, a difficult issue.
- The development would impact on local crime levels.
- The development would be sited close to two sources of noise, namely bird-detering noise cannons, there is concern in relation to the impact of this on elderly residents, particular those living in the proposed care home.
- There are dangers with building below a 11000-volt powerline from electromagnetic pulse.
- The development will cause increased pollution.

- Existing schools in area lack capacity.
- There have been significant objections from numerous expert organisations including CPRE, Environment Agency and Gresswell Environment Trust.

Forest Hill and Shotover Parish Council

9.17. The council objected to this land being removed from the Greenbelt as part of the Strat 13 LNBB. At the time we based our objection on Access, Need and the effect on local biodiversity. Today we cannot see that this application addresses any of those concerns, in fact, it further demonstrates all the reasons why this land should have stayed within the Greenbelt and not be removed.

9.18. Concerns are raised regarding the suitability of the access and the proposals to cross the public right of way to the north of Sandhills.

9.19. It is asserted that the development is not needed as the development at Bayswater Brook has increased in terms of housing numbers and SODC have proposed deallocation of the site in the joint local plan.

Residents of Hawkes Close

9.20. Object to the development for the following reasons:

- Hawkes Close and Bayswater Farm Road are private roads and maintained by the owner residents. Hawkes Close is a quiet cul-de-sac and is unsuitable for access to the field/site. The road is narrow and on a gradient. Residents would have severely restricted vehicular access to and from their homes. Recently, aggressive contractors used our private roads without our permission and made a mess on it.
- The developers have not stated in their proposals where their access points are to Bayswater Farm Field and that in itself is unacceptable and should invalidate their plans.
- There is already extensive housing development in Oxfordshire. This constitutes the ruination of the beautiful Oxfordshire countryside.
- Has the area been considered for being a Site of Special Scientific Interest (SSSI) or Area of Natural Beauty (AONB)?
- Environment, wildlife and nature conservation - small deer, foxes and pheasants often visit Hawkes Close, Also, badgers live in the area. Both badgers and their setts are protected under the Protection of Badgers Act 1992. Recent felling in the woods by the brook has disturbed bats, birds, insects.
- The character of the area would be diminished as the proposed housing estate will be an eyesore and aesthetically displeasing.
- Loss of privacy
- Noise and air pollution - dust, fumes and disturbance during construction, plus in the short and long term, there will be increased emissions of diesel particulate and nitrogen dioxide (NO₂) which are known to cause asthma and lung cancer.
- Increased traffic leading to greater risk of accidents.
- Devaluation of current resident's properties.

- With 121 houses plus a care home and their services and people living in close proximity to each other, the increase in anti-social behaviour and crime would be a de facto possibility.
- After Covid, mental health and wellbeing negatively impacted and losing green spaces would have a further detrimental effect.
- Lack of public consultation.
- No amenities would be provided such as shops.
- Development of the existing fields would have a negative impact on the wellbeing of local residents in Sandhills.

Oxford Civic Society

9.21. Since most of this site falls within the jurisdiction of SODC, in whose current Local Plan it is designated for residential development, there should be no logical objection to the principle of residential development.

9.22. We would, however, comment on the absence of any apparent consideration of the topography and gradients in assessing the transport issues, in particular the likelihood of widespread adoption of active travel. The long and steep gradients on possible routes to any but the very limited facilities at Barton are likely to be a serious disincentive to walking and cycling.

9.23. The nearest bus stop is variously described as being 490m, 540m or 600m from the site, but is at considerable elevation and serves only eastbound travellers on the A40 to more rural or remote destinations. Other bus stops are further from the site, and mostly equally elevated. Travel by public transport is thus likely not to be particularly attractive.

9.24. We would suggest that if consent to this application were to be considered, it should be subject to the developer being required to contribute whatever may be necessary to support the provision of a new bus service, to connect all developments accessed from Merewood Avenue.

9.25. In the light of the relative unattractiveness of active travel modes, and of public transport services, we would question the veracity of the traffic flow assessments provided, which do not take account of these factors, nor the remoteness of the site from essential services at the Headington district centre, or the facilities of central Oxford. We note that a road safety audit for the existing roads from which it is proposed to access the site has not yet been carried out, but the feasibility of the proposed development may be dependent upon demonstration that realistically-assessed volumes of the additional traffic on Delbush, Burrell and Merewood Avenues, possibly including bus services, can be safely accommodated.

9.26. We suggest that consent should be conditional on satisfactory resolution of the issues we raise.

Sandhills Naturehood

9.27. Oppose the development for the following reasons:

- The development would lead to the destruction of the Bayswater Brook Field.
- Use of Sandhills as an access point will have a significantly negative impact on the nature of the area both flora and fauna.
- Oppose removal of trees.
- Development would lead to increased traffic and air pollution.
- The development would have a negative impact on the bridleway.

Sandhills Neighbourhood Association

9.28. Object to the proposed development and raised the following matters as key concerns:

- Increased traffic generation and pollution.
- Development would have a negative impact on the character of the area and greenbelt.
- Concern regarding the sustainability of the development and supporting infrastructure including drainage, access to green spaces and provision of and access to local facilities.
- Concern regarding safety for children as a result of increased traffic generation resulting from the development.
- Development is contrary to local and national planning policy.
- Concern regarding extent of housebuilding in SODC area and development on green belt.
- Loss of tree and visual and ecological implications of this.

Residents of Hill View

9.29. Object to the development for the following reasons:

- Previous planning applications in 1958, 1961, 1971, 1973 and 1989 have all been refused.
- Access into the site is unsuitable.
- Development conflicts with the NPPF, development should be focussed on brownfield land.
- Development is contrary to the SODC Draft Local Plan 2041 and the Council considers the land unsuitable for sustainable development.
- The Developers fail to provide a no parking policy.
- There would be a detrimental impact on the residents of Hill View as a result of increased traffic, dust, privacy impacts and noise during construction.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. In considering the planning application, officers note that it is only within the City Councils remit to consider matters of direct relevance to the parts of the development falling within the City Councils Local Authority boundaries. Matters relating to the parts of the wider development site falling within SODC's boundary are the remit of SODC as determining planning authority and must be determined in line with the South Oxfordshire Local Plan 2035. The decision made by SODC is a material planning consideration when determining the planning application

relating to the parts of the development site falling within OCC's administrative area.

10.2. Taking the above into account officers consider the determining issues to be:

- Principle of development
- Design
- Neighbouring amenity
- Transport
- Trees
- Ecology

Principle of development

10.3. The application site is allocated for development within the South Oxfordshire Local Plan under Site Policy STRAT13: Land North of Bayswater Brook. The application site is the smaller section of two parcels of land which forms part of this allocation and is detached from the larger parcel to the north of Barton and Barton Park. In assessing the principle of development within the parallel planning application SODC have outlined that as the site is allocated under policy STRAT13, in line with the requirements of the policy H1 of the South Oxfordshire Local Plan, the principle of development would be deemed acceptable, unless material considerations indicate otherwise. Whilst the site policy does not specify how the application site would be accessed, vehicular access could only feasibly be provided through Sandhills via Delbush Avenue and Burdell Avenue.

10.4. Whilst the majority of the site, including all of the housing lies outside the boundaries of Oxford City Councils area, the delivery of housing on the site must be considered in the context of Policy H1 of the Oxford Local Plan which relates to the scale of housing provision required to meet Oxford's unmet housing need. The subtext to Policy H1 identifies that the surrounding districts have made provision for the delivery of 14,300 homes to address Oxford's unmet housing need, based on the Oxfordshire Strategic Housing Market Assessment (SHMA). 4950 of these homes are allocated in the South Oxfordshire Local Plan 2033. Land North of Bayswater Brook (STRAT13) is expected to deliver 1100 homes, although this figure does not specify how many homes should be delivered on the application site to the north of Sandhills, as the figure is relevant only to the whole allocation. The larger parcel of land associated with STRAT13 would be expected to deliver the significant majority of these homes. Parallel planning applications are currently under consideration at Land North of Bayswater Brook by SODC (P22/S4618/O) and Oxford City Council (22/03049/FUL) for a development which includes 1450 dwellings, 120 assisted living units, as well as buildings falling under commercial, and community uses and supporting infrastructure.

10.5. Policy H9 of the South Oxfordshire Local Plan requires that on qualifying sites adjacent to Oxford City, that 50% of homes will be provided as affordable housing. This is consistent with Policy H2 of the Oxford Local Plan. An affordable housing statement has been submitted which indicates that 50% of the homes will be

provided as affordable housing. The split of affordable homes is proposed to align with the South Oxfordshire Developer Contributions SPD, which differs from Policy H2 of the Oxford Local Plan and would be as follows:

- 35% social rented
- 25% affordable rented
- 25% First Homes
- 15% other routes to home ownership

10.6. The officer report relating to planning application P24/S0133/O notes that South Oxfordshire District Council and Vale of White Horse District Council are currently preparing a single Joint Local Plan (JLP) for both council areas. The emerging Joint Local Plan 2041 (JLP) is at Regulation 18 'Preferred Options' consultation stage. The report notes that a review of the existing allocated sites in the current Local Plan has found that the overall Bayswater Brook site is largely still a suitable allocation to continue into the JLP, however this is 'with the exception of the parcel of land *north of Sandhills*' (the application site).

10.7. The above officer report notes that Oxfordshire County Council have identified specific issues associated with obtaining access into the site via Burdell Avenue and Delbush Avenue across the bridleway, which is unregistered land. It should be noted that the proposed points of connection over this right of way do not fall within Oxford City Councils administrative area, and it would not be within this Councils remit to assess the acceptability of the proposed connections over this route. Oxfordshire County Council have advised that any other potential access via Waynflete Road would be unlikely to be acceptable as the road is unlikely to be able to accommodate significant additional trips given its geometric constraints and gradients. On the basis of these access constraints, it has been recommended by SODC that the site be deallocated for development, however as the SODC officer report notes, the JLP carries limited weight at the present time.

Environmental Impact Assessment

10.8. The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 requires local planning authorities to screen infrastructure projects above a certain size to determine whether significant effects on the environment are likely and whether an Environmental Statement is required. The screening threshold and criteria for infrastructure projects include where more than 150 dwellings are proposed or where the overall area of the development exceed 5 hectares.

10.9. SODC have screened the development under Regulation 8 of the above Regulations and have confirmed that an Environmental Statement is not required as all issues are of local significance only and can be examined through the normal planning process.

Transport and Access

Access Arrangements

- 10.10. Access into the site is a matter that is detailed in the application. In its capacity as Local Highway Authority, Oxfordshire County Council has considered the access arrangements and objects to the proposal.
- 10.11. Access to the site for all modes of transport is proposed via two new accesses/ extensions to Burdell Avenue and Delbush Avenue. The extension of Burdell Avenue and Delbush Avenue is to consist of the realignment of these streets, amendments / extensions of the existing footways, access(s) to private dwelling (71 Delbush Avenue), the removal of an established highway tree (located at the end of Delbush Avenue) and crossing bridleway 215/8/10.
- 10.12. With regards to the existing highway infrastructure that currently serves Delbush Avenue and Burdell Avenue, specifically the visibility splays available at the junction arrangements of both avenues onto Merewood Avenue meet the appropriate design standards for a street located within a 20mph speed restriction area. The carriageway widths of both avenues vary in width but do meet appropriate Manual for Street dimensions. The existing footways that serve both avenues vary in width from 1 metre to 3 metres (with verges in places), but there are no formal cycle routes provided throughout the estate. Both provisions (and lack of) are not considered desirable to serve the proposed site to promote active travel journeys without suitable improvement measures.
- 10.13. The plans provided in the Transport Assessment (TA) confirm the proposed carriageway and footway dimensions of the extension to Delbush Avenue, as a primary street, meet the required county council design standards in terms of width. The dimensions of the secondary street to be served via Burdell Avenue (paragraph 6.5 of the TA) also meets council's design guidance. However, no provision has been provided for cyclists on either proposed street design. The absence of such facilities is not considered acceptable as it does not promote active and sustainable travel journeys to / from the site in accordance with the policies and objectives of Oxfordshire County Councils Local Transport Connectivity Plan (LTCP) or Policy M1 of the Oxford Local Plan.
- 10.14. Officers note that Oxfordshire County Council's response raises concerns in relation to the suitability of the proposed access arrangements where both access roads cross the adjoining bridleway to the north of Sandhills. Specifically, the proposed pedestrian crossing arrangements, lack of cross section and gradient details are highlighted as concerns. The County Council have also advised that the applicants Walking, Cycling and Horse-Riding Assessment (WCHAR) is expanded in consultation with the County Council. Bridleway 215/8/10 forms part of the Green Belt Way and Shotover Circular Walk and the County Council have advised the proposal to cross this public right of way in two locations is considered unacceptable in terms of the negative effects it would have on the function of Bridleway 215/8/10. The County Council have also commented that the applicant does not have the ability to dedicate the land which the bridleway sits on as public highway, and at this time, cannot connect this development site to the highway network, without securing the legal rights to do so. SODC has included this as a reason for refusing planning application P24/S0133/O, however as the bridleway lies outside of the Oxford City Administrative Area, this is not a matter for the City Council to consider.

Transport Generation

- 10.15. The applicant has provided their rationale and modelling for the trip generation forecasts in their Transport Assessment.
- 10.16. Oxfordshire County Council has adopted new policy that is to be followed when assessing new developments, called 'Implementing "Decide & Provide": Requirements for Transport Assessments'. This is set out in Policy 36 of the Local Transport and Connectivity Plan (LTCP) and is a shift from an approach to transport planning characterised as 'predict and provide' towards adopting a 'decide and provide' approach instead. The applicant has acknowledged this requirement and set out the list their four principles of trip generation that have been followed to provide the trip forecast informing the TA modelling.
- 10.17. In their comments, the County Highway Officers have stated that there are key elements of implementing Decide and Provide missing from the forecast assessment, or parts of the methodology that are not acceptable to the Local Highways Authority (LHA). The TRICS sites (Trip Rate Information Computer System) used by the applicant were chosen based on criteria listed in paragraph 7.3 of the TA and have been used to establish the person trip rates. The applicant has not however, undertaken a comparison exercise to determine the suitability of these sites as outlined in Section 3.2 of 'Implementing 'Decide & Provide': Requirements for Transport Assessments'. Such an exercise is required, with detailed explanations and justifications for TRICS sites that are retained for the purpose of forecasting the final person trip rates for this site. Furthermore, the methodology to establish the breakdown of trips by trip purpose has been based on the methodology agreed for the proposed development at Land North of Bayswater Brook (LNBB) (ref P22/S4618/O). However, since work was undertaken and agreed for the purposes of the pending LNBB planning application (as far back as 2020) when pre-application discussions started, the requirements for assessing the highways impact of development proposals have changed. LNBB were required to consider the emerging D&P guidance when undertaking their modelling scenarios and indeed, they will be required to incorporate it into their monitoring and review of the site, as it builds out, however, in agreeing their trip rate forecasts, this pre-dated D&P and, was therefore not available to adhere to. The LHA have considered therefore that the submitted methodology used to calculate trip generation for the application is not acceptable and cannot be accurately relied on, as this is based on earlier assessment work at LNBB which is expected to be revised.

National Travel Survey

- 10.18. The applicant's use of the 2022 National Travel Survey (NTS) using the 'Trip start time by trip purpose' dataset (NTS0502), contradicts the Decide and Provide guidance, which discusses the use of the NTS for forecasting multimodal trips and states:

Use of DfT National Travel Survey (NTS) data to forecast multi-modal trip rates is not considered acceptable unless it can be justified that it is directly relatable to the specific characteristics of the proposed development'.

- 10.19. Oxfordshire County Council advises that the most recent year for which data is available prior to the impacts of the Covid- 19 pandemic, is 2019. Given this and that as of April 2022, traffic count data recorded across Oxfordshire by the LHA shows that there is an uneven impact on peak time traffic levels and five-day average flows, with some areas seeing a return to pre-pandemic levels, while other locations are above or below pre-pandemic levels, the LHA considers the use of the 2022 NTS data has not been fully justified.
- 10.20. Oxfordshire County Council advises that the most recent year for which data is available prior to the impacts of the Covid- 19 pandemic, is 2019. Given this and that as of April 2022, traffic count data recorded across Oxfordshire by Oxfordshire County Council shows that there is an uneven impact on peak time traffic levels and five-day average flows, with some areas seeing a return to pre-pandemic levels, while other locations are above or below pre-pandemic levels, Oxfordshire County Council considers the use of the 2022 NTS data has not been fully justified.
- 10.21. The applicant is required to undertake a comparison exercise between the 2019 and 2022 NTS datasets, to determine if the use of the 2022 dataset is robust. In addition, the applicant's assumptions on the peak periods for the highway network (08:00-09:00 and 17:00-18:00) are not agreed, and further evidence to ascertain the current peak flows on the surrounding highway network is required. Similarly, Oxfordshire County Council advises that the trip rates that have been summarised in the Transport Assessment (Table 9), are not accepted, without further clarification and justification.

Junction Assessment Methodology

- 10.22. To inform the base flows, Manual and Automatic Traffic Count surveys were undertaken in September 2023. However, Oxfordshire County Council advises that they cannot accept these counts for the following reasons:
- *No further narrative, specifying the exact location of each of these surveys, nor a map pertaining to this, was provided in the TA,*
 - *There is no detail about the exact dates on which these surveys were undertaken, as well as the duration and timings for each location, and*
 - *The surveys have only been undertaken on the A40 (eastbound and westbound), Headington Roundabout and at the A40 London Road / Merewood Avenue / Thornhill Park & Ride junction, which represents a significantly reduced area, when compared to the scoping map, which was provided at the pre-application stage in 2021 and 2023.*
- 10.23. The LHA's response states that it is vital that any junctions not included in the junction capacity assessment have been firstly scrutinised to ascertain the impact of the development proposals on them. This can only be done by comparing development traffic flows with existing traffic flows and providing detailed rationale for their exclusion. The applicant has assumed on the traffic flows on Burdell Avenue and Delbush Avenue by using surveyed flows for Merewood Avenue at the junction with the A40. Although this is not a standard practice, the LHA has accepted this assumption as the flows are considered relatively small.

Assessment Year and Traffic Growth

- 10.24. The applicant in their Transport Assessment stated that *“It is not considered reasonable, noting the proposed scale of the scheme and its immaterial impact on the local highway network, to fully consider and assign the traffic associated with the full list of committed developments included in the preapplication response received”* [from Oxfordshire County Council]. Subsequently the applicant has used TEMPro to estimate the future traffic growth in the “Oxfordshire 002” area selected for the assessment.
- 10.25. The LHA in their assessment identified significant difference between the applicant’s 2035 forecast flow and the LNBB 2035 Reference Case flow in the AM peak (The LNBB flows are 878 vehicles higher in the AM peak and 107 vehicles lower in the PM peak compared to the applicant’s).
- 10.26. This discrepancy demonstrates that the applicant’s use of just TEMPro is not robust and therefore unacceptable. The applicant is required to scrutinise their application of TEMPro and/or committed developments, to ensure that suitable future base years are acceptable to Oxfordshire County Council. A further narrative is also required to understand why the “Oxfordshire 002” area has been chosen above other neighbouring areas.

Trip Generation

- 10.27. The residential distribution will have to be revised once the trip purpose modal share split has been further considered by the applicant and agreed by Oxfordshire County Council. With regards to the primary school trips, the applicant must provide further information on their decision to distribute the trips evenly between the two closest primary schools of Sandhills and Bayards Hill. The comparison exercise that the applicant is yet to undertake, as set out on the D&P guidance, should reflect the proximity to the primary schools. Further to that Oxfordshire County Council advises that the secondary and further education institutions must be amended, with the addition of Cherwell School and the removal of the Brooklyn High School liaison office, given the school itself is located in Uganda.

Highway Impact Assessment

- 10.28. The applicant has subjected three junctions to a junction capacity analysis assessment:
- *Delbush Avenue / Merewood Avenue Priority Junction.*
 - *Burdell Avenue / Merewood Avenue Priority Junction and*
 - *A40 London Road / Merewood Avenue / Thornhill Park & Ride Traffic Signal Controlled Junction.*
- 10.29. This list is significantly reduced when compared to the highway network that was presented in the LHA’s pre-application responses, both in 2021 and 2023. The applicant has also stated that they have undertaken a percentage capacity assessment at the Headington Roundabout, however, provides no further justification for why so few junctions have been accounted for in any further percentage impact assessments and then taken forward into more detailed junction capacity analysis.

10.30. Oxfordshire County Council advises that “in determining what the impact of the development proposals upon the highway network will be, the applicant must first undertake further percentage impact assessments that utilise agreed existing traffic flows, which Oxfordshire County Council can agree. Many of the junctions included in the specified modelling area identified in our preapplication responses are subject to significant delay and congestion and therefore, it is not for the applicant to dismiss them completely, without first providing robust evidence and justification” As such this site is required to demonstrate that it can mitigate its own impact upon the highway network by scenario test modelling, as per requirements in the Decide and Provide guidance.

Public Transport

10.31. Oxfordshire County Council seeks to ensure that all new development is well served by public transport. Financial contributions are requested from development sites for the maintenance and/or improvement of local public transport services where reasonable and appropriate, in order to mitigate the impact of their proposals and to secure sustainable development in line with the council’s LTCP policy objectives and Policy M1 of the Oxford Local Plan.

10.32. The intention is therefore to deliver a 15-minute frequency service between Thornhill P&R and the Hospitals, with the potential to improve this to a 10- minute frequency in the future, and to connect Thornhill P&R with key employment destinations in the Eastern Arc. It is considered that the proposed development would attract occupants who may work at key locations in the Eastern Arc, including the major hospital sites in Headington. In addition, staff at the care home may be drawn from areas of south-east Oxford where connectivity to this area is currently poor.

10.33. The total public transport services contribution for this development is estimated to be £230,999,80 (although Oxfordshire County Council advises that this figure is subject to review as it is based upon TA trip rates that are not yet agreed).

Summary

10.34. Overall, the development proposal submitted is not considered acceptable with regards to the access arrangements proposed for the site. There are also several key points that require clarification and additional information ensuring a robust traffic assessment for all highway users has been undertaken. Oxfordshire County Council as Local Highways Authority have objected to the development on transport grounds and these objections should be given significant weight, particularly as SODC have refused planning permission on highways grounds, amongst other reasons.

10.35. The proposal is considered to be contrary to policies M1 and M2 of the Oxford Local Plan 2036 and paragraphs 108, 114 and 116 of the National Planning Policy Framework and Policies 1, 18 and 36 of the Oxfordshire Local Transport and Connectivity Plan 2022-2050.

Trees

- 10.36. Policy G7 of the Oxford Local Plan states that planning permission will not be granted for development that results in the loss of green infrastructure features such as hedgerows, trees or woodland where this would have a significant adverse impact upon public amenity or ecological interest. It must be demonstrated that their retention is not feasible and that their loss will be mitigated.
- 10.37. A single tree would be removed to facilitate access into the wider site beyond the City Council's boundary, which is a large, mature Norway maple (referenced as T31 in the submitted Tree Survey). The tree adjoins the turning head at the northern end of Delbush Avenue. The tree is one of many large, prominent street trees that are located towards the northern end of Delbush Avenue. The presence of large street trees within the highway verges adjoining the roads within Sandhills provide a valuable contribution to the relatively green, suburban character of the area.
- 10.38. The Norway maple tree that is proposed for removal is particularly prominent, being located at the very end of Delbush Avenue and forms part of a wider row of trees aligning the adjacent public footpath which runs along the northern edge of Sandhills. The tree stands on highway land, which is managed on behalf of the County Council by Oxford Direct Services, its removal is under the control of the County Council and not the developer and therefore a Tree Preservation Order (TPO) has not been placed on the tree. Officers consider that the tree provides an important contribution to the character of the area both in terms of the street scene in Sandhills, the character of public right of way and landscape character in terms of views towards Sandhills from the adjoining landscape to the north. The tree has been given a Moderate quality categorisation in the tree survey, under the BS.5837 criteria; it has no visible defects and is estimated to have a long future life expectancy.
- 10.39. Direct mitigation for the loss of the tree has not been proposed. Additional planting within the wider site would not offset the harm associated with the removal of the tree in terms of its contribution to the character of the street scene and the adjoining public right of way. Whilst it may be possible to provide further off-site planting in Burdell Avenue by way of condition, it is not clear exactly where replacement planting could be provided, and this is unlikely to be in a similar position to the existing tree. It has not therefore been demonstrated that the loss of this tree would be appropriately mitigated for and given its contribution to the visual amenity and character of the area, it is considered that the proposals would be contrary to Policy G7 of the Oxford Local Plan.

Design

- 10.40. Policy DH1 of the Oxford Local Plan states that planning permission will only be granted for development of high-quality design that creates or enhances local distinctiveness.
- 10.41. In terms of how Policy DH1 relates to accesses, the subtext to the policy states that new development should seek to provide a clear hierarchy and choice of routes as well as direct and convenient access and must be designed for different modes of transport and different users, particularly encouraging walking and cycling. Appendix 6.1 relating to this policy also outlines that development should

prioritise the needs of pedestrians, people with disabilities, cyclists and public transport users over the needs of motorists.

10.42. As the development does not prioritise access for cyclists in terms of access into the site, it is considered that the development would be contrary to Policy DH1 of the Local Plan.

Ecology

10.43. The ecological appraisal states that no trees with potential roosting features (PRFs) are being removed under the proposed development. On that basis, it is understood that the Norway maple (T31) is of negligible potential for roosting bats. With regard to other species, the tree would present potential nesting opportunities for breeding birds. If T31 were to be removed during the active bird nesting season (March to September, inclusive), a nesting bird check must be carried out by a suitably qualified ecologist.

10.44. The removal of a mature tree would constitute a loss of ecological value within Oxford City Council's boundary. However, it would be appropriate to consider the impact on all habitats within the red line as a whole. To this end, the application should seek to deliver an overall net gain in biodiversity. The submitted technical note indicates the development would result in a net loss of 6.9 (-17.93%) habitat units, a net gain of 2.92 (+63.53%) hedgerow units and a net gain of 0.88 (+14.04%) watercourse units, with proposed offsite compensation to account for the onsite losses. Policy G2 of Oxford Local Plan 2036 requires all major developments on vegetated sites to deliver a minimum of 5% biodiversity net gain; though it is acknowledged that almost the entirety of the ecological interest sits within the South Oxfordshire District Council boundary. The delegated report prepared by SODC for the concurrent planning application suggests that the applicants intended strategy for delivery of biodiversity net gain is acceptable in principle, albeit that an updated metric assessment will be required at the reserved matters stage, if permission is granted.

10.45. In respect of the parts of the development site contained within Oxford City Council's Local Authority area, where accounting for the delivery of biodiversity net gain across the wider site, officers consider that the proposals would not conflict with Policy G2 of the Oxford Local Plan.

Impact on neighbouring amenity

10.46. Policy RE7 of the Oxford Local Plan sets out the requirement to ensure that development ensures that the amenity of communities, occupiers and neighbours is protected; and does not have unacceptable transport impacts affecting communities, occupiers, neighbours, and the existing transport network; and provides mitigation measures where necessary. Policy RE8 of the Oxford Local Plan includes a specific requirement to manage noise to safeguard amenity, health, and quality of life.

10.47. Traffic generation would have an impact on the amenity of adjoining residents during the construction and operational phases of the development. In terms of the operational phase of the development, the applicants TA indicates that the

development proposal could result in the 24-hour traffic flows on Merewood Avenue increasing from 2,100 vehicles to approximately 3,000 vehicles, with traffic flows increasing on Burdell Avenue and Delbush Avenue by approximately 500 movements. There would be an impact on the amenity of residents within these streets as a result of the additional traffic generation, particularly by reason of noise, notwithstanding this, officers consider that this would not cause significant harm to the amenity of the residents in these streets, whereby this would constitute a reason for refusing planning permission.

10.48. It is considered that the impact of works during the construction phases of the development could be appropriately managed through the preparation of a Construction Traffic Management Plan (CTMP) and Construction Management Plan (CMP).

10.49. The proposals are therefore considered not to have a significantly adverse impact on the amenity of adjoining occupiers and are compliant with Policies RE7 and RE8 of the Oxford Local Plan.

Other Matters

10.50. In respect of the land that falls within OCC's administrative area it has been assessed that there are no land quality issues that need to be considered and there is considered to be no conflicts with Policy RE9 of the Oxford Local Plan.

10.51. An archaeological desk-based assessment, geophysical survey and evaluation have been submitted. Officers conclude on the basis of the information submitted that the works within OCC's administrative area are unlikely to have significant archaeological implications.

11. CONCLUSION AND PLANNING BALANCE

11.1. Having regards to the matters discussed in the report, officers would make members aware that the starting point for the determination of this application is in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which makes clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise.

11.2. The NPPF recognises the need to take decisions in accordance with Section 38 (6) but also makes clear that it is a material consideration in the determination of any planning application (paragraph 2). The main aim of the NPPF is to deliver sustainable development, with paragraph 11 the key principle for achieving this aim. The NPPF also goes on to state that development plan policies should be given due weight depending on their consistency with the aims and objectives of the Framework. The relevant development plan policies are considered to be consistent with the NPPF.

11.3. Therefore, in conclusion it would be necessary to consider the degree to which the proposal complies with the policies of the development plan as a whole and whether there are any material considerations, such as the NPPF, which are inconsistent with the result of the application of the development plan as a whole.

- 11.4. The development, where assessed as a whole would deliver public benefits which include providing employment opportunities during the construction period, investment in the local and wider economy through the construction works and new residents and their spending. The contribution towards Oxford City's unmet housing needs, which includes the provision of 50% affordable housing must be considered as a social benefit of the development. This is alongside improvements to the public transport services and local facilities which could result should the development be permitted. There would be environmental benefits from the provision of new planting, biodiversity enhancement and public open spaces that would be delivered across the wider site. Officers however consider that the public benefits of the development would not outweigh the identified harms highlighted in this report. SODC have considered the wider benefits that the development would deliver and consider that the benefits would not overcome the identified harms. The decision by SODC is a material planning consideration and officers agree with this assessment.
- 11.5. Officers consider that the proposed accesses into the site fail to provide safe and suitable access for all users and modes of transport, whilst it has also not been demonstrated that appropriate off-site infrastructure would be provided to mitigate the highway impacts of the proposed development. The proposals fail to fully provide safe and suitable off-site walking and cycling provision in accordance with LTN 1/20a and consequently would fail to promote sustainable modes of travel. Consequently, on access and transport grounds, officers consider that impact of the development would be unacceptable and fails to comply with Policies M1, M2 and DH1 of the Oxford Local Plan, the Oxfordshire Local Transport and Connectivity Plan 2022-2050 and the NPPF in particular paragraphs 108, 114 and 116.
- 11.6. Facilitating access into the site would also require the removal of a prominent, mature Norway Maple tree which provides an important contribution to the character and visual amenity of the streetscape, public rights of way and the local landscape setting contrary to Policy G7 of the Oxford Local Plan 2016-2036 and Paragraphs 136 and 180 of the NPPF.
- 11.7. It is recommended that the Committee resolve to refuse planning permission for the development proposed for reasons outlined below:

12. REASONS FOR REFUSAL

1. The applicant has not provided sufficient detail for the proposed accesses off Delbush Avenue and Burdell Avenue to demonstrate the proposed accesses provide safe and suitable access into the site for all users and modes of transport. As such the proposed development is not in accordance with policies M1, M2 and DH1 of the Oxford Local Plan 2016-2036 and paragraph 114 of the National Planning Policy Framework.
2. The highways impact assessment has not been undertaken in accordance with the Highway Authority's adopted 'Implementing 'Decide & Provide': Requirements for Transport Assessments (September 2022), whereby highway impacts resulting from this development cannot be fully assessed. As such, any proposed highway mitigation may fail to deliver appropriate off-site infrastructure that

mitigates the highway impacts of the proposal. The proposed development therefore is not in accordance with policies M1 and M2 of the Oxford Local Plan 2016-2036, paragraphs 108 and 114 of the National Planning Policy Framework and Policy 36 of the Oxfordshire Local Transport and Connectivity Plan 2022-2050.

3. The proposals fail to fully provide for safe and suitable off-site walking and cycling provision in accordance with LTN 1/20. Without these modes of transport suitably facilitated, the occupants of the site will be encouraged to rely on the private car for access to services and facilities. The proposed development therefore does not represent sustainable development and is contrary to policies M1 and M2 of the Oxford Local Plan 2016-2036 paragraphs 114 and 116 of the National Planning Policy Framework and Policies 1, 2, 18 of the Oxfordshire Local Transport and Connectivity Plan 2022-2050.
4. In the absence of a completed Section 106 legal agreement, the proposed development fails to secure infrastructure necessary to meet the needs of the development. As such the proposal is contrary to Policies S2, M1 and M2 of the Oxford Local Plan 2016-2036.
5. The proposals would result in the loss of a prominent, mature tree which provides an important contribution to the character and visual amenity of the streetscape, public rights of way and the local landscape setting. The proposals would be contrary to Policy G7 of the Oxford Local Plan 2016-2036 and Paragraphs 136 and 180 of the NPPF.

13. APPENDICES

- **Appendix 1** – Site location plan
- **Appendix 2** – South Oxfordshire DC Delegated Report for parallel application P24/S0133/0.

14. HUMAN RIGHTS ACT 1998

- 14.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to refuse this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the rights and freedom of others or the control of his/her property in this way is in accordance with the general interest.

15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

- 15.1. Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to refuse planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community.