

South Oxfordshire District Council – Delegated Report

APPLICATION NO.	P24/S0133/O
SITE	Land at Bayswater Farm Bayswater Farm Road near Barton, OX3 8EB
PROPOSAL	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)
AMENDMENTS	None
APPLICANT	Cildara Group (Headington) Ltd
APPLICATION TYPE	OUTLINE
REGISTERED	11.1.2024
TARGET DECISION DATE	11.4.2024
PARISH	FOREST HILL
WARD MEMBER(S)	Tim Bearder
OFFICER	Hanna Zembrzycka-Kisiel

1.0 INTRODUCTION

The application site

- 1.1 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 application site (also known as ‘Sandhills’) forms a smaller parcel of land which is in different ownership and spatially separated from the main STRAT13 parcel as shown in the Indicative Concept Plan in Figure 1 below:



Figure 1: STRAT13 Indicative Concept Plan

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- 1.2 The overall allocation is for 1100 dwellings, the policy does not distinguish between the numbers of dwellings for each part of STRAT 13. There is a current application (ref. [P22/S4618/O](#)) for 1450 homes on the larger part of STRAT13.
- 1.3 The Sandhills application site, which measures approximately 7.16 hectares is loosely bound by Bayswater Brook and surrounding woodland to the north, agricultural fields with intervening woodland to the east, the existing residential area of Sandhills to the south and residential development off Bayswater Farm Road to the west. The site slopes downwards from south to north, with a change in level of nearly 20m.
- 1.4 A bridleway (215/8/10) separates the site from the residential development to the site. The bridleway forms part of the Oxford Green Belt Way and runs east to west providing pedestrian and cycle connections to Barton to the west and the open countryside to the east.
- 1.5 The northern part of the site, the woodland and some land to the south of the woodland, remains within the Oxford Greenbelt. This land is outside of the allocated site. A location of the site is shown below in Figure 2:

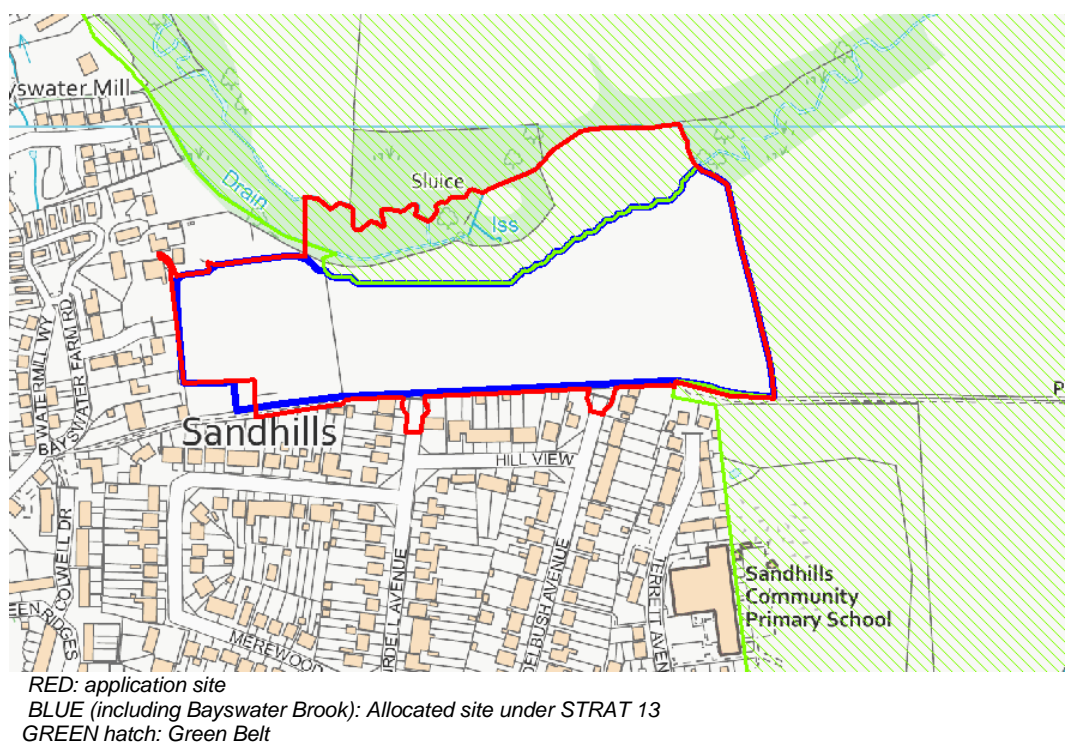


Figure 2: Location Plan

- 1.6 7.08ha of the application site is situated within South Oxfordshire District Council's whilst 0.08ha is located within the administrative boundary of Oxford City Council to the south. Accordingly, Oxford City Council have been notified of this application submission and received the same application from the applicant (Oxford City Council's ref. [24/00075/OUT](#)).

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- 1.7 The majority of the site is allocated for residential development in STRAT13 has been removed from the Green Belt. A portion of the application site to the north, surrounding Bayswater Brook, remains within the Green Belt. Part of the site, adjacent Bayswater Brook, lies in Flood Zones 2 and 3 and is recognised as being an area with a high probability of flooding. There are localised areas of higher surface water flood risk within the site.
- 1.8 **Proposal**
The proposal is for up to 121 dwellings and an 80-bed care home, including open space, a play area and green infrastructure.
- 1.9 This is an outline planning application with all detailed matters (appearance, layout, scale, landscaping) reserved except for the site access. New vehicle accesses are proposed to serve the development site via Burdell Avenue and Delbush Avenue to provide access by crossing the existing bridleway (ref 215/8/10) that runs along the southern edge of the site.
- 1.10 Plans and documents submitted with this application are listed below:
- Illustrative Landscape Strategy drwgn0 edp7043-d008a
 - Illustrative Layout drwgn0 478190-SK10 G
 - Site Location Plan drwgn0 478190-LB01 B
 - 8210224_6101_E - Delbush Avenue Access
 - 8210224_6107_D_Burdell Avenue Access
 - Site Survey drwgn0 8210224-4101 A
 - Site Survey drwgn0 8210224-4102 A
 - Site Survey drwgn0 8210224-4103 A
 - Site Survey drwgn0 8210224-4104 A
 - 2024-03-08 Road Safety Audit
 - 2024-01-08 Covering Letter
 - 2024-01-08 Document Register
 - 2024-03-11 Archaeology Evaluation Report.pdf
 - Affordable Housing Statement
 - Air Quality Assessment
 - Arboricultural Report and Tree Condition Survey
 - Archaeological Written Scheme of Investigation
 - Biodiversity Net Gain Metric
 - BNG technote
 - Care Home Need Assessment
 - Design And Access Statement
 - Ecological Appraisal
 - Energy Statement
 - Flood Risk Assessment Part 1
 - Flood Risk Assessment Part 2
 - Geophysical Survey Report
 - Historic Environment Desk Based Assessment
 - Landscape and Visual Impact Assessment 002b
 - Noise Assessment
 - Phase I and Phase II Ground Investigation Report

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- Planning Statement January 2024
- Statement of Community Involvement
- Transport Assessment Part 1
- Transport Assessment Part 2
- Transport Assessment Part 3
- Travel Plan

1.11 A series of indicative parameter plans (indicative street hierarchy, indicative green infrastructure plan, indicative heights plan, indicative land use), have been included in the submitted Design and Access Statement.

1.12 Although the proposal is for access only, the application is supported by an illustrative masterplan, reproduced below:

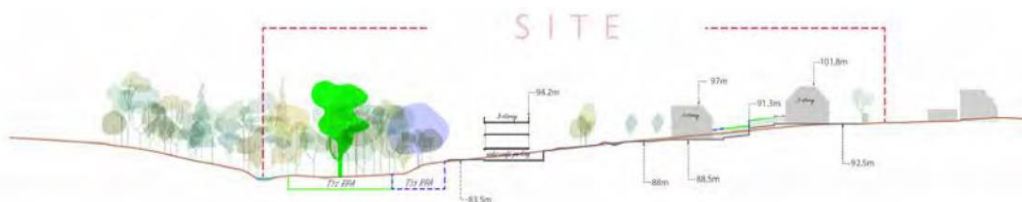


Illustrative layout

1.13 The sloping topography of the site (a cross-section provided below) is the key constraint to the design and spatial arrangement of the proposal. The illustrative layout follows the perimeter block design principle, with a clear street hierarchy and divides the site into four distinct character areas:

- housing by the bridleway
- the SUDS street
- parkland edge
- care home

1.14



Cross-section

1.15 There are two main building typologies within the site: the housing perimeter blocks that are located to the south of the application site and the apartment blocks that

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form the northern part of the site.

- 1.16 The residential properties are to be detached, semi-detached and a few terraces (at the western part of the site). These are to be generally two-storey with pitched roofs.
- 1.17 The illustrative masterplan indicates three separate dual aspect apartments blocks, and two linked blocks to the north-east (that will be at different levels associated with changes in contours in this location). As such, the apartment buildings will be seen as two storeys when looked at from the south, whereas to the north (where the land slopes away), the blocks become three-storeys in height (with parking in the semi-basement).
- 1.18 The proposed care home is to be of an ‘H’ shape, and of a stand-alone, bespoke architecture.

2.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS

- 2.1 Responses to the application are summarised below. The full responses can be viewed on the council’s website [here](#)

Forest Hill and Shotover Parish Council	<p>Objection</p> <ul style="list-style-type: none"> • Site cannot be accessed, as the bridleway is not within the applicant’s ownership. • No further need for housing development in this location • The original unmet housing need was incorrect and too high. • This site is proposed to be removed from the allocation in the JLP 2041 • There has been very little public consultation, with a poorly advertised ‘public consultation’. • The proposed development area is too close to floodplain zones 2 and 3. • We note the design and layout has bought concerns from Thames Valley Police in terms of the potential for increased crime. • This is a cynical attempt to put profit before community.
Beckley Parish Council	<p>Object</p> <ul style="list-style-type: none"> • Road access: not achievable due to the legal reasons • Housing numbers: exceeding original allocation • Increase in the number of cars: impact upon the road network. • Increase in the number of population- and its impact upon the local services and facilities, schools and GPs. • Flooding- there are frequent flooding along Bayswater Brook due to the water run-off. • Biodiversity- impact upon the number of habitats

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	<p>and species (incl. bats)</p> <ul style="list-style-type: none"> • No health assessment has been submitted; loss of this greenfield will impact the physical and mental health of local residents. • Impact upon the Green Belt • Public engagement: poor timings (just before Christmas)
<p>Elsfield Parish Council</p>	<p>Object</p> <ul style="list-style-type: none"> • Access- unachievable due to the lack of right of access • Parking: absence of any proposals for a no or low car parking scheme • Housing in this location is not required. • Pre-application response from the SODC was far from positive. • Site cannot be accessed, as the bridleway is not within the applicant’s ownership. • No further need for housing development • Harm to rural character – overdevelopment. • Harm to the Green Belt • Impact on infrastructure (schools). • Increase in traffic. • Loss of landscapes and biodiversity. • Proposed community benefits are not needed or desired. • The site will be deallocated from the Joint Local Plan
<p>Stanton St John Parish Council</p>	<p>Object</p> <ul style="list-style-type: none"> • The proposed housing numbers are far in excess of those noted in the SODC Local Plan 2035 which are not justifiable as a local or city overspill requirement. • It’s a crammed development that reflects sub-urban sprawl which is a characterless extension. • Highway access crosses two bridleway routes damaging the rural edge of the existing community. • Poor public space allocations • Building too close to the floodplain zones 2 and 3
<p>Risinghurst and Sandhills Parish Council</p>	<p>Object</p> <ul style="list-style-type: none"> • Access not legally achievable • The Sandhills site should never have been taken out of the green belt • The STRAT13 sites were approved by the HM Inspector at the LP Examination in 2020 as low or zero car residential sites for 1,100 dwellings. • The total number of dwellings now proposed for both sites is far in excess of this number and with

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	<p>the addition an 80-bed Care Home.</p> <ul style="list-style-type: none"> • Increased Traffic/ heavy-duty construction traffic • Turning the Bridleway into a Highway • Flooding: is already a huge problem at Bayswater Road and in parts of the site • Sustainability: The site is NOT sustainable as no public amenities are proposed for the site • Green Belt: the site includes the new boundary of the existing green belt (reduced in size by adoption of SODC LP 2035) which is extremely close to the proposed location of the buildings. The developers make no reference to the new green belt boundary in their submitted plans and how it will be protected and made defensible. • Biodiversity will be affected and lost • Welfare: 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.
<p>Local Ward Member- Glynis Phillips</p>	<p>Comments</p> <ul style="list-style-type: none"> • I oppose to this proposal, as 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.
<p>Local Ward Member- Tim Bearder</p>	<p>Comments:</p> <ul style="list-style-type: none"> • I remain open minded about the plans and look forward to assessing it on its merits when it comes before the planning committee. • 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

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	<p>development.</p> <ul style="list-style-type: none"> • I am worried about flooding and waste treatment concerns that exist in the area, and I think this looks 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. • 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.
Residents	<p>241 received in Objection.</p> <p>The matters raised are summarised below:</p> <ul style="list-style-type: none"> • The proposed access is unachievable • Unsustainable location • Harmful impact upon the biodiversity • Harmful impact upon character of the area • Harmful impact upon local landscape • Harmful impact upon Green Belt • Harmful impact upon local services • Harmful impact upon local facilities • Harmful impact upon local infrastructure • Harmful impact upon the existing woodland • Harmful impact upon wildlife (deer, foxes, hedgehogs) • Bats (the protected species) will be affected • Schools and GPs are at capacity • It's overdevelopment of the site • Houses are not needed in this location • Sewage treatment system capacity • The increase of traffic in an already congested area • Health and safety at risk during and post construction • The damage to local ecology • Existing topography was not taken into account • Failure to Meet Low/Zero Car Neighbourhood Standards • All previous applications have been refused • The risk of flooding from Bayswater Brook • The impact on local people's wellbeing • Problems of building on the site • Loff of a green field • The number of houses in excess of what the Local

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	<p>Plan planned for</p> <ul style="list-style-type: none"> • No need for care home • Loss of prominent tree • Poor engagement with the local community • Increased noise and air pollution • Tree(s) should be TPO • Plans/Documents submitted are misleading • Care home not needed in this location • Play areas isolated and not overlooked • Not in line with the new NPPF • New proposals should be built on brownfield sites • The distance to the public transport is not within the walkable standards
Heritage Officer	No objection
Ecology Officer	<p>Holding Objection</p> <ul style="list-style-type: none"> • The proposed built form will have a harmful impact upon the protected species (bats) • Such impact has not been explained and addressed adequately. • Concerns over the quantum of the development and its impact upon the biodiversity • Further information is required to be provided.
National Highways	No objection
District Drainage Engineer	<p>No objection</p> <ul style="list-style-type: none"> • Subject to conditions: <ul style="list-style-type: none"> - Details of surface water drainage scheme - SUDS compliance report - Details of the foul water drainage scheme
Forestry Officer	<p>No objection to the principle of the development</p> <ul style="list-style-type: none"> - Further details are required to ensure a reserved matters application would be acceptable.
Historic England	No objection
Air Quality	<p>No objection, subject to conditions</p> <ul style="list-style-type: none"> - Where on-site parking is provided for residential dwellings, electric vehicle charging points of suitable charging rate should be installed. - Provision of the sustainable travel packs - All gas-fired boilers to meet a minimum standard of <40 mgNO_x/kWh.
Contaminated land	No objection

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Env Protection	<p>No objection, subject to condition</p> <ul style="list-style-type: none"> - Implementation of the findings in the acoustic report
Landscape Officer	<p>Holding Objection</p> <ul style="list-style-type: none"> - lack of strong rural edge and a defensible Green Belt boundary - poor spatial distribution of the proposed built form (in particular the large blocks towards the northern part of the application site) would create an abrupt transition and would result in adverse visual impacts, upon the character and the appearance of this rural/countryside edge location. - lack of strong countryside edge - inadequate LIVA - lack of consideration given to the proposed light scheme
Natural England	<p>No objection</p>
Oxfordshire County Council	<p><u>Transport Development Management</u> Objection</p> <ul style="list-style-type: none"> • Unacceptable access arrangements • Inaccurate traffic assessment <p><u>Lead Local Flood Authority</u> No objection</p> <ul style="list-style-type: none"> • Subject to conditions to secure a detailed surface water drainage scheme and submission of a record of the installed SuDS. <p><u>Education</u> No objection</p> <ul style="list-style-type: none"> • Subject to financial contributions to increase education capacity being secured through a S106 legal agreement. <p><u>Archaeology</u> No objection</p> <ul style="list-style-type: none"> • Subject to conditions to secure a programme of archaeological investigation. <p><u>Waste Management</u> No objection</p> <ul style="list-style-type: none"> • Subject to a S106 legal agreement to secure a financial contribution towards household waste recycling centres. <p><u>Property (Assets)</u></p>

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	<p>No objection</p> <ul style="list-style-type: none"> • Subject to a S106 legal agreement to secure a financial contribution towards: <ul style="list-style-type: none"> - Expansion of library capacity and library stock at the agreed library location - Expansion of adult day care facilities and new equipment at the Oxford Community Support Service (CSS) building in Awgar Stone Road
<p>Crime Prevention Design Adviser</p>	<p>Comments</p> <ul style="list-style-type: none"> • Amended plans should be provided to address some concerns. • Advice provided in relation to crime prevention design on the following aspects: <ul style="list-style-type: none"> • Under croft parking, • Location of LEAP and MUGA • Parking courts • Defensible Space and planting • Natural surveillance • Apartment Blocks (Secured by design) • Bins and cycle store • Public Open Space • Lighting • Rear access routes • Excessive permeability • Cycle routes • Allotments • Utility Meters <p>These concerns relate to Reserved Matters and could be addressed at that stage.</p>
<p>Thames Water Development Control</p>	<p><u>Waste comments</u></p> <p>No objection</p> <ul style="list-style-type: none"> • Based on information provided in respect of foul water and surface water. <p><u>Water comments</u></p> <p>No objection</p> <ul style="list-style-type: none"> • Subject to a condition to secure upgrades or a phasing plan as the existing water network infrastructure is not able to accommodate the needs of the development.
<p>Environment Agency</p>	<p>No comments received</p>
<p>Urban Design Officer</p>	<p>Holding objection</p> <ul style="list-style-type: none"> • Scheme should be re-designed.

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	<ul style="list-style-type: none"> • Additional information should be submitted. • Concerns raised with regards to the proposed quantum of the development and distribution of the built form • Lack of proper countryside edge • Densities not in line with the policy's template
Housing Development Officer	<p>No objection</p> <ul style="list-style-type: none"> • Subject to the affordable housing being secured through the provisions of a legal agreement.
Oxford City Council (Planning)	No comments received
Oxfordshire Public Rights of Way	No comments
Active Travel England	Raised Concerns
Planning Policy	Raised Concerns
Active Travel	Standard Advice
CPRE - Rights of Way consultant	<p>Objection</p> <ul style="list-style-type: none"> • Harmful impact upon the bridleway • Potential health and safety impact upon the bridleway's users
Committee of CPRE South Oxfordshire District	<p>Objection</p> <ul style="list-style-type: none"> • This site is not deliverable and will be de-allocated.
Campaign to Protect Rural England (South Oxfordshire)	<p>Objection</p> <ul style="list-style-type: none"> • Impact upon the biodiversity
Oxford Preservation Trust	<p>No objection to the principle of the proposed Development</p> <ul style="list-style-type: none"> • The OPT wish to highlight the importance of fully understanding and assessing the potential impact on views prior to the application being determined. • no reference or consideration of the protected views (View Cones) is mentioned.

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<p>Sandhills Naturehood</p>	<p>Objection</p> <ul style="list-style-type: none"> • Destruction of the Bayswater Brook Field and accompanying woodland and the access involving Sandhills will have a significantly negative effect on the nature of the area, both floral and fauna • This will have a major impact on the community who cherish the land and the wildlife that prospers in the only significant green space in the area. • Access into our Sandhill Streets will also significantly increase air pollution. • Submits a request for a Tree Preservation Order (TPO)
<p>Gresswell Environment Trust</p>	<p>Objection</p> <ul style="list-style-type: none"> • The Environment Agency does not support this application because it floods • Access via the Bridleway is contrary to the NPPF • No access via Burrell and Delbush Avenues from Sandhills • Wet land - the 'sponge' above Bayswater Mill and Bayswater Brook, Barton, Barton Park, LnBB • This development will result in the loss of a vital amenity green space serving Barton and Sandhill residents • I doubt that building 120+ houses +residential care home will result in a palpable biodiversity gain, but it will result in the loss of vital open green space for Barton and Sandhills. Where will they walk, meet, exercise?
<p>Sandhills Neighbourhood Association</p>	<p>Objection</p> <ul style="list-style-type: none"> • Access • Traffic generation • Pollution • Noise • Disturbance • Impact upon the character of the area • Impact upon the Green Belt • Sustainability • Infrastructure • Flooding • Impact upon community facilities and services • Biodiversity, Climate & Conservation • Impact upon the established trees
<p>Residents of Hill View</p>	<p>Objection</p> <ul style="list-style-type: none"> • Unsuitable Access • Out of line with the National Planning Policy Framework (NPPF) Pollution • Not in-keeping with the Local Plans: SODC Local Plan 2035 and the SODC Draft Local Plan 2041
<p>Hawkes Close</p>	<p>Objection</p>

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Private Road Residents	<ul style="list-style-type: none"> • There is no access permitted • There is enough housing developments in the area • SSSI nearby not considered • Noise and air pollution • Loss of privacy • Increased traffic • Pollution to Basewater Brook • Impact upon biodiversity • Harmful to the character of the area • Impact upon mental health (loss of the green fields) • Local infrastructure and communities under pressure • Devaluation of current resident's properties
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3.0 RELEVANT PLANNING HISTORY

Application Number	Description of development	Decision and date
3.1 P23/S0711/PEJ	Development of the site comprising 127 dwellings and an 80-bed care home. Access from Burdell Avenue and Delbush Avenue.(additional information received 5 June 2023).	Advice provided (07/02/2024)
3.2 P22/S4618/O	<p>Outline Planning permission for up to: 1. 1,450 new dwellings (Class C3), 2. 120 units of Assisted Living dwellings, with ancillary communal and care facilities (Class C2/C3), 3. 560 sq.m of new community use buildings (Class F2), 4. 500 sq.m of new commercial/business/service buildings/health provision (Class E), 5. 2,600 sq.m of new Primary School (Class F1), 6. Creation of areas of green infrastructure, including areas of open space, allotments, habitats, recreation facilities and public park areas, 7. Associated transport, parking, access, surface water and utility infrastructure works.</p> <p>Full planning permission for: 1. Change of Use to Class E and associated refurbishment works to the Main Barn and 3no. curtilage barns at Wick Farm, 2, Change of Use to Class F1 and associated refurbishment works to the Wick Farm Well House building, 3. Erection of New Build</p>	Under Consideration (April 2024)

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barn-style building (Class E), 4. Erection of New Build building containing back-of-house facilities for the Main Barn-style building (Class E), 5. Erection of New Build Community Space building (Class F2), 6. Associated transport, parking associated with the local centre, access and utility infrastructure works, 7. Demolition of identified buildings, 8. Associated landscaping, public realm and market garden.(amended documentation received 17 August, 19 & 26 September and as amended and amplified by information received 29 November 2023 and 3 January 2024 and as amplified by additional information received 28 February 2024). (Hard copies on the Environmental Statement can be found at South Oxfordshire District Council, Abbey House, Abbey Close, Abingdon OX14 3JE and Barton Library, Barton Neighbourhood Centre, Underhill Circus, Headington OX3 9LS). (As amplified by additional information received 09-02-2024 and as amplified by additional information received 26 February 2024 and 01 March 2024)

4.0 **ENVIRONMENTAL IMPACT ASSESSMENT**

4.1 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.

4.2 The proposed development exceeds the 5ha threshold and has been screened under Regulation 8 of the above Regulations. This 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.

5.0 **POLICY & GUIDANCE**

5.1 **Development Plan Policies**

5.2 **South Oxfordshire Local Plan 2035 (SOLP) Policies:**

CF2 - Provision of Community Facilities and Services

CF5 - Open Space, Sport and Recreation in New Residential Development

DES1 - Delivering High Quality Development

DES10 - Carbon Reduction

DES2 - Enhancing Local Character

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- DES3 - Design and Access Statements
- DES4 - Masterplans for Allocated Sites and Major Development
- DES5 - Outdoor Amenity Space
- DES6 - Residential Amenity
- DES7 - Efficient Use of Resources
- DES8 - Promoting Sustainable Design
- DES9 - Renewable Energy
- ENV1 - Landscape and Countryside
- ENV11 - Pollution - Impact from existing and/ or Previous Land uses on new Development and the Natural Environment (Potential receptors of Pollution)
- ENV12 - Pollution - Impact of Development on Human Health, the Natural Environment and/or Local Amenity (Potential Sources of Pollution)
- ENV2 - Biodiversity - Designated sites, Priority Habitats and Species
- ENV3 - Biodiversity
- ENV4 - Watercourses
- ENV5 - Green Infrastructure in New Developments
- ENV6 - Historic Environment
- ENV9 - Archaeology and Scheduled Monuments
- EP1 - Air Quality
- EP3 - Waste collection and Recycling
- H1 - Delivering New Homes
- H11 - Housing Mix
- H12 - Self Build and Custom Housing
- H13 - Specialist Housing for Older People
- H9 - Affordable Housing
- INF1 - Infrastructure Provision
- INF2 - Electronic Communications
- INF4 - Water Resources
- STRAT1 - The Overall Strategy
- STRAT13 - Land North of Bayswater Brook
- STRAT2 - South Oxfordshire Housing and Employment Requirements
- STRAT4 - Strategic development
- STRAT5 - Residential Densities
- STRAT6 - Green Belt
- TRANS1B - Supporting Strategic Transport Investment
- TRANS2 - Promoting Sustainable Transport and Accessibility
- TRANS4 - Transport Assessments, Transport Statements and Travel Plans
- TRANS5 - Consideration of Development Proposals

Emerging Joint Local Plan 2041

- 5.3 The Council is preparing a Joint Local Plan covering South Oxfordshire and Vale of White Horse, which when adopted will replace the existing local plan. Currently at the Regulation 18 stage, the Joint Local Plan Preferred Options January 2024 has limited weight when making planning decisions. The starting point for decision taking will remain the policies in the current adopted plan.
- 5.4 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*

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Sandhills' (the area that this application is focused upon).

5.5 Neighbourhood Plan

There is no neighbourhood plan for Forest Hill with Shotover Parish Council

5.6 Supplementary Planning Guidance/Documents

- South Oxfordshire and Vale of White Horse District Councils' Joint Design Guide 2022 (JDG)
- Developer Contributions Supplementary Planning Document 2023
- Oxfordshire Local Transport and Connectivity Plan
- South Oxfordshire District Council Landscape Character Assessment

5.6 National Planning Policy Framework and Planning Practice Guidance

5.7 Listed Buildings and Conservation Areas Act 1990

Other Relevant Legislation

5.8 *Human Rights Act 1998*

The provisions of the Human Rights Act 1998 have been considered in the processing of the application and the preparation of this report. The refusal of this proposal has been taken within the scope of normal planning policy and will not detrimentally impinge on the human rights of the applicant or any other person. The decision has been made in a legitimate and balanced way.

Equality Act 2010

5.9 In determining this planning application, the council has had regard to its equality obligations including its obligations under Section 149 of the Equality Act 2010. The proposal will not cause detrimental harms to any person with protected characteristics and has been made in a legitimate and balanced way.

5.10 *Procedural Fairness Test*

The proposal has been subject to statutory consultation with neighbours, internal and external consultees and advertised by site notice and press notice. Representations on the application have been received and taken into account in making this decision.

6.0 **PLANNING CONSIDERATIONS**

6.1 The relevant planning considerations are the following:

- Principle of Development
- Emerging Policy
 - Suitability: Access
 - Housing Land Supply
 - Housing Delivery Strategy
 - Green Belt
- Landscape Impact
- Design, Layout and Character
- Highways, Access and Sustainable Travel
- Housing Mix
- Heritage Impact

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- Archaeology
- Biodiversity and Trees
- Environmental Sustainability and Carbon Reduction
- Drainage and Flood Risk
- Contaminated Land
- Air Quality
- Residential Amenity
- Waste Management
- Infrastructure and Contributions

6.2 Principle of Development

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. An assessment of the proposed development follows and has had regard to the development plan, the NPPF, and all other relevant material planning considerations.

6.3 The development plan for this proposal comprises the South Oxfordshire Local Plan 2035. There is no neighbourhood plan for Forest Hill and Shotover Parish Council.

6.4 The overarching strategy for development in the district is set out in SOLP policy STRAT1 (The Overall Strategy). This seeks to focus major new development in Science Vale, and to provide strategic allocations at specific locations.

6.5 Having regard to Policy STRAT2 (South Oxfordshire Housing and Employment Requirements), during the plan period provision will be made to deliver a total housing requirement for the plan period of 23,550 homes. The annual requirement up to 2025/2026 is 900 homes per annum.

6.6 The Local Plan has also identified STRAT13 as one of the strategic allocations that would help to address the delivery of the 4,950 homes to meet the unmet housing need of Oxford.

6.7 These requirements will be delivered in accordance with the spatial strategy for the district set out in policy STRAT1 (Overall Strategy) and outlines that the locations and trajectory for housing development is identified in Policy H1 (Delivering New Homes).

6.8 Policy H1 (Delivering New Homes) of the SOLP expands on the spatial strategy in respect of developments for new homes. This policy specifies that residential development 'will be permitted at sites allocated or carried over by this plan and on sites that are allocated by Neighbourhood Development Plans.'

6.9 Policy STRAT13: Land North of Bayswater Brook is the current strategic allocation policy for this site, setting out the key items that development proposals would be expected to deliver. The application site (known as

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'Sandhills') forms a smaller parcel of the allocated land which is in different ownership and spatially separated from the main STRAT13 parcel.

- 6.10 Given the site is currently allocated under policy STRAT13, and in line with the requirements of the policy H1, the principle of development is acceptable, unless material considerations indicate otherwise.

Emerging Policy

- 6.12 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), recently at its Regulation 18 'Preferred Options' consultation stage, highlights that the Sandhills site was allocated by Policy STRAT13: Land North of Bayswater Brook in the South Oxfordshire Local Plan 2035.
- 6.13 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 area that this application is focused upon).

Suitability issue: Access

- 6.14 The emerging JLP states that there are specific issues affecting the suitability of the Sandhills area of the current allocation, which is separate from the main site allocation. The submitted plans indicate that the proposed vehicle access to the Sandhills site will have to be obtained across the bridleway from Burdell Avenue and Delbush Avenue.
- 6.15 Oxfordshire County Council has advised that this is not possible given the unregistered land upon which the bridleway sits, and that therefore the site is not achievable.
- 6.16 Additionally, Oxfordshire County Council has advised that any other potential means of access via Waynflote Road would be unlikely to be able to accommodate many further trips given geometric constraints and gradients. Therefore, the emerging JLP Residential Focused Site Allocations Topic Paper (page 35) states that:

'(...) this part of the site is not suitable based on highways objections and is not proposed to be retained. We have therefore removed this area from the policy, concept plan and emerging policies map'.

- 6.17 The preferred option further states that the Residential Focused Site Allocations Topic Paper (page 36) is to:
- 'de-allocate the Sandhills element of the site, but retain the rest of the allocation subject to presentational changes of the existing criteria / requirements for this site... The parcel of land north of Sandhills is not recommended to be retained in the Joint Local Plan'.*

- 6.18 This access concern is therefore the primary reason for a potential de-

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allocation of this section of the site.

- 6.19 The submitted Planning Statement in support of this application states that there are no known barriers to the delivery of the proposed development, such that the site can be brought forward without delay and so contribute to the Council's housing supply.
- 6.20 The applicant advises, in their Travel Plan, that it has committed to 'upgrading the existing Bridleway 215/8/10 (subject to discussions)' and highlighted in their Transport Assessment how they aim to address the above access concern, proposing to:

'provide access to the site via two junctions, with one via Delbush Avenue (primary street) and another via Burdell Avenue (secondary street) located at the southern boundary of the site. This will be achieved by extending the existing cul-de-sacs streets to the north, further into the proposed development. Careful consideration has been given to the design of the bridleway crossing at both site accesses...The diversion of the bridleway will be subject to a separate S257 application, with plans showing the stopped-up/diverted section of the bridleway.'

- 6.21 It further states that:

"The Applicant has undertaken extensive investigative work in respect of the legal status of the bridleway, its subsoil, and the rights which they as landowners have to access the site, including obtaining a legal opinion from leading Counsel. The conclusion of these investigations is that the legal matters surrounding the bridleway can be overcome and thus access need not be an impediment to the site's development, or in the short term, determination of a planning application."

- 6.22 Oxfordshire County Council however maintains that the legal matters surrounding the bridleway cannot be overcome, as it is considered that there is no mechanism available where the Highway Authority could change a bridleway to a highway for all highway purposes (including for mechanically propelled vehicles) without further dedication from the owner.
- 6.23 Whilst it is acknowledged that the JLP (and so the potential de-allocation) can carry limited weight at the present time as an emerging policy document, the deliverability issues that have led to the potential de-allocation are a material consideration in the circumstances of this case and are relevant to an assessment of the merits of this proposal.

Housing Land Supply

- 6.24 The Planning Statement submitted by the applicant also draws attention to the current lack of a five-year housing land supply as a factor in the planning balance. It relies on contributing to meeting Oxford's unmet needs by 2030, aid to the current need for care home accommodation and sets out what the proposal can deliver to meeting affordable housing needs.

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- 6.25 The Local Plan and spatial strategy for the district was adopted in December 2020 and as such is several years into its implementation. Monitoring is actively being undertaken and there is the emerging JLP 2041 for South Oxfordshire and Vale of White Horse District Councils which recently carried out the Regulation 18 consultation from (10 January until 26 February 2024).
- 6.26 As such, the overall spatial strategy is very recently adopted, and requires housing development to be delivered in accordance with Policy H1 (Delivering New Homes) requirements.
- 6.27 The most recent published version of the NPPF (dated 20 December 2023) has updated various paragraphs – including paragraphs 11, 14, 76, 77 and 226. In particular paragraph 76 of the NPPF confirms Local Planning Authorities are not required to identify a five-year housing land supply where the adopted plan is less than five years old and had identified a supply of specific deliverable sites at the conclusion of the examination. As such, the ‘tilted’ balance does not apply in this case.
- 6.28 Whilst officers do not believe the ‘tilted’ balance applies in this case, if it were to apply (i.e., a ‘flat’ balance), the benefits of the proposal would 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.
- 6.29 The Local Plan has also identified STRAT13 as one of the strategic allocations that would help to address the delivery of the 4,950 homes to meet the unmet housing need of Oxford. These strategic sites will provide an increased level of affordable housing in line with those levels required by Oxford City as set out in Policy H9 (Affordable Housing).
- 6.30 The benefits listed above attract weight in favour of the proposal.
- 6.32 However, the benefits of the proposal (if applied) would still not outweigh the clear conflict with the identified suitability issue, which leaves the proposed development undeliverable, due to the lack of suitable access to the site.
- Council’s Delivery Strategy
- 6.33 Officers are also mindful that there is a current outline (hybrid) planning application on the other site (ref.P22/S4618/O), together with related full and listed building applications, which proposes the delivery of 1,450 new dwellings (Class C3) and 120 units of Assisted Living dwellings, with ancillary communal and care facilities (Class C2/C3), along with the new community use buildings, green infrastructure and further infrastructure works.
- 6.34 It is clear, that the above proposal (ref.P22/S4618/O) would over-deliver the housing numbers the site was initially allocated for, therefore given that there is likely to be a surplus in the housing numbers that is to be delivered on the larger parcel of this allocation, it is not considered that the refusal of the proposal on Sandhills site, would have a detrimental impact upon the overall

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also highlights that [for land remaining in the Green Belt] development will be restricted to those limited types of development which are deemed appropriate by the NPPF, unless very special circumstances can be demonstrated.

- 6.42 Paragraph 142 of the NPPF confirms that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 6.43 Paragraph 153 of the NPPF states that when considering any planning application, Local Planning Authorities, should ensure that substantial weight is given to any harm to the Green Belt. It also confirms that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 6.44 Further to that Paragraph 154 of the NPPF confirms that the construction of new buildings should be regarded as inappropriate in the Green Belt, subject to certain exemptions.
- 6.45 STRAT 13 explains that ‘the Green Belt boundary has been altered to accommodate strategic allocations’:

‘where the development should deliver compensatory improvements to the environmental quality and accessibility of the remaining Green Belt land, with measures supported by evidence of landscape, biodiversity or recreational needs and opportunities. The boundaries of the reviewed Green Belt are identified on the changes to the Green Belt boundary maps (see Appendix 4)’

- 6.46 Furthermore, STRAT13 (criterion 3 iv) also focuses that proposals must demonstrate an

‘appropriate scale, layout and form that (...) provides a permanent defensible Green Belt boundary around the allocation and a strong countryside edge’.

- 6.47 The submitted Planning Statement states:

‘these plans confirm that the Green Belt land will only accommodate SuDs features, children’s play areas, public open space, areas of tree planting and access road’.

- 4.48 However, when considering the submitted illustrative Landscape Plan and Illustrative Layouts, the two central, northernmost apartments blocks, along with the access road encroach into the Green Belt area. All built development should be entirely accommodated within the allocated site so that the site can also perform the role of a providing a defensible space to the Green Belt

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boundary.

- 6.49 Paragraph 152 of the NPPF explains that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 6.50 As such the extension of the development (including apartment blocks and access road) beyond the allocated site into the Green Belt is considered inappropriate development in the Green Belt. The proposal also fails to demonstrate very special circumstances to use this land in this manner proposed and does not provide a defensible space to the Green Belt boundary nor establish a strong countryside edge, contrary to policy requirements of STRAT 6 and STRAT13 iv and paragraphs 152, 153 and 154 of the NPPF.

Landscape Impact

- 6.51 The countryside and its relationship with the settlements contributes significantly to the district's character and is highly valued. Significant weight will be given to protecting non-designated landscapes, the countryside and Green Infrastructure assets from harm.
- 6.52 Policy STRAT13 criterion 3 states:

'Proposals will be required to deliver a masterplan that has been informed by detailed landscape, visual, heritage and ecological impact assessments and demonstrates an appropriate scale, layout and form that: ...provides (...) a strong countryside edge...'

Policy ENV1: Landscape and Countryside states that:

'South Oxfordshire's landscape, countryside and rural areas will be protected against harmful development. Development will only be permitted where it protects and, where possible enhances, features that contribute to the nature and quality of South Oxfordshire's landscapes...'

- 6.53 The site lies within SODC landscape character area 1, Oxford Heights, and landscape character type 17, semi-enclosed farmed hills and valleys. This character type is associated with settlements and steeper hillsides, where a smaller scale field pattern and hedgerow structure remains more intact.
- 6.54 The landscape retains a predominantly rural character although intruded upon by roads and built development particularly around Wheatley and Oxford fringes. The landform and structure create enclosure and reduce intervisibility, but long views are possible from hillsides and higher ground. The site largely displays these typical characteristics.
- 6.55 Guidelines for character area 1 include:
- *minimising the visual impact of intrusive land uses such as new houses at the fringe of towns by planting characteristic trees and*

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shrubs.

- *using building materials to maintain vernacular style and a scale of development appropriate to Oxford Heights.*
- *avoiding inappropriate development within the open and exposed hills where it would be intrusive.*
- *and promoting small scale deciduous woodland planting.*

6.56 The Landscape Officer has considered the proposal against the relevant landscape policies and in the context of the submitted landscape documents and has raised a number of concerns about the impact of the proposal upon the character and the appearance/openness of the surrounding area and the Oxford Green Belt.

6.57 Although the submitted layout is for illustrative purposes only, the concerns raised relating to it are summarised below:

- The impact of the large blocks on the rural edge would provide an abrupt transition and result in adverse visual impacts.
- Some of the proposed three storey apartment block and large care home would be visible in views from the north through a gap in the woodland and from the east.
- The building height parameter plan needs to also give the actual height of the proposed buildings.
- The care home would be 3 storeys high, as the apartment buildings, the height and mass of this is likely to have a significant adverse effect on views from the Oxford Greenbelt Way to the east.
- Buildings are shown very close to the woodland belt along the northern site boundary, these should be pulled back to allow a buffer to the woodland.
- Play areas should be located in areas of open space which are integral to the development, not peripheral areas where they are not adequately overlooked by buildings.
- Detailed consideration should be given to how the level changes would be addressed,
- There should be areas of open space located centrally within the development, where children can play and kick a ball about etc, near home.
- There is no plan that would indicate the exact areas (in ha) of open space.
- There is no recognisable green belt boundary within the site, and it is not indicated on the proposals plan (planting proposals should create a defensible green belt edge).
- Attenuation features should not appear as engineered structures, and the amount of attenuation required should be fully identified at this stage to avoid loss of open space later on.

6.58 The application is accompanied by a Landscape and Visual Impact Appraisal (LVIA), which includes photomontages, illustrating the proposed development in 10 to 15 years within the context of the surrounding area. The Landscape

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Officer stated that some of the photographs included in the LVIA do not provide a good representation of the visibility of the site and “*although viewpoints are relatively limited, where they are visible they are intrusive, being out of scale and character on the rural edge, with no change after 10 years and very little after 15.*”

- 6.59 It has also been noted that lighting does not appear to have been considered, and this will affect both views and landscape character. Lighting will have a significant impact in views from the existing residential edge and the bridleway, which currently have a dark outlook, and will also be visible in views from rural areas towards the site, albeit in the context of the urban area beyond.
- 6.60 As such the proposed development, as currently presented, is not in line with the requirements of the policy STRAT13, in particular with criterion 3:
- (iv) which requires development to provide a permanent defensible Green Belt boundary around the allocation and a strong countryside edge.
 - (viii) which requires development to minimise the visual impact on the surrounding countryside and
 - (ix) which requires densities on both sites to be gradually reduced towards the northern landscape buffer.
- 6.61 The proposal is also in conflict with policy ENV1 (Landscape), which seeks to protect rural areas from harmful development and states that development will only be permitted where it protects features that contribute to the landscape, including the landscape setting of settlements and important views.
- 6.62 The proposals are also considered to be contrary to SOLP policy DES1 (Delivering High Quality Development), which requires development to respect existing landscape character, and DES2 (Enhancing Local Character), which requires development to reflect the positive features that make up the character of the local area and to enhance and complement the surroundings.

Design and Layout

- 6.63 Whilst it is acknowledged that this is an outline application with all matters reserved, except for access, it is necessary to consider whether the proposed quantum of the development can be accommodated within the site, alongside necessary infrastructure including drainage, roads, and green infrastructure.
- 6.64 Policy STRAT13 states that the development will deliver a scheme in accordance with an agreed comprehensive masterplan taking into consideration this policy’s indicative concept plan. Proposals will be required to deliver a masterplan that has been informed by detailed landscape, visual, heritage and ecological impact assessments and demonstrates an appropriate scale, layout and form that satisfies the criteria outlined in part 3 of the policy.

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- 6.65 The council's urban design officer has assessed the proposal and concluded that while it is acknowledged that the layout is illustrative only, and that the proposal follows some good urban design principles, there are a number of issues that would affect the future quality of the design of the proposed and would need addressing to make the proposal acceptable.
- 6.66 For instance, the impact of large blocks on the rural edge, close to Bayswater Brook and retained woodland, particularly the proposed three storey apartment block and care home to the east of the site is considered to be harmful. The character of the rural edge will be changed with the proposed larger blocks regardless of whether they could be seen from views beyond or not.
- 6.67 Policy STRAT13 explicitly states that densities on both sites (larger and smaller parcels) will gradually reduce towards the northern landscape buffer. A more organic, looser form of development towards the edges would provide a gradual transition between the built-up area and the rural countryside and would be considered more appropriate. This has not currently been achieved. As such the proposal in its current form fails to demonstrate the delivery of a strong countryside edge, as required under policy STRAT13.
- 6.68 Furthermore, in order to understand how the site would be able to accommodate the quantum of the development proposed, more information should be provided around the existing site levels, how the development fits within the wider landscape and the relationship between buildings and the terrain, treatment of level changes in terms of retaining structures, highway infrastructure and boundary treatments (as heavily engineered retaining structures should be avoided).
- 6.69 Since this application is in outline, with only access to be considered, it is acknowledged that some of the points raised by the Urban Design Officer could be addressed at the reserved matters stage. However, the proposal as currently presented, does not satisfactorily demonstrate how the quantum of the proposed development can be accommodated on this site, without having a harmful impact upon the character and appearance of the surrounding area.
- 6.70 Therefore, in order to achieve a high-quality design proposal, there are a number of issues raised above that would affect the design of the proposed and would need addressing to make the proposal acceptable.

Highways, Access and Sustainable Travel

- 6.71 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.

Access arrangements

- 6.72 Access to the site for all modes of transport is proposed via two new accesses / extensions to Burdell Avenue and Delbush Avenue.

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- 6.73 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.
- 6.74 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.
- 6.75 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.
- 6.76 The plans provided in the Transport Assessment 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.
- 6.77 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 OCC's Local Transport Connectivity Plan (LTCP).
- 6.78 The proposed pedestrian crossing arrangements shown at Delbush Avenue and Burdell Avenue are not perpendicular to the carriageway shown to ensure all users of the bridleway have appropriate visibility to cross in these locations – while also promoting / providing a direct route. As submitted the proposed crossing designs are not considered acceptable.
- 6.79 The design details shown for the proposed access arrangements do not provide any cross sections, gradient levels etc of the proposed works. The gradient of the development site is significant in places, and this does raise an issue for this proposal, as well as a future reserved matters application, with regards to DDA compliance.
- 6.80 Further to that no design detail i.e., cross section is provided for assessment has been submitted for what appears to be a ramp / raised table proposed where the bridleway is proposed to cross Delbush Avenue and Burdell Avenue.
- 6.81 Further information is required on those aspects of the development

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proposal.

6.82 A Walking, Cycling and Horse-Riding Assessment (WCHAR) has been provided as Appendix J of the submitted TA. While this WCHAR has considered nearby walking, cycling and horse-riding facilities, OCC requires a wider assessment area to be undertaken including connections to nearby destinations to Wheatley, Risinghurst and Barton. It is requested the study area of the WCHAR is expanded in consultation with OCC officers.

6.83 According to the submitted plans/documents, to enable the proposed highway works to come forward on Delbush Avenue an existing and well-established highway tree and street lighting column will need to be removed. The existing highway tree is considered to be an important highway asset and provides significant landscape and amenity value to the area. Its removal to enable the proposed highway works to come forward is not considered acceptable by the Local Highway Authority.

Bridleway 215/8/10

6.85 The proposal to cross Bridleway 215/8/10 to provide accesses to the development site raises a delivery concern as the bridleway sits on unregistered land i.e., the existing public highway only extends up the verge of both turning heads. This means 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. This is the case for both proposed accesses.

6.85 OCC is not aware that the applicant will be able to obtain legal rights and therefore they will not be able to make any legal connection (or land dedication) from the site to Burdell or Delbush Avenue.

6.86 The existing bridleway is a highway, maintainable at public expense and, in accordance with section 263 of the Highways Act 1980 the surface vests in the highway authority, in this case OCC. This bridleway forms part of the Green Belt Way and Shotover Circular Walk promoted routes and provides access to the local wildlife and landscape corridor. The proposal to cross this public right of way in two locations is considered to be unacceptable in terms of the negative effects it would have on the function of Bridleway 215/8/10. Given that the bridleway runs over unregistered land and cannot be diverted there is no justification or need to cut through this public right of way.

6.87 Road Safety Audit (RSA) has been provided separately part of the transport submission for this development proposal with updated Glanville drawings 210224/6107 Rev D and 8210224/6101 Rev E. The Local Highway Authority advises that these updated drawings have not been audited as the RSA references the previous versions, meaning the submitted RSA is out of date. Until an updated RSA is provided for consideration this element of the transport submission cannot be assessed.

Transport generation

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- 6.88 The applicant has provided their rationale and modelling for the trip generation forecasts in their Transport Assessment.
- 6.89 The Oxfordshire County Council has adopted new policy that is to be followed when assessing new developments, called 'Implementing "Decide & Provide": Requirements for Transport Assessments'.
- 6.90 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.
- 6.91 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.
- 6.92 In their comments, the OCC 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 OCC.
- 6.93 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'*.
- 6.94 Such 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.
- 6.95 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.
- 6.96 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.
- National Travel Survey (NTS)
- 6.97 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 multi-modal trips and

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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’.

- 6.98 OCC 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 OCC 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, OCC considers the use of the 2022 NTS data has not been fully justified.
- 6.99 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.
- 6.100 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.
- 6.101 Similarly, OCC 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

- 6.102 To inform the base flows, Manual and Automatic Traffic Count surveys were undertaken in September 2023.
- 6.103 However, OCC 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.
- 6.104 It’s been said in the OCC response 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.

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- 6.105 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, OCC has accepted this assumption as the flows are considered relatively small.

Assessment Year and Traffic Growth

- 6.106 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 pre-application response received*” [from OCC]. Subsequently the applicant has used TEMPro in order to estimate the future traffic growth in the “Oxfordshire 002” area selected for the assessment.

- 6.107 OCC 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).

- 6.108 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 OCC. A further narrative is also required to understand why the “Oxfordshire 002” area has been chosen above other neighbouring areas.

Trip Distribution

- 6.109 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 OCC.

- 6.110 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.

- 6.111 Further to that OCC 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

- 6.112 The applicant has subjected three junctions to a junction capacity analysis assessment:

- 6.113
- 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.

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- 6.114 This list is significantly reduced when compared to the highway network that was presented the OCC's pre-application responses, both in 2021 and 2023.
- 6.115 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.
- 6.116 OCC 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 OCC 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*".
- 6.117 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.
- On-site Parking provisions
- 6.118 On-site parking provisions will be part of any future reserved matters application and as such, any future on-site parking provisions associated with this development site must be provided in accordance with OCC's Parking Standards for new Developments.
- Public Transport
- 6.119 OCC 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.
- 6.120 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.
- 6.121 In addition, staff at the care home may be drawn from areas of south-east Oxford where connectivity to this area is currently poor.
- 6.122 The total public transport services contribution for this development is estimated to be £230,999,80 (although OCC advises that this figure is subject to review as it is based upon TA trip rates that are not yet agreed).

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- 6.123 These contributions are required to make the development acceptable in planning terms, to maximise use of sustainable transport measures.

Summary

- 6.124 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.
- 6.125 As submitted, the Local Highway Authority objected to this planning application on transport grounds. The proposal is considered to be contrary to policies STRAT13, INF1, DES1, TRANS2 TRANS4, TRANS5 of the South Oxfordshire Local Plan 2035 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.

Affordable housing

- 6.126 The National Planning Policy Framework states that affordable housing provision will be sought on major development schemes of 10 or more homes, or a site of 0.5 hectares. In accordance with Local Plan Policy H9, the affordable housing provision will be 50% on any site within South Oxfordshire that is adjacent to Oxford City.
- 6.127 For a site of 121 units this would equate to 60.5 affordable homes in accordance with the affordable housing mix below:

<i>Tenure mix</i>	<i>Percentage %</i>	<i>Number of units</i>
First Homes	25%	15
Social rent	35%	21
Affordable rent	25%	15
Home ownership	15%	9

- 6.128 Where the affordable percentage results in a part unit, a financial contribution will be sought on the part residential unit. The expectation would be for 60 units to be delivered on the site with a commuted sum payable for the 'part' (0.5) unit. Therefore, the commuted sum amount will be £77,022. This could be secured through a legal agreement (S106).

6.129 *First Homes*

In accordance with Government guidance, it is mandatory that 25% of affordable housing provision is delivered as First Homes. As indicated above, the remaining 75% of affordable homes forms the remainder of the provision. Whilst First Homes are an affordable housing product as set out in the NPPF, they are not managed by Registered Providers. Therefore, it is advised that these units are mixed within general market provision. The site will be required to deliver 15 First Homes in line with the Government's First Homes guidance.

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- 6.130 The table below sets out a suggested mix for the remaining 45 affordable housing units:

Unit size	A/R	S/R	LCHO
1b/ 2p flat	10	0	0
2b/ 4p flat	5	0	0
2b/4p hse	0	14	5
3b/ 6p hse	0	5	4
4b/ 8p hse	0	2	0
Total	15	21	9

- 6.131 *Nationally Described Space Standards (NDSS)*

The following minimum sizes are sought for each type of affordable unit:

Bedroom size	1 storey (flat)	2 storeys (house)
1bed/ 2 person	50 sqm	0
2 bed/ 4 person	70 sqm	79 sqm
3 bed / 6 person	0	102 sqm
4 bed/ 8 person	0	124 sqm

- 6.132 At least 5% of affordable housing dwellings should be designed to meet the standards of M4(3): wheelchair accessible dwellings. It is advisable that all M4(3) units are situated on ground floor levels unless appropriate measures are in place to allow access to the upper floors.
- 6.133 The provision of affordable housing would have been secured through the provisions of a legal agreement. However, in the absence of a completed legal agreement, the affordable housing has not been secured and the proposal is therefore contrary to policy H9 (Affordable Housing) of the SOLP.

Care Home provision

- 6.134 Policy H13 of the SOLP states that encouragement will be given to developments that include the delivery of specialist housing for older people in locations with good access to public transport and local facilities. Further to that Policy H13 adds that provision for specialist housing for older people should be made within the strategic housing development allocated in the SOLP.
- 6.135 The application proposes up to 80 units for a C2 use Care Home facility, to be located in the north-eastern part of the application site. The applicant submitted a Care Home Need Assessment, the findings of which have been considered as part of the assessment of the application.
- 6.136 The assessment concludes that:

“whilst a significant proportion of the district care home estate is

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purpose built, many homes are now somewhat dated and fail to offer a standard of accommodation reasonably expected in the 21st century (...)". It further states that "without further development South Oxfordshire is set, by 2030, to have an Outstanding Need for almost 200 ensuite bedrooms registered for the provision of care to older persons. The shortfall is mirrored across the immediate Locality".

- 6.137 The Council acknowledge there is a need for older persons accommodation in the district and assesses that need through the Oxfordshire Strategic Housing Market Assessment (2014) (SHMA) which is monitored through the Authority Monitoring Report (2021/2022) (AMR).
- 6.138 Whilst the Council generally seeks elderly persons accommodation on strategic sites, in this case the Sandhills site is a satellite allocation of the wider Bayswater Brook site which is proposing elderly persons accommodation in the form of 120 assisted living units. These will be C3 Extra Care – of which 50% (60) will be affordable Extra Care units. Further to that, Policy H13 requires specialist housing for older people to be sited in locations with good access to public transport and local facilities, which is not the case for this application. As such, it is not considered necessary to provide elderly persons accommodation on this site. Furthermore, if it is to be accommodated, the scale and form should be sympathetic to the character and surroundings. The indicative mass and form are considered inappropriate on this site for this reason.
- 6.139 Although the Care Home is being classed as class C2, detailed floor plans will need to be provided to determine if these units are self-contained. If they are self-contained, an Affordable Housing contribution of 50% will be sought on the total number of units across this site.

Housing Mix

- 6.140 In relation to market housing, policies H11 (Housing Mix) of the SOLP requires new developments to provide a mix of dwelling types and sizes to meet the needs of current and future households, including accessible housing. The Planning Statement sets out an indicative mix, but if the application had progressed positively, a suitable market mix would have been secured through a condition and this would have been based on the most up-to-date evidence on housing needs.

Heritage Impact and Archaeology

- 6.141 Heritage Impact
Paragraph 195 of the NPPF states that heritage assets are an irreplaceable resource and will be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.
- 6.142 The application is supported by the Historic Environmental Desk-Based Assessment. There are no designated heritage assets on this site.
- 6.143 The setting of nearby heritage assets: Grade II Listed Buildings at Bayswater

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Mill, Stowford Farmhouse, and a Milestone along the A40, the Headington Quarry Conservation Area and the Shotover Grade I Registered Park and Garden, were assessed, in line with national policy and guidance, and concluded that there will therefore be no harm to the significance of any of the identified assets as a result of the changes within their setting arising from the implementation of the proposed development.

- 6.144 Having assessed the relationship of the application site to nearby assets, the council's Heritage Officer agrees with the findings within the submitted heritage assessment and the indicative plans for the site. It is considered that it is unlikely that the proposals would harm the significance of known designated heritage assets as a result of this Outline application.

Archaeology

- 6.145 An archaeological desk-based assessment, incorporating geophysical survey, and the results of an archaeological trenched evaluation were requested at the pre-application stage. Subsequent Written Schemes of Investigation (WSI's) for the assessment and field evaluation as requested were submitted by the applicant's archaeological consultants, Cotswold Archaeology (CA), and subsequently agreed.
- 6.146 The archaeological significance of the application site has now been more clearly established by the implementation of the agreed trenched evaluation. The submitted evaluation has shown that significant archaeological remains do not survive on this site. As such there are no archaeological constraints to this scheme.
- 6.147 The proposal would comply with the relevant policies of the SOLP, which are policy ENV6 (Historic Environment) and ENV9 (Archaeology and Scheduled Monuments).

Trees

- 6.148 The application is supported with an arboricultural report, the report appears to accurately represent the tree constraints on and adjacent to the site. Although the report includes a tree removal plan, the full impacts of the development have not been captured due to the indicative nature of the current plans.
- 6.149 The report identifies the removal of a section of internal hedging and two low quality trees to implement the indicative layout. This is acceptable from an arboricultural perspective, subject to replacement planting.
- 6.150 The report has also identified there would be a need to remove a tree situated on highway land within Delbush Avenue to implement the proposed access. The tree is situated outside of the SODC district boundary, within the administrative boundary of Oxford City Council and under the management of Oxfordshire County Council (OCC). The removal of the tree has been confirmed by OCC as unacceptable.
- 6.151 Although in his comments the Tree Officer did not raise an objection to the

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proposal, he advised that there are some concerns that would need to be addressed as a part of any reserved matters application to demonstrate there would be no further loss of trees:

- The site steeply slopes down towards the northern part of the site, where the woodland is situated. It would need to be demonstrated that final levels would not require encroachment into the Root Protection Area of tree shown to be retained.
- Infrastructure including two LAPs, a LEAP, MUGA and footpaths are shown in close proximity to trees shown to be retained and an area of crack willow in the north-eastern part of the site. It would need to be demonstrated that the relationship of this infrastructure with the adjacent trees would not result in the direct loss or future loss of these trees, unless suitable mitigation planting can be provisioned. Considering the species characteristics adjacent to children s play area.
- The location of service and drainage infrastructure, avoiding conflicts with the Root Protection Areas of trees shown to be retained.

6.152 A comprehensive landscaping plan would need to be submitted with any reserved matters application, demonstrating this has been designed in unison with building layouts as well as all drainage, service routes, highway layouts, vision splays and lighting layouts to avoid conflicts that would prevent the planting from being implemented or becoming established in the future. It will also be essential for it to be demonstrated that trees shown in hard surfaced areas would have sufficient growing medium for healthy root development. This could be addressed by a planning condition should the scheme receive approval.

Ecology

- 6.153 Policy ENV2 of the SOLP seeks to protect important ecological receptors (designated sites, protected species, priority habitats, etc.). Where adverse impacts on important ecological receptors are likely, development must meet the criteria outlined under the policy to be acceptable.
- 6.154 Policy ENV3 of the SOLP seeks to secure net gains for biodiversity and requires that applications are supported by a biodiversity metric assessment. Net losses of biodiversity will not be supported.
- 6.155 Policy ENV4 of the SOLP seeks to protect the district s watercourses and requires new development to be buffered from watercourses by a minimum of 10 metres. Culverting of watercourses is not supported and opportunities to de-culvert sites should be explored.
- 6.156 Policies ENV2, ENV3 and ENV4 of the SOLP are wholly consistent with paragraphs 180, 185 and 186 of the NPPF.
- 6.157 Furthermore, this parcel of land is (at the time of writing) included within the wider STRAT13 strategic allocation of the local plan. Subsections (x) and (xi) of this allocation policy require that development delivers a net gain for

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biodiversity and protects and enhances habitats associated with the Bayswater Brook watercourse.

Designated sites

- 6.158 The application site does sit within a SSSI impact risk zone, and the development scale is relevant. Natural England have been consulted and raised no objection. It is considered that the development proposals, subject to appropriate controls during the construction phase, are unlikely to result in any significant adverse impacts on any statutory or locally designated sites.

Habitats

- 6.159 The habitats present onsite, to be impacted by development activities, are not considered to be significant constraints to development. Areas of modified grassland and some lengths of hedgerow will be lost. Having regard for the allocated status of the site and the requirements of Policy ENV2, with regard to hedgerows, it is likely that these impacts are acceptable. There remains suitable scope to secure compensatory hedgerow planting.
- 6.160 Other habitats within and immediately adjacent to the application site are of increased ecological value. The Bayswater Brook watercourse, defining the sinuous northern boundary, and associated woodland belts (priority habitat woodland), are of high ecological value. Illustrative proposals show that there is scope for these habitats to be mostly, if not completely, retained.
- 6.161 The proposed loss of a small area of priority habitat woodland for the LAP shown on the illustrative proposals is not supported by the Ecology Officer. This loss would engage the requirements of ENV2 and there does not appear to be a robust argument in favour of the permanent loss of priority habitat woodland.
- 6.162 It is however acknowledged that layout is not being sought for approval and this feature could potentially be relocated to minimise ecological impacts, consistent with the mitigation and biodiversity gain hierarchies.

Species - Bats

- 6.163 Bat surveys have concluded that the edge of the northern and eastern woodland is a key onsite feature for foraging and commuting bats. Importantly, surveys along the northern woodland edge consistently recorded use by barbastelle (*Barbastella barbastellus*), one of the rarest and most threatened bat species in the England.
- 6.164 The species is listed in Annex II of the EC Habitats Directive. In the planning system, barbastelle is a priority species, considered to be of principal importance for the conservation and enhancement of biodiversity in England. Furthermore, the Bat Conservation Trust, Mammal Society, Natural England and Joint Nature Conservation Committee (JNCC) identify the barbastelle as being at imminent risk of extinction in Britain.
- 6.165 The existing woodland edge is a key habitat for the species and of at least regional importance for commuting barbastelle (important on the scale of

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South East England). The presence of this species on site, and consistent recorded use of the edge of the northern woodland, is a material ecological constraint which must be taken account of in the planning process.

- 6.166 Barbastelle is a highly light-intolerant species and light spill onto roosts, commuting route or foraging areas can have significant adverse impacts. This is reflected in the recommendations of 4.24 of the ecological appraisals and is consistent with Institute of Lighting Professionals Guidance Note 08/23. It is essential that woodland edge, in the north of the application site, should be kept dark to ensure that value to barbastelle is retained.
- 6.167 The indicative concept plan under STRAT13 shows that the lowest density of development should be adjacent to this woodland edge. The Ecology Officer, similarly, to both the Landscape and Urban Design Officers, also raised concerns with regards to the illustrative plan submitted with this application, which shows a higher density of development within the north of the site.
- 6.168 Blocks of apartments/flats would be sited c.8m from the woodland edge of value to bats. In addition, footpaths are shown directly adjacent to the woodland edge. Both the blocks of apartments, with their fenestration and external lighting, and lighting required for safe footpath use, would likely introduce a harmful level of light spill onto the woodland edge.
- 6.169 Whilst it is acknowledged in the Ecology Officer's comments that this application does not seek approval for layout, he advises that it is essential that development is only permitted where a dark corridor along the woodland edge can be preserved in the development. Based on the submitted plans, the Ecology Officer is not confident that this can be achieved onsite.
- 6.170 Development, including footpaths/apartments blocks, would need to be pulled back from the woodland edge and designed so to avoid light spill from both internal and external sources. More detail related to the proximity of the development adjacent to the woodland edge and outline details of what light spill may be like, shall be provided, in order to assess the exact impact of the proposal upon these protected species.

Species- Birds

- 6.171 The Ecology Officer is generally satisfied that the site is unlikely to be used by skylark for breeding, due to regular disturbance from dog walkers and the proximity of tall boundary vegetation to open areas which discourages this species when selecting breeding sites. On balance, the impacts on birds are not considered to be significant in planning terms and could be addressed through the imposition of conditions.

Species - Reptiles

- 6.172 Surveys have concluded that there is a small population of grass snake onsite. The Ecology Officer is satisfied that impacts on the species can readily be mitigated through the construction phase and that the development has scope to incorporate features to ensure the continued use of the site by reptiles at a comparable level.

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Other Species

- 6.173 It is considered that impacts on other species can likely be avoided or appropriately mitigated through the imposition of planning conditions.

Biodiversity Net Gain (BNG)

- 6.174 SOLP policy ENV3 (Biodiversity) is relevant in respect of biodiversity net gain. The BNG technical note is indicative, which reflects the outline nature of the application. The Ecology Officer has confirmed that he is satisfied with the general conclusion of the assessment (net loss likely, trading rules potentially offended). However, it is noted that most areas of public open space and road verges have been accounted for as more-species rich other neutral grassland in moderate condition. This is likely a gross overestimation of the value of the habitats, but at this outline stage (where landscaping details are not yet being fixed), it is mutually understood that offsite habitat creation (either through an offsetting agreement or habitat creation on land under the control of the applicant) will need to be relied upon to meet the allocation policy requirements. An updated metric assessment will be required at the reserved matters stage, if permission is granted.
- 6.175 To conclude, a number of concerns has been raised by the Ecology Officer with regards to the proposed spatial arrangement of the built form within the site (in particular to the location of the access road and the apartment blocks, in a close proximity to the existing woodland in the northern part of the site), and their impact upon the protected species.
- 6.176 As such it is considered, insufficient information has been submitted with this Outline application, to demonstrate that the proposal would not have a detrimental impact upon *Barbastella barbastellus*, one of the rarest and most threatened bat species in the England.
- 6.177 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 judged to be contrary to Policy ENV2 and STRAT13 3xi of the South Oxfordshire Local Plan 2035, and paragraphs 180, 185 and 186 of the NPPF.

Environmental Sustainability and Carbon Reduction

- 6.178 Policy DES8 (Promoting Sustainable Design) of the SOLP requires all new development to seek to minimise the carbon and energy impacts of their design and construction and that they are designed to improve resilience to the anticipated effects of climate change. Policy DES10 (Carbon Reduction) requires new residential development to achieve at least a 40% reduction in carbon emissions compared to a 2013 Building Regulations compliant base and for an Energy Statement to be submitted to detail how proposals will comply with this policy.
- 6.179 The requirement will increase from 31 March 2026 to at least a 50% reduction in carbon emissions and again from 31 March 2030 to a 100% reduction in carbon emissions (zero carbon). These targets will be reviewed

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in the light of any future legislation and national guidance.

- 6.180 The application is accompanied by an Energy and Sustainability Statement, and this provides details of measures that could be incorporated into a detailed scheme. Given the size of the site and the type of development proposed, it is possible that the requirements of DES8 (Promoting Sustainable Design) and DES10 (Carbon Reduction) could be factored in at detailed design stage and this could have been achieved through a suitably worded planning condition if the application had progressed positively. A condition could also have been used to ensure that the new homes were designed to a water efficiency standard of 110 litres/head/day, in accordance with SOLP policy INF4 (Water Resources).

Drainage and Flood Risk

- 6.181 The application is accompanied by a Flood Risk Assessment report which sets out the drainage strategy for the proposed development. The majority of the site is in Flood Zone 1 (low probability of flooding), which the NPPF considers to be the most suitable zone for all development types in terms of flood risk. The Flood Zones (including Flood Zone 3b, Flood Zone 3a and the Flood Zone 2) follows the Bayswater Brook, and cross a swathe of land through the site, towards the north.
- 6.182 Although the illustrative masterplan and indicative parameter plans direct all built form/development to Flood Zone 1, the proposed play area (LEAP) will be partially located within the Flood Zone 2 and Flood Zone 3.

Surface Water

- 6.183 The Drainage Engineer in his comments stated that whilst there are concerns with regard the steepness of the site and the ability to design suitable road gradients for the layout shown, the general strategy provided in the FRA provides a basis for detailed design and it is considered that further details can be provided by way of a suitably worded planning conditions.
- 6.184 Any site layout changes to accommodate necessary road or tie-in gradients should not be at the detriment of implementing above ground sustainable drainage features indicated in the Flood Risk Assessment.
- 6.185 It is considered that the submitted Flood Risk Assessment has therefore adequately assessed the risk of flooding to the site from all sources and, this is in line with the requirements of SOLP policy EP4 (Flood Risk).

The Local Lead Flood Authority (LLFA)

- 6.186 The LLFA also did not object to the proposed development. It stated in its comments that the FRA submitted with this application has a number of good features relating to SuDS which are welcomed and if the principles are adhered to there should be no problems with the final scheme.
- 6.187 The LLFA also stated that given that the application is in outline, the design is preliminary, and recommended two conditions.

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Foul Water

- 6.188 With regards to the foul water, the Drainage Engineer has no objection subject to a condition securing further details to be submitted prior to the commencement of any phase or sub-phase of the development. In addition, to secure appropriate future maintenance of drainage, a further condition is requested, requiring all below ground drainage infrastructure serving more than one property to be offered for adoption to Thames Water or alternative OFWAT approved water statutory authority with approved adoption plans to be provided to the local planning authority prior to the final occupation of any reserved matters phase approved. Should the application be progressed in a positive way, these conditions are considered reasonable and justifiable.

Thames Water

- 6.189 Waste Comments: Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. It advises that the developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection; however, care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding.
- 6.190 The application indicates that surface water will not be discharged to the public network and as such Thames Water has raised no objection but advises that approval should be sought from the Lead Local Flood Authority.
- 6.191 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 Thames Water would need to review their position.

Water Supply Comments:

- 6.192 Thames Water would advise that with regard to water network infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommend the following informative be attached to this planning permission.

Contaminated Land

- 6.193 The application is accompanied by a contaminated land questionnaire. Based on the information submitted there does not appear to be any potential sources of contaminated land that could impact the proposed development. In respect of the land contamination assessments undertaken the application site would appear to be suitable for the proposed development.
- 6.194 The proposed development is considered to comply with SOLP policy ENV11 (Pollution – Impact from Existing and/or Previous Land Uses on New Development (Potential Receptors of Pollution)).

Air Quality

- 6.195 Having regard to SOLP policy EP1 (Air Quality), proposals must have regard

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to the measures set out in the Developer Guidance Document and Air Quality Action Plan. The application was not accompanied by an Air Quality Assessment and as such, it has not been possible to assess any proposed air quality mitigation measures. If the application had progressed positively, air quality mitigation measures could have been secured through planning conditions. This would have included a requirement to provide electric vehicle car charging points.

Residential Amenity

- 6.196 Policy DES6 (Residential Amenity) of the SOLP requires development proposals to demonstrate that they will not result in significant adverse impacts on the amenity of neighbouring uses. Based on the illustrative layout, which illustrates that there is an adequate separation between the new development and existing homes along the western and southern boundaries of the site could be achieved. Having regard the information currently in front of the Council, the scheme is unlikely to cause a detrimental impact upon the amenities of the neighbouring properties in terms of privacy, loss of sunlight/daylight and outlook.
- 6.197 The construction phase of the proposed development would create noise and dust that would be likely to disturb neighbouring occupiers. However, given that the impact of this could be managed by conditions (including a restriction on construction hours) and would also be of a temporary nature, this would not be a reason to refuse planning permission.
- 6.198 The application is supported with documents and plans including noise assessment ref 12379A-20-R01- 04-F dated 3 January 2024 carried out by Noise Consultants Ltd. The Environmental Protection Officer has raised no objections subject to the compliance condition, which secures the delivery of the development in line with the findings of the above acoustic report.
- 6.199 If the proposal had progressed to detailed design stage, the new homes would need to achieve the separation distances in the Joint Design Guide. This includes a minimum distance of 21m in a back-to-back relationship and 12m in a side to rear relationship.
- 6.200 The development would also have to provide private gardens in accordance with the standards in the Joint Design Guide and outlined in SOLP policy DES5 (Outdoor Amenity Space).
- 6.201 The indicative layout plan, and the proposed quantum of the development, do not show how the shared amenity space and play areas could be accommodated in accordance with SOLP policy CF5 (Open Space, Sport and Recreation in New Residential Developments).
- 6.202 Currently, the proposed play spaces are not considered to be successfully integrated with the main part of the development. It is considered that the current location (although indicative only) of MUGA and LEAP would not be afforded the expected level of natural surveillance and could become an area prone to the antisocial behaviour.

Waste Management

- 6.203 Having regard to SOLP policy EP3 (Waste Collection and Recycling) and WSNP policy VC1 (Development principles and the character of the area), a detailed layout for the development of the site would need to provide adequate bin storage and collection facilities. There appears to be sufficient space in the layout and bin storage facilities, and if the application had progressed to reserved matters stage, the plans would have needed to demonstrate that waste collection vehicles could be safely accommodated within the site.

Infrastructure and Contributions

- 6.204 The council has an adopted a Community Infrastructure Levy ('CIL') 2023 and 'chargeable development' includes all new buildings and development delivering 100 sqm or more of additional gross internal floor space. Development on this site is exempt from CIL being part the allocated strategic site of Bayswater Brook which is exempt from chargeable CIL (Zero Rate).
- 6.205 All supporting infrastructure is to be secured through a S106 agreement. Where necessary to mitigate the impact of the development, on-site and off-site infrastructure can be secured through a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended). As Oxfordshire County Council are the authority responsible for highways, education and waste disposal, if the application has progressed positively, Oxfordshire County Council would have been party to a Section 106 ('S106') legal agreement.
- 6.206 In terms of the functions that South Oxfordshire District Council are responsible for, on-site affordable housing would have been secured as part of a S106 agreement. A S106 would also have been used as a mechanism to secure the delivery and management of on-site open space and play.
- 6.207 Under the current fee schedule, if the application has progressed positively, the council would also have secured:
- 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).
 - A monitoring fee to cover the costs involved in the administration and monitoring of the agreement.
- 6.208 In terms of the functions that the county council operate, the proposed development would increase demand placed on local education infrastructure and services. If the application had progressed positively, the following financial contributions would have been required to mitigate the impact of the development:

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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			

6.209 Necessary highway mitigation would have been secured through the provisions of a S106 if the application had progressed positively.

The following contributions / obligations would have been 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.]			

6.210 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 have been 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)

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- 6.211 In the absence of a completed S106 agreement to secure the above infrastructure requirements the proposed development is contrary to several development plan policies including policies INF1, TRANS4, TRANS5 and EP3 of the SOLP.

7.0 CONCLUSION AND PLANNING BALANCE

Conclusion

7.1 Principle

The application has been assessed on its merits, against the requirements of the South Oxfordshire Local Plan 2035 and the National Planning Policy Framework and in light of the received comments.

- 7.2 The application site forms a part of larger strategic housing allocation in the council's Local Plan and could contribute towards the sustainable planned growth of the district.

- 7.3 The Council does not have to demonstrate a five-year housing land supply and housing policies in the Development Plan can be given full weight.

- 7.4 There are no material considerations that would indicate the proposed development should be considered otherwise than in accordance with the development plan.

- 7.5 As such, given the site is currently allocated under policy STRAT13, and in line with the requirements of the policy H1, the principle of development is acceptable, unless material considerations indicate otherwise.

Five Years Housing Land Supply

- 7.6 Whilst officers are not convinced the 'tilted' balance applies in this case, if it were to apply, the benefits of the proposal would 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.

- 7.7 The provision of housing and affordable housing (including contributions towards Oxford City's unmet need) has social benefits as do improvements to the public transport services and local facilities which could result should the development be permitted. New planting, biodiversity enhancement and public open spaces have an environmental benefit.

- 7.8 The benefits listed above attract weight in favour of the proposal. However, the benefits of the proposal (if applied) would still not outweigh the clear conflict with the identified suitability issue, which leaves the proposed development undeliverable, due to the lack of access to the site.

Council's Delivery Strategy

- 7.9 Officers are mindful that there is a current outline (hybrid) planning application on the other site (ref P22/S4618/O) which proposes the delivery of 1,450 new dwellings (Class C3) and 120 units of Assisted Living dwellings, with ancillary

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communal and care facilities (Class C2/C3), along with the new community use buildings, green infrastructure and further infrastructure works.

- 7.10 The above proposal (ref. ref P22/S4618/O) would over-deliver the housing numbers the site was initially allocated for, therefore given that there is likely to be a surplus in the housing numbers that is to be delivered on the larger parcel of this allocation, it is not considered that the refusal of the proposal on Sandhills site, would have a detrimental impact upon the overall South Oxfordshire District Council's delivery strategy.

Accessibility

- 7.11 The emerging Joint Local Plan (JLP) for both council areas (recently at its Regulation 18 Part 2 'Preferred Options' consultation stage) 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*' due to the specific issues affecting the suitability of the Sandhills area.

- 7.12 Whilst it is acknowledged that the Joint Local Plan (and so the potential de-allocation) can carry limited weight at the present time as an emerging policy document, the deliverability issues that have led to the potential de-allocation have been a material consideration in the circumstances of this case and is relevant to an assessment of the merits of this proposal.

Highways

- 7.13 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 such, the proposal is contrary to policies STRAT13, INF1, DES1, TRANS2 TRANS4, TRANS5 of the South Oxfordshire Local Plan 2035 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.

Green Belt

- 7.14 The allocation boundary consists of land that was released from the Green Belt; whereas the additional northern land that is included in this application boundary (around Bayswater Brook) remains set within the Green Belt.
- 7.15 The extension of the development (including apartment blocks and access road) beyond the allocated site is considered to be an inappropriate development in the Green Belt,
- 7.16 The proposal fails to demonstrate a very special circumstances, does not provide a defensible space to the Green Belt boundary and does not establish a strong countryside edge contrary to policies STRAT 6 and STRAT13 iv of the South Oxfordshire Local Plan 2035 and paragraphs 152, 153 and 154 of the NPPF.

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Landscape

- 7.17 A lack of strong rural edge and a defensible Green Belt boundary as required in the site allocation policy template (STRAT13), as well as the spatial distribution of the impact of the proposed built form (in particular the large blocks towards the northern part of the application site), would create an abrupt transition and would result in adverse visual impacts, upon the character and the appearance of this rural/countryside edge location. It would also have a harmful impact upon the openness of the Green Belt. As such the proposal is considered to be contrary to Policies STRAT 6, STRAT 13, ENV1, DES1 and DES2 of the South Oxfordshire Local Plan 2035, and paragraphs 152, 153 and 154 of the NPPF.

Proposed quantum

- 7.18 Since this application is in outline, with only access to be considered, it is acknowledged that some of the points raised in this report could be addressed at the reserved matters stage. However, the proposal as currently presented to the Local Planning Authority, does not satisfactorily demonstrate how the quantum of the proposed development can be accommodated on this site, without having a harmful impact upon the future quality of the design, the character and appearance of the surrounding area. As such the proposal is contrary Policies STRAT 13 3viii, ix, DES1 and DES of the South Oxfordshire Local Plan 2035 and Joint Design Guide (Place and setting, Natural Environment, Movement and Connectivity, Space and Layout).

Ecology

- 7.19 As currently presented, the proposal (in particular the location of the large apartment blocks within the northern boundary of the site, close to the woodland edge) is considered to have a harmful impact upon the *Barbastella barbastellus* (one of the rarest and most threatened bat species in the England).
- 7.20 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 judged to be contrary to Policy ENV2 and STRAT13 3xi of the South Oxfordshire Local Plan 2035, and paragraphs 180, 185 and 186 of the NPPF.

Balance

- 7.21 The application could support an economic objective through construction employment, increased investment in the public transport services and the local economy. The provision of additional market and affordable housing, as well as the 80-bed care home (Class C2) has social benefits and could also help with Oxford City's unmet housing need. New planting, biodiversity enhancement and public open spaces would serve as an environmental benefit.
- 7.22 However, the conflict with the certain criteria in the allocation policy STRAT 13 and other relevant policies in the SOLP 2035 and the NPPF, along with a number of identified harms arising from the proposed development, including lack of access to the site, are not outweighed by the allocation status of this site or by the social & economic benefits of the provision of housing in this

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location.

7.23 It is also considered that this site if not delivered does not undermine the Council's overall delivery strategy.

7.24 For the reasons outlined in this report, the application is therefore recommended for refusal.

8.0 RECOMMENDATION – Refuse outline permission

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

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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.

Informative

1. Reason for refusal 9 and 10 could be overcome by entering into a

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section 106 agreement(s) with the South Oxfordshire District Council and Oxfordshire County Council to secure the required infrastructure.

Delegated Authority Sign-Off Officer