Agenda

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OXFORD CITY COUNCIL

Planning Review Committee

Date: **Wednesday 30 March 2016**

Time: **6.00 pm**

Place: **The Old Library, Town Hall**

For any further information please contact:

Catherine Phythian, Committee and Member Services Officer

Telephone: 01865 252402

Email: cphythian@oxford.gov.uk

As a matter of courtesy, if you intend to record the meeting please let the Contact Officer know how you wish to do this before the start of the meeting.

Planning Review Committee

Membership

Chair	Councillor James Fry	North;
Vice-Chair	Councillor Jean Fooks	Summertown;
	Councillor Stephen Goddard	Wolvercote;
	Councillor Sam Hollick	Holywell;
	Councillor Pat Kennedy	Lye Valley;
	Councillor Mark Lygo	Churchill;
	Councillor Chewe Munkonge	Quarry and Risinghurst;
	Councillor Dee Sinclair	Quarry and Risinghurst;
	Councillor Ed Turner	Rose Hill and Iffley;

The quorum for this meeting is five members. Substitutes are permitted

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-

AGENDA

Pages

1 APOLOGIES FOR ABSENCE

Apologies for absence have been received from:

- Cllr Hollick – substitute Cllr Wolff
- Cllr Goddard – substitute Cllr Gotch

2 DECLARATIONS OF INTEREST

3 LAND EAST OF WARREN CRESCENT: 13/01555/CT3 9 - 94

This application was approved at the East Area Planning Committee on 3 February 2016 and subsequently called in.

Proposal: Erection of 10 x 3-bed dwellings (use class C3) together with associated car parking, cycle and bin storage. Diversion of public footpath. (Amended plans and description)

Site Address: Land East of Warren Crescent: 13/01555/CT3

Officer recommendation: to approve the development for the reasons set out within the report and with the conditions below:

Conditions

1. Development begun within time limit
2. Develop in accordance with approved plans
3. Samples
4. Details of all means of enclosure for the site including the erection of palisade fencing along the boundary with the SSSI to prevent fly tipping
5. Details of refuse and cycle storage
6. Landscape plan required
7. Landscape carried out by completion
8. No felling lopping cutting
9. Tree Protection Plan (TPP) 1
10. Arboricultural Method Statement (AMS) 1
11. Sustainable Urban Drainage Scheme including detailed design, construction and maintenance plan
12. Biodiversity enhancements
13. Method statement for preserving ecology
14. Arch - Implementation of programme
15. Details of the proposed parking areas
16. Details of the allotment access
17. Amendments to the Traffic Regulation Ord
18. Construction Environmental Management Plan including a method statement for preserving ecology during construction
19. A Travel Plan Statement
20. Details of affordable housing
21. Secure by Design Principles
22. Sustainability Measures / NRIA
23. Removal of permitted development rights

24. Scheme of external lighting
25. Phase II Contaminated Land Assessment

4 MINUTES OF THE MEETING HELD ON 27 JANUARY 2016 95 - 100

5 DATE OF FUTURE MEETINGS

The following dates are scheduled for meetings of this Committee (if required):

2016	**2017**
27 April 2016	18 January 2017
22 June 2016	15 February 2017
13 July 2016	15 March 2017
10 August 2016	12 April 2017
14 September 2016	24 May 2017
12 October 2016	
9 November 2016	
20 December 2016	

DECLARING INTERESTS

General duty

You must declare any disclosable pecuniary interests when the meeting reaches the item on the agenda headed “Declarations of Interest” or as soon as it becomes apparent to you.

What is a disclosable pecuniary interest?

Disclosable pecuniary interests relate to your* employment; sponsorship (ie payment for expenses incurred by you in carrying out your duties as a councillor or towards your election expenses); contracts; land in the Council’s area; licenses for land in the Council’s area; corporate tenancies; and securities. These declarations must be recorded in each councillor’s Register of Interests which is publicly available on the Council’s website.

Declaring an interest

Where any matter disclosed in your Register of Interests is being considered at a meeting, you must declare that you have an interest. You should also disclose the nature as well as the existence of the interest.

If you have a disclosable pecuniary interest, after having declared it at the meeting you must not participate in discussion or voting on the item and must withdraw from the meeting whilst the matter is discussed.

Members’ Code of Conduct and public perception

Even if you do not have a disclosable pecuniary interest in a matter, the Members’ Code of Conduct says that a member “must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself” and that “you must not place yourself in situations where your honesty and integrity may be questioned”. What this means is that the matter of interests must be viewed within the context of the Code as a whole and regard should continue to be paid to the perception of the public.

*Disclosable pecuniary interests that must be declared are not only those of the member her or himself but also those member’s spouse, civil partner or person they are living with as husband or wife or as if they were civil partners.

CODE OF PRACTICE FOR DEALING WITH PLANNING APPLICATIONS AT AREA PLANNING COMMITTEES AND PLANNING REVIEW COMMITTEE

Planning controls the development and use of land in the public interest. Applications must be determined in accordance with the Council's adopted policies, unless material planning considerations indicate otherwise. The Committee must be conducted in an orderly, fair and impartial manner.

The following minimum standards of practice will be followed.

1. All Members will have pre-read the officers' report. Members are also encouraged to view any supporting material and to visit the site if they feel that would be helpful.

2. At the meeting the Chair will draw attention to this code of practice. The Chair will also explain who is entitled to vote.

3. The sequence for each application discussed at Committee shall be as follows:-

(a) the Planning Officer will introduce it with a short presentation;
(b) any objectors may speak for up to 5 minutes in total;
(c) any supporters may speak for up to 5 minutes in total;
(d) speaking times may be extended by the Chair, provided that equal time is given to both sides. Any non-voting City Councillors and/or Parish and County Councillors who may wish to speak for or against the application will have to do so as part of the two 5-minute slots mentioned above;
(e) voting members of the Committee may raise questions (which shall be directed via the Chair to the lead officer presenting the application, who may pass them to other relevant Officers and/or other speakers); and
(f) voting members will debate and determine the application.

4. Preparation of Planning Policy documents – Public Meetings

At public meetings Councillors should be careful to be neutral and to listen to all points of view. They should take care to express themselves with respect to all present including officers. They should never say anything that could be taken to mean they have already made up their mind before an application is determined.

5. Public requests to speak

Members of the public wishing to speak must notify the Democratic Services Officer before the meeting starts giving their name, the application/agenda item they wish to speak on and whether they are objecting to or supporting the application. Notifications can be made via e-mail or telephone, to the Democratic Services Officer (whose details are on the front of the Committee agenda) or given in person before the meeting starts.

6. Written statements from the public

Members of the public and councillors can send the Democratic Services Officer written statements to circulate to committee members, and the planning officer prior to the meeting. Statements are accepted and circulated by noon, two working days before the start of the meeting.
Material received from the public at the meeting will not be accepted or circulated, as Councillors are unable to view proper consideration to the new information and officers may not be able to check for accuracy or provide considered advice on any material consideration arising.

7. Exhibiting model and displays at the meeting

Applicants or members of the public can exhibit models or displays at the meeting as long as they notify the Democratic Services Officer of their intention at least 24 hours before the start of the meeting so that members can be notified.

8. Recording meetings

Members of the public and press can record the proceedings of any public meeting of the Council. If you do wish to record the meeting, please notify the Committee clerk prior to the meeting so that they can inform the Chair and direct you to the best plan to record. You are not allowed to disturb the meeting and the Chair will stop the meeting if they feel a recording is disruptive.

The Council asks those recording the meeting:

• Not to edit the recording in a way that could lead to misinterpretation of the proceedings. This includes not editing an image or views expressed in a way that may ridicule, or show a lack of respect towards those being recorded.

• To avoid recording members of the public present unless they are addressing the meeting.

For more information on recording at meetings please refer to the Council's Protocol for Recording at Public Meetings

9. Meeting Etiquette

All representations should be heard in silence and without interruption. The Chair will not permit disruptive behaviour. Members of the public are reminded that if the meeting is not allowed to proceed in an orderly manner then the Chair will withdraw the opportunity to address the Committee. The Committee is a meeting held in public, not a public meeting.

10. Members should not:

(a) rely on considerations which are not material planning considerations in law;

(b) question the personal integrity or professionalism of officers in public;

(c) proceed to a vote if minded to determine an application against officer's recommendation until the reasons for that decision have been formulated; or

(d) seek to re-design, or negotiate amendments to, an application. The Committee must determine applications as they stand and may impose appropriate conditions.

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Planning Review Committee 30 March 2016

Application Number: 13/01555/CT3

Decision Due by: 23rd September 2013

Proposal: Erection of 10 x 3-bed dwellings (use class C3) together with associated car parking, cycle and bin storage. Diversion of public footpath. (Amended plans and description)

Site Address: Land East Of Warren Crescent (**site plan: appendix 1**)

Ward: Churchill Ward

Agent: Turley Associates **Applicant:** Oxford City Council

The application has been called-in to the Planning Review Committee by Councillors Brandt, Benjamin, Wilkinson, Wade, Thomas, Simmons, Goddard, Gant, Altaf-Khan, Hollick, Wolff, Haines and Fooks on grounds that the approval of the application puts at risk a highly unique Site of Special Scientific Interest (SSSI) reserve.

Recommendation

The Planning Review Committee is recommended to approve the grant of planning permission for the following reasons:

Reasons for Approval

1 The proposal would make an efficient use of this site which has been allocated for residential use as part of the Council's five-year housing supply to provide good quality affordable housing while at the same time establishing a balanced and mixed community within the Headington neighbourhood area. The proposal has considered the potential risk to the Lye Valley SSSI and Lye Valley Nature Reserve from changes to surface and groundwater flow to these sensitive sites, and developed a sustainable urban drainage system which if implemented in accordance with the details submitted in the application would minimise the risk of adverse impacts on the SSSI or Local Nature Reserve. The overall layout, form, and appearance of the development would be appropriate for the site and surrounding area while also safeguarding the amenities of the adjoining residential properties. The proposal is acceptable in highway terms with appropriate access arrangements retained for the Town Furze Allotments, parking provision, and pedestrian linkages to the surrounding area. The development would be

energy efficient, and would not have a significant impact upon biodiversity; trees; archaeology; flood risk; air quality; land contamination; or noise impact and any impact relating to these matters could be mitigated by appropriate measures secured by condition The proposal would accord with the overall aims of the National Planning Policy Framework and relevant policies of the Oxford Core Strategy 2026, Oxford Local Plan 2001-2016, and Sites and Housing Plan 2011-2026.

2 In considering the application, officers have had specific regard to the comments of third parties and statutory bodies in relation to the application. However officers consider that these comments have not raised any material considerations that would warrant refusal of the application, and any harm identified could be mitigated by the conditions listed below.

3 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

Conditions

1. 1Development begun within time limit
2. Develop in accordance with approved plans
3. Samples
4. Details of all means of enclosure for the site including the erection of palisade fencing along the boundary with the SSSI to prevent fly tipping
5. Details of refuse and cycle storage
6. Landscape plan required
7. Landscape carried out by completion
8. No felling lopping cutting
9. Tree Protection Plan (TPP) 1
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20. Details of affordable housing
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22. Sustainability Measures / NRIA
23. Removal of permitted development rights
24. Scheme of external lighting
25. Phase II Contaminated Land Assessment

Background

1. At the East Area Planning Committee on the 3rd February 2016, Members resolved to approve planning permission for the development of 10x3 bedroom affordable homes on this allocated site on land east of Warren Crescent for the reasons set out within the officers report (**appendix 2**)

2. The decision of the East Area Planning committee has subsequently been called-in to the Planning Review Committee by Councillors Brandt, Benjamin, Wilkinson, Wade, Thomas, Simmons, Goddard, Gant, Altaf-Khan, Hollick, Wolff, Haines and Fooks on the ground that the approval of the application puts at risk a highly unique Site of Special Scientific Interest (SSSI) reserve.

3. The stated basis for that view was that the committee did not give sufficient weight to the following material considerations in reaching their decision.

    - The decision disregarded local expertise, ignoring the detailed and well-reasoned opposition of a long list (10) of organisation which are closely familiar with the site in question, taking on board only Natural England's lack of opposition.

    - Approving this application commits the city council to potentially large expenses in perpetuity (no accurate sum, or even a rough estimate, was presented) in order to maintain the SUDs system in perpetuity. It is not clear where these resources will come from (this is a material consideration, as if the resources are not available, there is no dispute that this development will cause great harm to the SSSI)

    - Approval of this application ignored the need for taking a highly cautious approach, as the area being put in potential danger is highly rare, and of national and even international significance.

    - The SUDs system proposed by the developer as a means to mitigate the potential adverse effects on the Lye Valley reserve is unproven, and there is no reasonable assurance that it will work in the context of the complex water system of the area.

    - A 'plan B' to protect the reserve, which BBOWT has said should be provided as a condition for withdrawing their opposition to the application, has not been submitted.

4. This cover report will provide specific comments on the matters listed above and should be read in conjunction with the officer's report and appendices dated 7th December 2015 attached as **appendix 2**

Natural England's Advice

5. The East Area Planning Committee's decision has not attached undue weight to the lack of objection from Natural England in favour of the comments of other

local organisations. The officer's committee report sets out in detail the representations that were made by all statutory bodies, organisations, and local residents through the respective consultation periods. The assessment has had regard to all of these comments in reaching the recommendation, and considered the impact of the development upon the Lye Valley SSSI.

6. With respect to Natural England, it is important to recognise that they have been established by Parliament and Schedule 4 of the Town and Country Planning (Development Management Procedure) Order 2015 requires Natural England to be consulted on all developments that are within or likely to affect a site of specific scientific interest (SSSI). This is because it has specific expertise in terms of considering matters such as the protection of the natural environment and the impact upon SSSI's. Therefore Natural England's comments should be afforded significant weight in the determination of the application.

7. In this regard Natural England has raised no objection to the development and is satisfied that the scale and nature of the proposal will not be likely to have an adverse impact upon the features of special interest for which the SSSI is known provided the development is constructed in accordance with the proposed design and construction methodologies and there is on-going maintenance of the sustainable drainage system. This view is also supported by Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust (BBOWT), and the Oxfordshire County Council Drainage Authority.

Maintenance of the Sustainable Urban Drainage Scheme

8. A Management Plan which accords with the industry standard (The SUDS Manual, CIRIA C697) has been submitted with the application. The plan sets out a comprehensive maintenance and monitoring schedule that would be implemented as part of the scheme to ensure that the drainage strategy will function as designed.

9. The call-in suggests that this commits the Council to potentially large expenses in perpetuity in order to maintain the SUDS system and it is not clear where these resources will come from to undertake this plan.

10. In submitting the management plan as part of the application, the Council has accepted its requirement to maintain the drainage strategy and for this to be secured through the mechanism of a planning condition. The expense of implementing this management plan is not a matter for the committee to consider in terms of whether or not to grant planning permission for the development. The material consideration for the committee would be whether or not this management plan would be effective in terms of maintaining the drainage strategy and the condition imposing that requirement can properly be imposed.. As such officers consider the management plan to be appropriate and have recommended that it is secured by the imposition of a planning condition.

Cautious Approach to the Impact upon the Lye Valley SSSI

11. The call-in suggests that the East Area Planning Committee's decision to approve the application has ignored the need for taking a highly cautious approach with respect to the impact upon the Lye Valley SSSI, as the area being put in potential danger is highly rare, and of national and even international significance.

12. In response to this point, it is incorrect to suggest that in approving the application the East Area Planning Committee has not taken a properly cautious approach to considering the impact upon the SSSI. In reaching their decision the East Area Planning Committee were advised of the need to take a precautionary approach in discussing the item at the meeting. Moreover, the officer's report sets out a balanced assessment of the development in line with the relevant development plan policies and other material consideration and has had specific regard to the impact of the development upon the SSSI.

13. The site allocation policy (SP60) within the Sites and Housing Plan acknowledges that the site is adjacent to the SSSI and recognises the need to take a precautionary approach by stating that permission will only be granted for the development if it can be proven that there would be no adverse impact upon surface and groundwater flows and the SSSI from increases in hard surfacing. The Sites and Housing Plan was adopted following an independent examination, wherein the document and its policies were found by the Planning Inspector to be sound. Similarly, Natural England the recognised statutory body responsible for the protection of the natural environment and designating Sites of Specific Scientific Interest would also be aware of the need to take a precautionary approach with respect to the impact upon the SSSI.

14. As such, officers consider that an appropriate precautionary approach has been taken at all stages in the planning process for this application, whether that be the allocation of the site for development within the Sites and Housing Plan, the design development of the scheme, and the consideration of the planning application by the East Area Planning Committee.

Long Term Viability of the Drainage Scheme

15. The call-in suggests that he SUDs system proposed by the developer as a means to mitigate the potential adverse effects on the Lye Valley reserve is unproven, and there is no reasonable assurance that it will work in the context of the complex water system of the area.

16. The officer's committee report specifically deals with this point in paragraph 16-22 (**appendix 2**).

Berkshire, Buckinghamshire, and Oxfordshire Wildlife Trust – Plan 'B'

17. The call-in suggests that the 'Plan B', that the Berkshire, Buckinghamshire, and Oxfordshire Wildlife Trust [BBOWT] stated was a condition for withdrawing their opposition to the application has not been submitted.

18. At the outset it is important to make clear that BBOWT have not objected to the scheme. In their response to the application they indicated that they were concerned about the impact of the development upon the special features Lye Valley SSSI due to the close proximity of the site. However, they went on to state that they support the conclusions of Natural England with respect to the proposal and that conditions should be secured to ensure the integrity of the site is maintained. There is no reference within their letter of comment to their needing to be a 'Plan B' in order to withdraw their opposition.

19. BBOWT suggest in one of its conditions that an action plan should be submitted which outlines the action that will be taken in the event of pollution of contamination of the proposed drainage system to prevent contamination of the aquifer. This would be dealt with through the submitted Management Plan which officers have recommended is secured by condition.

Conclusion:

20. The proposal is considered to be acceptable in terms of the aims and objectives of the National Planning Policy Framework, and relevant policies of the Oxford Core Strategy 2026, Sites and Housing Plan 2011-2026, and Oxford Local Plan 2001-2016 and therefore East Area Planning Committee is recommended to approve the application.

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

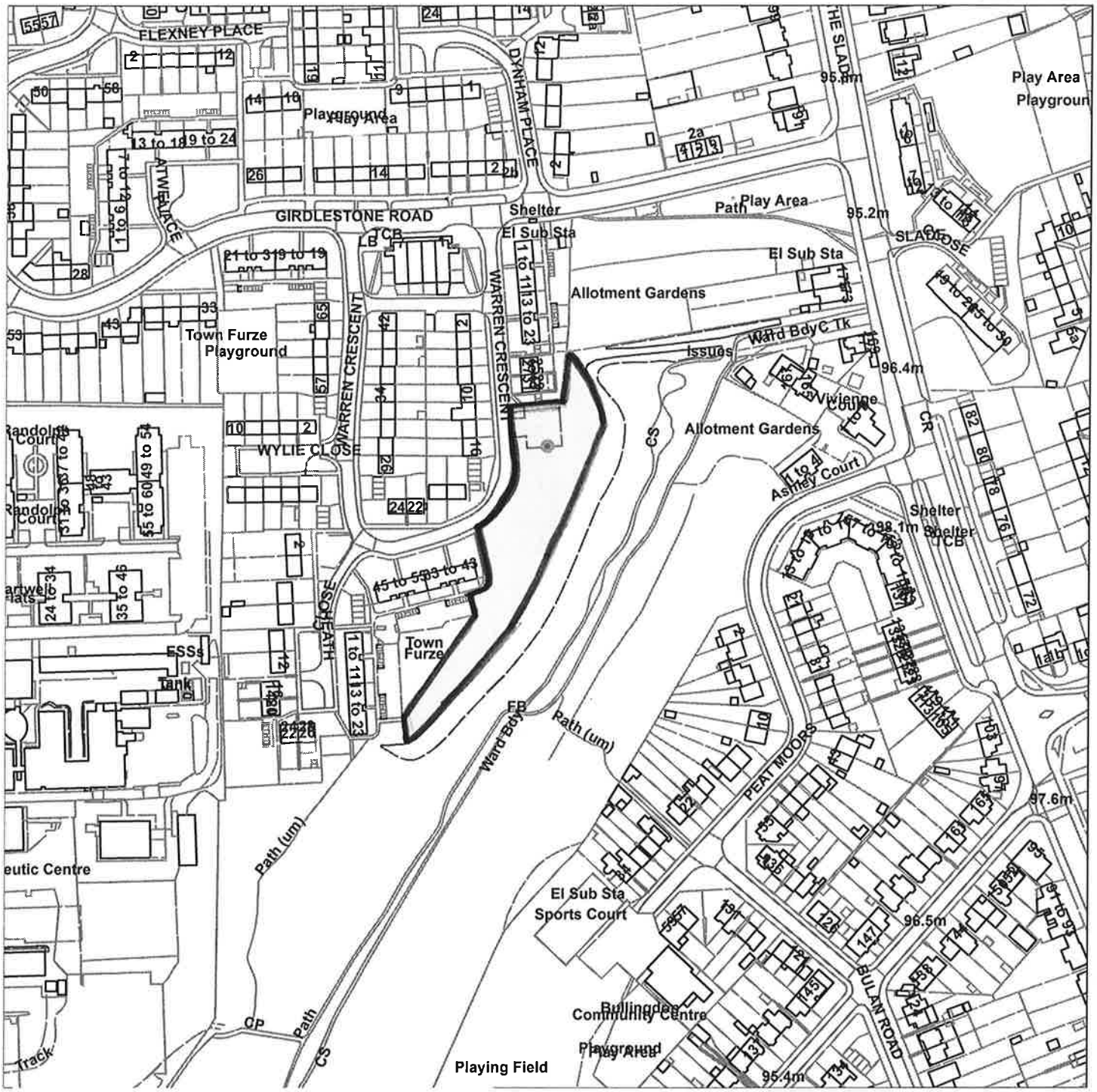
Section 17 of the Crime and Disorder Act 1998

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

Contact Officer: Andrew Murdoch, **Extension:** 2228, **Date:** 15th March 2016

Appendix 1

13/01555/CT3 Land adj to Warren Crescent



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m 31 62 93 124 155 186

Organisation	Oxford City Council
Department	City Development
Comments	Not Set
Date	25 January 2016
SLA Number	100019348

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APPENDIX 2

East Area Planning Committee 3rd February 2016

Application Number: 13/01555/CT3

Decision Due by: 23rd September 2013

Proposal: Erection of 10 x 3-bed dwellings (use class C3) together with associated car parking, cycle and bin storage. Diversion of public footpath. (Amended plans and description)

Site Address: Land East Of Warren Crescent (**site plan: appendix 1**)

Ward: Churchill Ward

Agent: Turley Associates **Applicant:** Oxford City Council

Introduction

Members of the East Area Planning Committee will recall that this application was brought to their meeting on the 4th September 2013, but was deferred to allow officers to seek further information on the following points

- Further details of the tractor access to the allotments with a clear response from the Council's Leisure and Parks department on delivery options

- Further information on the long term viability of the proposed drainage scheme and protection of the SSSI, specifically in relation to the possibility of any long term damage to the fen, underlying ground water and aquifers from the proposed development. The Committee also requested evidence of where such schemes have worked at sensitive locations

- The issue of future council tenants seeking to exercise Right to Buy of their dwellings and how leaseholds would be considered, in order to ensure long-term responsibility and protection of the SSSI and the on-going maintenance costs of the SUDS scheme.

This is a supplementary report which considers the additional information that has been submitted in response to these points of deferral. It should be read in conjunction with the original committee report in **appendix 2**

Recommendation

The East Area Planning Committee is recommended to approve planning permission for the following reasons:

Reasons for Approval

1 The proposal would make an efficient use of this site which has been allocated for residential use as part of the Councils five-year housing supply to provide good quality affordable housing while at the same time establishing a balanced and mixed community within the Headington neighbourhood area. The proposal has considered the potential risk to the Lye Valley SSSI and Lye Valley Nature Reserve from changes to surface and groundwater flow to these sensitive sites, and developed a sustainable urban drainage system which if implemented in accordance with the details submitted in the application would minimise the risk of adverse impacts on the SSSI or Local Nature Reserve. The overall layout, form, and appearance of the development would be appropriate for the site and surrounding area while also safeguarding the amenities of the adjoining residential properties. The proposal is acceptable in highway terms with appropriate access arrangements retained for the Town Furze Allotments, parking provision, and pedestrian linkages to the surrounding area. The development would be energy efficient, and would not have a significant impact upon biodiversity; trees; archaeology; flood risk; air quality; land contamination; or noise impact and any such impact relating to these matters could be successfully mitigated by appropriate measures secured by condition or contributions. The proposal would accord with the overall aims of the National Planning Policy Framework and relevant policies of the Oxford Core Strategy 2026, Oxford Local Plan 2001-2016, and Sites and Housing Plan 2011-2026.

2 In considering the application, officers have had specific regard to the comments of third parties and statutory bodies in relation to the application. However officers consider that these comments have not raised any material considerations that would warrant refusal of the applications, and any harm identified could be successfully mitigated by appropriately worded conditions.

3 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

Conditions

1 Development begun within time limit
2 Develop in accordance with approved plans
3 Samples
4 Details of all means of enclosure for the site including the erection of palisade fencing along the boundary with the SSSI to prevent fly tipping
5 Details of refuse and cycle storage
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20 Details of affordable housing
22 Secure by Design Principles
23 Sustainability Measures / NRIA
24 Removal of permitted development rights
25 Scheme of external lighting
26 Phase II Contaminated Land Assessment

Principal Planning Policies:

Oxford Local Plan 2001-2016
CP1 - Development Proposals
CP6 - Efficient Use of Land & Density
CP8 - Design Development to Relate to its Context
CP9 - Creating Successful New Places
CP10 - Siting Development to Meet Functional Needs
CP11 - Landscape Design
CP13 - Accessibility
CP19 - Nuisance
CP20 - Lighting
CP21 - Noise
CP23 - Air Quality Management Areas
NE13 - Water Quality
NE20 - Wildlife Corridors
HE2 - Archaeology

Core Strategy
CS2_ - Previously developed and greenfield land
CS9_ - Energy and natural resources
CS11_ - Flooding
CS12_ - Biodiversity
CS13_ - Supporting access to new development
CS14_ - Supporting city-wide movement
CS17_ - Infrastructure and developer contributions
CS18_ - Urban design, town character, historic environment
CS19_ - Community safety
CS22_ - Level of housing growth
CS23_ - Mix of housing

CS24_ - Affordable housing

Sites and Housing Plan
HP1_ - Change of use from existing homes
HP9_ - Design, Character and Context
HP11_ - Low Carbon Homes
HP12_ - Indoor Space
HP13_ - Outdoor Space
HP14_ - Privacy and Daylight
HP15_ - Residential cycle parking
HP16_ - Residential car parking
SP60_ - Warren Crescent

Other Planning Documents
- National Planning Policy Framework
- Balance of Dwellings Supplementary Planning Document
- Affordable Housing and Planning Obligations Supplementary Planning Document
- Parking Standards Supplementary Planning Document

Public Consultation
A summary of all the comments received from statutory consultees and third parties in relation to the original submission can be found in the committee report in **Appendix 2**.

The following comments have been received in response to the public consultation undertaken following receipt of the additional information submitted to address the points raised by the East Area Planning Committee. These are summarised below.

Statutory Consultees

- Oxfordshire County Council

  Highways Authority No objection to the development subject to the provision of a construction traffic management plan, and an amendment to the Traffic Regulation Order to remove the properties eligibility to residents parking permits.

  The diversion of the footpath will require a separate consultation and agreement and must be in place to Oxfordshire County Council specifications and diverted before implementation

  Drainage Authority: Following a review of the further information provided by the applicant, the county council is satisfied that the detail regarding drainage and Sustainable Urban Drainage issues affecting the SSSI previously highlighted by the County Council have been addressed.

- Thames Water Utilities Limited
  No objection subject to a condition requiring details of a drainage strategy for any on and or/off site drainage works relating to waste water infrastructure.

- Natural England

Natural England would confirm the comments in their original response to this application on the 2nd August 2013. There would be no objections subject to the following:

- There should not be a significant impact on the hydrology of Lye Valley SSSI, provided that the design and construction methodologies proposed in the application are implemented.

- There will be a need for the Sustainable Urban Drainage Scheme to be maintained in perpetuity, and restrictive covenants need to be put in place to ensure that the block paving and grass gardens are maintained as they have been designed and the dwellings cannot be altered should the housing be sold in the future.

Third Parties

- Friends of Lye Valley
  The Friends of Lye Valley have submitted a detailed letter of objection which includes a number of appendices and a response by Dr Judith Webb. A copy of this letter is included in full **appendix 3** of this report for ease of reference.

- Oxford Civic Society
  We are deeply concerned about the risk of harm to the adjacent SSSI. The particular ecological characteristics of this SSSI make it very rare if not unique in the UK. This uniqueness stems from the very particular balance of hydrological factors: moisture content, distribution, water table position, stream & spring flow volumes and profiles, and, particularly, water chemistry.

  The sensitivity of the SSSI is clearly recognised by all concerned; the disagreement lies in whether or not the slightest risk to the SSI can be eliminated. The risk is especially associated with the effect of the proposed development on patterns of surface water run-off and dispersal.

  Although the application includes volumes of reports and information, the essential fact is that the surface water flows from this development will disperse in a different pattern from now – different intensities, different locations, probably different chemistry. The Peter Brett Associates (PBA) engineering report on the proposed SUDS does not address all these issues; SUDS are usually merely required to mitigate peak water flows to reduce risk of flooding. The requirement here is very much more complex, and PBA do not address this complexity at all. The drainage systems have been, or will be designed to meet specified criteria for flood mitigation, but not for the maintenance of the precise and critical hydrological and chemistry conditions listed above. There is not even a proposal that any of these be monitored during or after construction, or over time, and there is no suggestion of any possible remedies in the event that the effects on the hydrology prove significant. This is a one-way street with no possibility of a 'U' turn.

  In any event, the biggest risk factor with SUDS is maintenance and performance over time. The whole system is dependent upon controlled percolation through permeable strata (starting with the surface paving). PBA's table of maintenance

(Appendix A of their report) cites the CIRIA SUDS Manual C697, and makes proposals for the maintenance regime reckoned to be necessary to maintain the performance of the system. However, there are two major flaws in the suggested regime.

The first flaw is that there is no proposal for any guaranteed, permanent organisational strategy to ensure that the regime is implemented in perpetuity. There seems to be a suggestion that perhaps Oxfordshire County Council will take responsibility, as if this might give reassurance. In circumstances where Oxon CC is steadily cutting back on provision of many important services, it is totally implausible that the detailed and systematic procedures specified will actually be carried out.

The second flaw is that the specified regime comprises only routine vacuum brushing of the surface, reinstatement of sand between paviours where the vacuuming has removed it, and inspection and rectification of silted up catchpits and pipework, or damaged areas of paving. There is no monitoring of performance even in terms of designed discharge rates, let alone on the effect on the local hydrology, and still less on the water chemistry, above and below ground.

The documents fail to adequately demonstrate that there will be **no** risk to the ecology of the SSSI; not only is this a condition of the allocation of this site in the Sites & Housing Allocations DPD, it requires careful consideration of the importance of this particular ecology and this particular site, set against the contribution of 10 houses to the city's critical requirement for affordable homes.

The housing crisis is not going to be solved by tiny incremental developments on sites of extreme sensitivity such as this – it is going to take radical solutions. It is therefore unacceptable to embark upon a path which cannot be guaranteed not to lead to irrevocable consequences, of importance not just in Oxford, but even in a global context. Community organisations have clearly worked hard over many years to preserve, protect or improve the unique environment; knowingly putting this at any risk would constitute deliberate vandalism.

- <u>Headington Neighbourhood Plan Green Spaces Working Group</u>
  The working group express their concern at the proposal to build on green space at Warren Crescent. The group would draw your attention to the draft green spaces policies of the Headington Neighbourhood Plan which, we suggest, should be taken into account before a decision is made. We realise that these policies are in draft only but evidence from recent legal cases in other places suggests that neighbourhood plan policies even at the draft stage should be taken into account when planning decisions are taken. The following draft policies of the Headington Neighbourhood Plan are relevant in this case:

  (a) Draft Policy GSP1: Conserving and Enhancing Public Access Green Space states that:
  (1) "All existing publicly accessible green space in the Headington Neighbourhood Plan area will be conserved and enhanced" and (3) "Development will not be permitted where it results in the loss of publicly accessible green space unless it can be demonstrated that development on that space is unavoidable and: i. a

publicly accessible green space(s) of an equivalent size and amenity in an identified area(s) of need in the HNPA is provided; and or ii. access to new publicly accessible green space(s) of an equivalent size and amenity in the HNPA is provided; and or iii. access to the public of existing private green space(s) of an equivalent size and amenity in the HNPA is provided.

The land at Warren Crescent is publicly accessible green space in the Headington Neighbourhood Plan area and as such should be conserved and enhanced. It is much used by the local community for informal recreation. There is no other site for informal recreation in the vicinity. The proposed development is, therefore, in conflict with draft Neighbourhood Plan Policy GSP1. It does not accord with the Oxford City Core Strategy which aims to improve the quality of the public realm for both visitors and residents or with the Core Strategy Policy CS21 which seeks to maintain the existing level of green space provision within any area of Oxford City.

(b) Draft Policy GSP3 Conserving and Enhancing Biodiversity (2) states that:
"Proposals which may result in harm, either directly or indirectly to local wildlife or ecology of a significant value2 both within and beyond the proposed development will not be permitted, save in exceptional circumstances, and only then where the benefits of the development clearly outweighs the loss, and this can be mitigated against and compensated for elsewhere within the Headington Neighbourhood Plan area by providing a replacement habitat on a like for like basis."
Our concern is that the application may result in harm to the adjacent Lye Valley SSI which is a site of significant value and of great value to the local community and to the wider Headington and Oxford communities. The circumstances of the proposed development are not exceptional. It is, therefore, in conflict with draft Neighbourhood Plan Policy GSP3 and with the Core Strategy Policy CS12 which is focussed on the protection of designated sites. It is also in conflict with the City Council's Green Strategy Objective 21 which seeks "the "protection of important and prosaic species in all sites." The more prosaic species may have particular value if they are rare in this area. In addition it does not conform to the NPPF Guidance (109) which seeks to minimise the impacts of development on biodiversity and provide net gains in biodiversity where possible.

(c) Draft Policy AMP1 Protecting and Enhancing Sports, Leisure and Community Facilities states that:
"*in order to increase accessibility to a wide range of sports and leisure facilities and to make Headington a more sustainable place in which to live and work: (1) Existing sports, leisure and community facilities will be protected and opportunities for enhancement will be sought. Planning permission will not be granted for development that results in the loss of such facilities unless equivalent new or improved facilities can be provided within the Headington Neighbourhood Plan area as near to the existing facilities as possible".*

The proposed development would result in the loss of a valuable informal sports facility and as such is in conflict with draft Neighbourhood Plan Policy AMP1. It does not accord with Core Strategy Policy CS20 Cultural and Community Development which states that "The City Council will seek to protect and enhance existing cultural and community facilities. Planning permission will not be granted for development that results in the loss of such facilities unless equivalent new or

improved facilities, where foreseeable need justifies this, can be provided at a location equally or more accessible by walking, cycling and public transport." It does not accord with Core Strategy Policy CS21 which states that "planning permission will only be granted for development resulting in the loss of existing sports and leisure facilities if alternative facilities can be provided and if no deficiency is created in the area."

In summary the proposed development is in conflict with both the developing Headington Neighbourhood Plan policies and with the Core Strategy and Green Strategy policies and, in our view, should not proceed.

- Oxford Urban Wildlife Group
  The Oxford Urban Wildlife Group, endorse all the points made by the Friends of the Lye Valley. The change in composition of the water feeding into this rare habitat here is bound to change as a result of the proposed new housing and the rare plants and animals found in this calcareous fen will disappear. The one remaining green play area for children - the kickabout area - will disappear and the gardens will be paved thus changing the water runoff to the fen and threatening the rare wildlife there. The affordable housing will increase the number of children living in the area and without the play area they are likely to go into the valley and disturb the drainage area and its wildlife. Please reject these plans and, although housing is needed, can it be built in a less fragile area.

- The British Entomological and Natural History Society
  The society objects and supports the local conservation group in saving this important site for invertebrates from further development and damage

- Campaign for the Protection of Rural England (CPRE)
  CPRE Oxford is very concerned about the impact of the proposed development for 10 homes at Warren Meadow on the adjacent Lye Valley SSSI. We support the submission by Dr Judith Webb and urge you to recommend refusal for this development as we do not believe that its hydrological impacts on this unique fen habitat can be sufficiently mitigated as proposed.

  If the council is minded to recommend approval we urge you to implement the conditions as proposed by BBOWT, Natural England and Thames Water

- Plantlife
  Plantlife object to this planning application as we consider it will likely have significant hydrological impacts that contravene with Policies NE 12 and 13 of the Oxford Local Plan 2001-2016.

  There is no evidence that the supporting SuDS mitigation measures will ensure effective and long term protection of the groundwater flow and water quality at this site. The site adjoins the Lye Valley SSSI that has been designated for calcareous fen and the rare M13 fen vegetation that it supports. The development will have likely significant impact on the special interests and adversely affect the integrity of the Lye Valley SSSI due to changing the hydrology of the site. Fen habitats are dependent on maintaining the hydrological conditions of the catchment.

All SuDS need management in perpetuity since their effectiveness declines over time as the pore spaces block up. Fens and their rare vegetation communities, such as M13, are critically reliant on good spring flow of very high quality, low nutrient, highly alkaline waters. The development has a proposed mitigation SuDS infiltration swale with limestone base. However, this has never been used before to protect fen springs. Concentrating the rainwater that would have gone in all over the green area and passing it all into one area, a lot nearer the SSSI will change the hydrology. This will likely make the flow 'flashier', the runoff will likely contain more pollutants overtime and the chemistry of rainwater will lose the lime rich constant flow needed to keep the fen 'tufa' forming . Therefore, the Lye Valley SSSI fens are likely to be threatened by this development even with the proposed mitigation measures in place. Particularly as this SuDS design is an unproven experiment. The hydrology of a catchment is complex and SuDS in practice do not always work in the beneficial way intended. Given the rarity of the priority fen habitat and its important vegetation, you cannot afford to install unproven mitigation designs.

Lowland Fen is recognised as being of 'principal importance' for the conservation of biological diversity in England under section 41 of the Natural Environment and Rural Communities Act 2006. Referred to as priority habitat, fens are therefore a focus for conservation action in England. Under the Biodiversity 2020 Plan, 90% of priority habitats in favourable or recovering condition and at least 50% of SSSIs in favourable condition, while maintaining at least 95% in favourable or recovering condition by 2020. Therefore, putting the Lye Valley into unfavourable condition undermines the Government's ambitions and obligations set out within Biodiversity 2020.

For the reasons mentioned above the flora downslope would also be affected by a change in volume and chemistry of the spring flow. 22 plants on the county Rare Plants Register are known in on this alkaline fen site. For example, there are large populations of Oxon RPR species Marsh lousewort *Pedicularis palustris* (only known from 3 other county sites) lesser amounts of marsh helleborine, *Epipactis palustris*, distant sedge *Carex distans*, long stalked yellow sedge *C. lepidocarpa*, marsh willow herb *Epilobium palustre*, marsh valerian *Valeriana dioica*, bog pimpernel *Anagallis tenella*, bristle club rush *Isolepis setacea*, blunt flowered rush *Juncus subnodulosus* as well as Parsley Water dropwort *Oenanthe lachenalii,* all downslope from this proposed Warren crescent development. Fourteen of the plants in the Lye Valley fens have now a national status as either Near Threatened or Vulnerable within the Red Data list for Vascular plants in England.

- Oxfordshire Geology Trust
  I wish to register objection to the above application as Chair of Oxfordshire Geology Trust, and request that this objection is added to the Councils website and circulated to councillors involved in the decision making process.

  The geology of the Lye Valley, including the SSSI fen, is remarkable and of such rarity that the Oxfordshire Geology Trust are currently conducting an assessment

of it with a view to designating the site as a Local Geological Site (LGS) for inclusion on the list for reporting under NI197 to Natural England.

The Lye Valley's tufa-forming springs produce an outflow which is the product of many years' rainwater absorption and infiltration through the Jurassic limestone which underlies the surrounding area, including Site 60, the location of the proposed development. The springs which emerge as the chemically changed rainwater eventually hits the layer of Oxford Clay, are supersaturated with lime (calcium carbonate) and form tufa, a calcareous deposit, in effect, new rock. Tufa formation requires that the waters must emerge supersaturated with lime or tufa does not form. The formation of this new rock depends entirely on the chemistry of the emergent spring water.

The Lye Valley lies directly below the proposed development. It is certain that the tufa-forming springs would be impacted to an unpredictable degree by the changed subterranean infiltration system, resulting in the diversion of vital rainwater within the modified catchment area, and the 'mitigating' SUDS. The documentation accompanying the application provides no proof that the chemical composition of the springs flowing into the Lye Valley would be unchanged. Yet any change would be deleterious to the extraordinary geology of this valley. The proposed development and SUDS amount to an experiment on this geologically important site.

The Lye Valley's tufa-forming springs and new rock formation represent an exceptional teaching resource for students of both Universities who might wish to study this rare environment and its supporting ecology. It is an important part of Oxford's rich geo-heritage which must be preserved for future generations to both study and enjoy.

- <u>Bioscan (UK) Ltd</u>
  I wish to object to the above planning application for the reasons given below.

  I have reviewed the proposed SuDS system and agree with other commentators that it is of a simplistic design that does not provide sufficient protection to the hydrological regime supporting the critical interest features of the Lye Valley SSSI. In my professional experience, where SuDS techniques are adopted as an avoidance or mitigation measure close to sites sensitive to hydrological change, the underlying design principle is that the existing hydrological regime should be replicated as closely as possible. In this instance the SuDS proposals do not do this, nor even do they purport to do so. The rationale can be put no higher than that what is proposed aims to try and ensure that rainwater input falling on the application site is directed to the SSSI. This is a highly simplistic approach, and expecting it to secure protection of the fragile SSSI interest features in question is almost certainly a false hope. Given the importance of this SSSI, even within the context of the national SSSI series (due to the innate rarity of the habitat here), it has to be a matter of high concern that there has been scant consideration of by what route and how quickly infiltration and groundwater flow reaches the various springs within the SSSI, and the chemical properties imbued as part of that process. This approach to SuDS design as a means of prevention or mitigation is best likened to trying to predict the ending of a book merely by looking at the

cover. There is consequently insufficient assurance before the Council, or indeed Natural England, that the existing regime will continue to function without significant, and likely detrimental, change.

In terms of consequences, the likely problems with changes to the volume, flashiness, and chemistry of flows emerging from the tufa springs within the SSSI, and the likely knock-on consequences to the rare alkaline fen habitats maintained by those flows, are indicated in the forensic analysis provided by Dr Webb. I agree with Dr Webb's analysis and furthermore I note there is no evidence-based challenge to the conclusions she draws. This, and my own experiences of impacts on habitats fed by delicate hydrological regimes in restricted catchments, underlines the high level of risk of irreparable damage occurring to a nationally important site. On any analysis of the planning balance, this high degree of uncertainty over the level and magnitude of damaging impacts to a site of national importance to nature conservation cannot be held to be overridden by a development so demonstrably of local importance only. The application should be refused on that basis alone, in accordance with the NPPF, without the necessity of recourse to local policies which I observe militate against the grant of permission in any event. If it is granted, the grounds on which a legal challenge might be successful are clear merely by reference to national policy and legislation regarding SSSIs.

- Buglife: The invertebrate Conservation Trust
  Buglife objects to this planning application on the grounds that the proposed surface water drainage management will adversely affect the adjacent wetland Site of Special Scientific Interest.

  Lye Valley SSSI contains springs and seepages supporting M13 Alkaline Springs, of which only 19.1 hectares is left in England. The site also has a significant representation of sub-type M13b fen. Such habitat is of high invertebrate importance. Lye Valley is one of only two places in England supporting populations of the charismatic Clubbed General Soldier Fly *Stratiomys chamaeleon.* The presence of such a species is indicative of special ecological conditions able to support assemblages of other invertebrates of national importance. The area of fen adjacent to the application site is a Local Wildlife Site, and may be a contributor to maintaining viable populations of species such as the Clubbed General Soldier Fly which has been observed ovipositing eggs and nectaring here.

  The proposed development, including the swale, will prevent the natural percolation of rainfall into the soil and underlying pervious geology, especially where buildings are proposed. Whilst the swale is offered as mitigation to support the hydrological within the SSSI, there are flaws which carry inherent risks to the natural ecology. The seepage fed fen adjacent to the application site will be under enhanced disadvantage by the proposed development (since buildings will act as an umbrella over part of the hydrological catchment and the position of the swale will result in a net loss to the water table here).

  The hydrology supports a rare type of Alkaline Fen and tufaceous springs within Lye Valley SSSI. These habitats, together with related habitat outside of the SSSI

boundary support important invertebrate populations. The consequences of altering existing conditions impose an added risk to the wetland features and their associated invertebrate fauna.

The proposed swale will divert water to a point where existing spring flow is ecologically satisfactory in supporting tufa habitats suitable for these invertebrates. The characteristics of springs and their associated habitats are constant flow and uniform low temperature throughout the year, with any changes being very gradual. The springs are naturally fed by water which has percolated into the ground rather than flowing overground as surface water. The input of surface water channelled from the development, through the swale, and in to the springs and related fen will alter ecological conditions. Erratic spate flow from the swale will cause sudden temperature shocks, and with water of different chemistry, perhaps even carry pollutants in the absence of filtration. Whilst a bed of crushed limestone under the swale may assist water to be calcareous, chemical reactions are slow when water temperatures are low. Surface water takes considerable time to soak down into the aquifer and then travel though rocks to the spring point or seepage line. The route from the bottom of the swale, through crushed limestone to spring point would appear to be too short.

We would suggest that the outflow of the swale, if retained, should discharge in to the valley bottom stream. The exact route requires detailed consideration and should be guided by detailed habitat and invertebrate surveys to ensure that important features are not adversely affected by the works.

It is welcome that the application includes mitigation, even if flawed, but the consequences of the development overall are weighted towards a disadvantage for the ecology of this part of the valley fens. Paragraph 109 of the NPPF states that "*the planning system should contribute to and enhance the natural and local environment by…minimising impacts on biodiversity and providing net gains in biodiversity where possible*". Paragraph 118 of the NPPF states that when considering conserving and enhancing biodiversity, that if "*significant harm resulting from a development cannot be avoided, mitigated, or, as a last resort, compensated for, then planning permission should be refused*". At present this application does not meet the requirements of the NPPF as the proposed development places the ecology of the adjacent SSSI and associated habitats at risk since the outcome cannot be accurately predicted, and the outcome cannot be reversed. The only safe option is to maintain the present hydrological position, meaning no further building in the application area.

Individual properties

Letters of comment have been received from the following addresses and their comments are summarised below

2 Calcot Close; 128 Divinity Road; 47 Fairacres Road; 9 Flexney Place; 34 Flatford Place, Kidlington; 5a Girdlestone Road; 22 Henley Street; 73 Leafield Road; 4 Lye Valley; 132 Morrell Avenue; 41 Netherwoods Road; 73 Old Road; 51 Ramsay Road; 56 Raymund Road; 51 Stapleton Road; 30, 50 St Annes Road; 14, 16 Warren Crescent; No address given (Mr and Mrs Wilcox, Mr Woolliams, Mr Finch, Dr Newsome, Mr Pickering, Ms Z Whannel)

The main points raised were:

- This is already an extremely built up area and the development will have a negative effect on the feel of the area and parking provision
- The proposal will remove one of the only open spaces in the area which is used by children to play and should be maintained as an area of public amenity
- Local people now call this space Warren Meadow
- The proposal will have an adverse impact on the Lye Valley SSSI and much loved nature reserve and is a direct threat to its survival
- The open space is home to a large and diverse wildlife
- The site currently functions as a rainwater catchment for the fen and this will be compromised by the development
- The hydrology of the fen has already been affected by surrounding housing and roads
- The proposed mitigation measures for the SSSI will not be sustainable long-term and risks the loss of rare habitat in the area if they fail
- The Council has contributed so much to the Lye Valley fens recovery that they should not put this threat in the way of this work
- The construction works will disrupt the local community
- The proposal will set a precedent for development in the area which will destroy its character
- The right to buy will apply, probably resulting in an overseas purchaser and student lets and the SUDs maintenance programme and costs unlikely to be met
- Covenants on the properties cannot be policed, now or in perpetuity.
- Support the comments of the Friends of Lye Valley Committee
- The inspectors conditions and BBOWTs conditions have not been met
- Although there is need for additional housing in Oxford, the proposed dwellings could be built elsewhere and on brownfield land
- There is no evidence that the development outweighs the harm identified in Oxford Core Strategy Policy CS12

Friends of Lye Valley Petition

A written and online petition has been submitted with the following wording

'We the undersigned petition the Council to designate the land east of Warren Crescent (originally Site 60 but suggest the new name 'Warren Meadow') as Local Green Space (LGS) which would protect it for the local community by whom it is held in great affection for informal recreational use by adults and children alike. We value highly its tranquillity and setting for the adjacent Lye Valley for whose rare SSSI Ice Age tufa-forming valley-head spring fen it provides the crucial rainwater catchment and infiltration. We hold that the SUDS for the proposed development are inappropriate and have not been proved to function in perpetuity - if at all - as is required by the Planning Inspector'

As of the 19th January 2016 a total of 701 signatures had been received.

Officers Assessment:

Background to Proposals

1. The site is located on the eastern side of Warren Crescent and is bordered by residential accommodation to the north, north-east, and south-west. To the south east lies a band of mature trees which adjoins the Lye Valley Site of Specific Scientific Interest [SSSI] and Lye Valley Nature Reserve (**appendix 1**).

2. The site comprises a tended grassed area of informal open space which fronts onto Warren Crescent. There is a small open car park at the northern end along with an access to the Town Furze allotments. The Town Furze allotments are to the north-east, and there is a footpath (no.80) which runs from the southern side of the allotment to the north-western corner of the site

3. The Lye Valley Sites of Specific Scientific Interest [SSSI] and Lye Valley Nature Reserve adjoin the site, but are situated at a lower level to the site. A small part of the north of the site forms part of the Lye Valley Local Nature Reserve and the non-statutory designated site, Lye Valley Scrub Site of Local Importance for Nature Conservation (SLINC).

4. The proposed development would provide 10x3 bedroom two-storey terraced and semi-detached affordable homes which would be owned and operated by Oxford City Council. The dwellings would have their own private gardens and refuse area to the rear which is accessible by a side gate and an off-street parking space per dwelling and two-cycle stores. The dwellings are designed to comply with Code for Sustainable Homes Level 4, Secured by Design, Lifetime Homes and the Housing Quality Indicators.

5. The proposed development sought to retain access to the Town Furze Allotments and these access arrangements have been amended following further discussions with the allotment association in response to the one of the committee's reasons for deferral. The proposal also includes the diversion of footpath (no.80).

6. The principal determining issues for this scheme are identical to the ones originally presented to the East Area Planning Committee in September 2013. There has been no material change in national or local planning policy and site circumstances since this time that would alter the conclusions set out in the original committee report (**appendix 2**).

7. The purpose of this report is to consider the further information submitted to address the points raised by the committee and any other matters that have arisen through the most recent public consultation.

Allotment Access

8. The site allocation policy (SP60) recognised that the existing vehicular access and turning area is essential for the users of the adjoining Town Furze allotments

and would need to be retained to an adequate standard as part of any scheme. It went on to suggest that a width of 6m and a turning area may be required.

9. The initial layout sought to provide a 3m wide access road from Warren Crescent with a turning area that allowed a 90º turn at the end. The access was to be gated to enable pedestrian access. During the determination of the application the allotment association suggested that the access would not allow a large tractor to enter the site for deliveries. The committee therefore requested that the access arrangements were considered further to ensure that there was sufficient space for deliveries.

10. Since that time, the applicant has engaged with the allotment association to understand their requirements. As a result the allotment access has been revised to create a 4.2m wide gated vehicular access with turning area to the rear. The access would be formed from a geotextile reinforced grass and would maintain pedestrian access. The revised access arrangements were physically tested on site on the 17th November 2014. The access was pegged out and two tractor and trailer combinations were tested with the Council and Allotment Association providing their own independent drivers and vehicles who were both able to manoeuvre into the access and turning space successfully.

11. The revised access arrangements has resulted in a reduction of garden lengths for plots 1 and 2 respectively, however, the remaining garden size for these properties would still be acceptable for the type of house proposed under the requirements of Sites and Housing Plan Policy HP13.

12. Therefore officers would recommend that the revised access arrangements would maintain appropriate access arrangements for the allotment under the terms of the allocation policy SP60.

Impact upon the Lye Valley SSSI – Flood Risk & Sustainable Urban Drainage

13. The site is located adjacent to the Lye Valley SSSI which is recognised for its rare valley calcareous fen habitats that are dependent on special local hydrological conditions. The site lies within the hydrological catchment area of Lye Valley. In terms of surface area, the site is a small proportion of the wider catchment area which stretches across the residential suburb of New Headington. Nonetheless, the site allocation policy (SP60) makes clear that permission will only be granted for development if it can be proven there would be no adverse impact on the surface and groundwater flows and the SSSI from increase in hard surfacing. The policy also makes clear that any development proposals must incorporate sustainable drainage measures with an acceptable management plan in order to address this issue.

14. In accordance with these policy requirements, a number of assessments were undertaken to understand the potential impact of the proposed hydrology of the Lye Valley SSSI. The assessments were then used to develop a robust drainage strategy for the development which included a sustainable urban drainage system in order to manage the risks to the SSSI.

15. The East Area Planning Committee requested the following additional information with respect to the drainage strategy for the site.

- Further information on the long term viability of the proposed drainage scheme and protection of the SSSI, specifically in relation to the possibility of any long term damage to the fen, underlying ground water and aquifers from the proposed development. The Committee also requested evidence of where such schemes have worked at sensitive locations

- The issue of future council tenants seeking to exercise Right to Buy of their dwellings and how leaseholds would be considered, in order to ensure long-term responsibility and protection of the SSSI and the on-going maintenance costs of the SUDS scheme.

Long term viability of the Drainage Scheme

16. At the outset officers would make the committee aware that Sustainable Urban Drainage Systems are a recognised method for managing surface water and water quality and guided by national standards. The National Planning Policy Guidance states that these systems are used to control surface water run off close to where it falls and mimic natural drainage as closely as possible, whilst providing opportunities to remove pollutants from urban run off at source. These benefits are recognised within the site allocation policy which states that any residential development must incorporate sustainable urban drainage into the scheme.

17. The land at Warren Crescent is sited within the surface and groundwater catchment areas for the Lye Valley SSSI which themselves cover a wide area across the residential suburbs of New Headington. The site is an area of tended open land which currently drains through infiltration to groundwater and through the SSSI to the Lye Brook. The site also has a small surface level car park. The unsecured nature of the site makes it already open to potential misuse (i.e. fly tipping) and risk of contamination from hydrocarbons and other materials being dumped on the site. The SSSI is sensitive to changes in the surface and groundwater flows, and hydrological studies suggest that the construction of houses and gardens across the wider catchment have increased water run-off and led to erosion of the stream channel, also altering conditions locally within the fen areas. However there are also other factors within the SSSI affecting the fen, such as, the growth of reed, scrub and tall vegetation due to years of neglect. The site is now in active management, and the condition of the SSSI is officially assessed as unfavourable, but recovering.

18. With regards to the long term viability and protection of the SSSI, the proposed drainage scheme has been specifically designed for this purpose. It was developed in conjunction with Natural England, who is responsible for the protection of the natural environment and designating Sites of Special Scientific Interest. Natural England has raised no objection to the development and are satisfied that the scale and nature of the proposal will not be likely to have an adverse impact upon the features of special interest for which the SSSI is known provided the development is constructed in accordance with the proposed design

and construction methodologies and there is on-going maintenance of the sustainable drainage system. This view is supported by Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust (BBOWT), and also Oxfordshire County Council Drainage Authority.

19. The site layout retains a large amount of undeveloped land in the form of gardens and open space which would retain the current drainage relationship and rate of infiltration to ground water systems. The drainage strategy then seeks to mimic the existing drainage regime for this area of open land and provides a water quality management sequence to limit the risk of adversely affecting the quality of the ground and spring water feeding into the Lye Valley SSSI. The strategy includes the following:

- The access roads, pavements and parking bays will drain via permeable paving, providing the first tier of storage and treatment
- The treated water from the permeable paving will then pass through catchpits and be conveyed to a swale (with underlying limestone base) bounding the edge of Lye Valley. The swale would act as the second tier of water quality treatment.
- Roof drainage, access paths to the bike sheds and patio areas will be directed, via a pipe network, to the swale such that this relatively clean water would receive two levels of water quality treatment.
- The scheme would include a bund between the edge of the Lye Valley and the development site to allow for a design exceedance flows from entering the Lye Valley.
- The water management sequence will delay water entering the swale from the above such that the increase in rate and volume of infiltration to underlying groundwater is not considered high enough to significantly influence the natural base rich chemistry of the groundwater feeding the SSSI.

20. The applicant has provided details of the methodologies used to develop the drainage scheme and the additional assurances during and post construction that will seek to mitigate any impact upon the SSSI.

- A tier 2 contaminated land risk assessment has been carried out to understand what contamination exists on site and the requirements to mitigate and remediate any impacted soil and/or groundwater identified to ensure that this does not discharge through to the SSSI during construction
- At construction stage basic mitigation measures including health and safety for workers and protected water supply pipes will be operated.
- A detailed design strategy developed at the detailed design stage to ensure water is primarily discharged to landscaped areas, reducing the risk of flooding in the built areas during extreme events.
- To mitigate any potential adverse impacts of surface water run off through the use of a sustainable drainage system and run off collected through permeable paving and discharged to groundwater via a swale in the south east corner of the site.
- The flashiness of the springs on the west side of the fen would not be materially affected by the proposed infiltration drainage since the residency time within the ground will be similar due to the design of the SUDS system

mimicking the existing greenfield run off. The quantum of groundwater flow from the catchment would also not be adversely impacted.

- The proposed system does present an opportunity to slightly increase the overall quantity of groundwater along the southern part of the western boundary nearest to the area of SSSI where restoration through reed cutting is occurring. This is because slightly less of the incident rainfall on the equivalent area of the proposed roof and hard surfacing will be lost to atmosphere through evapotranspiration. This additional water will be diverted to the swale for infiltration. Further, lining the swale with limestone will help to beneficially modify the infiltrating surface water in line with passage through the natural calcareous geological strata which currently does not occur to the incident rainfall that currently percolates through made ground materials.
- The proposed storage facilities will be designed to accommodate the 1 in 100 probability storm event and include a 30% allowance for climate change. In addition, the size of the bund around the swale will be increased so there is no foreseeable risk of overland spillage.
- The swale will not be available for public access and will be enclosed by boundary treatments. The materials for use in the swale will also be selected to ensure that the appropriate ph value of infiltrating water is maintained or improved
- The parking areas will be constructed using permeable paving with sub-base storage. This will mean that any oil drips from vehicles and exhausts will become trapped within sub-bas storage and broken down by biological action, which will safeguard the water quality of groundwater.
- An emergency action plan will be developed detailing the actions that will be taken in the event of pollution of the SUDS.
- A SUDS management plan will be implemented and managed in-perpetuity by Oxford City Council housing department to ensure the planned SUDS system is maintained to a fully operational standard.
- The removal of permitted development rights for certain developments and restrictions in tenancy agreements for certain developments.
- The diversion of the public surface and foul water sewers running underneath the site to the front of the properties.

21. The committee also requested evidence of where these types of Sustainable Urban Drainage Schemes have worked in sensitive locations. The applicant has provided a number of examples where such schemes have been used, and these can be found within **appendix 4** of this report.

22. The case studies that have been presented by Peter Brett Associates demonstrate that Sustainable Urban Drainage Systems are being used successfully to manage surface water and water quality at ecologically sensitive locations elsewhere in the UK. It is fair to say that the environmental conditions of the Lye Valley SSSI and Warren Crescent differ from those at the case study sites. However, the varying features of interest of these sites mean they have to have bespoke solutions and this has been recognised in the designed drainage system with the addition of calcareous aggregates both within the formation of the permeable paving and as a basal lining to the swale to modify the groundwater chemistry.

23. Having regards to the above, officers would share the view of Natural England that the implementation of the proposed drainage strategy would be unlikely to have an adverse impact upon the special features of the SSSI subject to conditions securing the works and on-going management and therefore the scheme would accord with the requirements of the site allocation policy SP60.

Long Term Management of SUDS

24. It is recognised that the Sustainable Urban Drainage System will require regular inspection and maintenance to ensure that it functions as designed. A Management Plan (**appendix 5**) has been prepared by Peter Brett Associates to demonstrate the long term maintenance provision to support the proposed drainage strategy.

25. The Management Plan has been prepared in accordance with the industry standard (The SUDS Manual, CIRIA C697) and sets out a comprehensive maintenance and monitoring schedule, which if implemented, gives confidence that the system will continue to operate as designed.

- Regular Maintenance: The brushing and vacuuming of the permeable paving, and inspection of catchpits and pipework twice a year; the inspection of the Swale (including the limestone base and weir), removal of litter and debris twice a year, and monthly grass cutting (during growing season) of the Swale and bund.
- Occasional Maintenance: Removal of weeds from permeable paving, and sediment removal from the catchpits and pipework as required; the removal of unwanted vegetation growth and reseeding of grass in the swale annually
- Remedial Maintenance: the rehabilitation of the permeable paving and geotextile membranes and repair of any damage to catchpits and pipework as required; repair of any erosion or other damage to the swale (including weir and limestone base) as required
- Monitoring: Initial inspections after three months of installation and then at varying times across the different elements.

26. Although no costings of the on-going maintenance have been provided, the plan makes clear that the maintenance will be undertaken by Oxford City Council Leisure and Parks department.

27. The committee also requested details of how 'Right to Buy' legislation and leaseholds would be considered in order to assist with the long term responsibility to maintain the sustainable Urban Drainage Scheme.

28. The planning permission will withdraw permitted development rights to prevent future occupiers from carrying out hard surfacing, extensions to the dwellings and erecting outbuildings on their plots. In addition tenancy agreements for the properties will require tenants to obtain agreement from the Council before installing additional hard landscaping or structures within the gardens. In the event that any properties were sold through 'right to buy' or any other means the removal of permitted development rights would still apply to the property and could be reiterated through covenants.

29. In addition to the above, officers would also recommend that palisade or other permanent fencing should be installed along the northern boundary of the fen (in addition to the proposed hedge laying) to prevent fly tipping from continuing in this area and therefore having a continued impact upon the fen.

Other Matters

30. A further consultation period has been carried out with respect to the additional information that was requested by the committee and the resultant amendments with respect to the allotment access. The comments received have raised issues that have already been considered as part of the original committee report (**appendix 2**) and therefore the following points will deal with matters that raised that were not dealt with in that report.

31. Loss of Open Space: During the consultation process it has been suggested that the loss of this open space would be contrary to the paragraph 74 of the National Planning Policy Framework which states that *'existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss*.'; Oxford Core Strategy Policy CS21 which seeks to maintain 5.75ha of green space per 1,000 population; and also the draft policies of the Headington Neighbourhood Plan which seek to retain open space.

32. In response officers would advise Members that this area of land is not designated as protected public open space within the development plan. Instead the site has been allocated for residential development as part of the Councils five-year housing land supply within the Sites and Housing Plan. The Sites and Housing Plan is an up-to-date development plan document that demonstrates how the aims of the Oxford Core Strategy will be achieved. This was adopted in January 2013 in accordance with the National Planning Policy Framework following a lengthy adoption process which included public consultation and an examination in public. The background papers associated with the development of the Sites and Housing Plan set out what assessments took place in the allocation of the specific sites within the plan. These were accepted by the planning inspector at the examination.

33. Therefore in terms of the general principle of developing this site for residential purposes, officers recognise that it is a greenfield site as defined by the National Planning Policy Framework. However, it is a strategic site that has been specifically allocated for residential development within the Sites and Housing Plan as part of the council's five-year housing land. Oxford Core Strategy Policy CS2 makes clear that the development of greenfield sites will only be allowed where they are specifically allocated for that use within the Local Development Framework, or required to maintain a five-year rolling housing-land supply in accordance with Oxford Core Strategy Policy CS22. Therefore officers consider

that the redevelopment of this area of land would accord with the aims of the National Planning Policy Framework and the Oxford Core Strategy.

34. With regards to Headington Neighbourhood Plan, officers understand that the draft policies seek to retain the existing publically accessible green space within Headington. However, whilst consideration can be given to emerging neighbourhood plans, the weight that needs to be attached to their draft policies depends on their stage in the adoption process. The Headington Neighbourhood Plan is a draft document which has not been subject to an examination in public, or yet submitted to the City Council, and therefore would have little weight when weighed against the current up-to-date adopted policies of the Core Strategy and Sites and Housing Plan. Moreover, the National Planning Policy Framework makes clear that a neighbourhood plan should support the strategic development needs set out within local plan and that includes policies for housing and economic development. This means that a Neighbourhood Plan could not effectively de-allocate an already allocated site as has been suggested in the public consultation. Weight should not be given to an emerging, untested neighbourhood plan policy that diverges from policies of an adopted Local Plan document. Therefore officers would advise members that the draft policies of the Headington Neighbourhood Plan would have no weight in the determination of this application.

35. Community Infrastructure Levy: The planning obligations listed in paragraph 51 of the original committee report (**appendix 2**) have now been superseded by the Councils' Community Infrastructure Levy Charging [CIL] Schedule. The level of development would result in a CIL charge of approximately £100,925.47. However Affordable Housing is one of the forms of development which could apply for an exemption from CIL charges.

Conclusion:

36. The proposal is considered to be acceptable in terms of the aims and objectives of the National Planning Policy Framework, and relevant policies of the Oxford Core Strategy 2026, Sites and Housing Plan 2011-2026, and Oxford Local Plan 2001-2016 and therefore East Area Planning Committee is recommended to approve the application.

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

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

Contact Officer: Andrew Murdoch
Extension: 2228
Date: 7th December 2015

Appendix 2

East Area Planning Committee 4th September 2013

Application Number: 13/01555/CT3

Decision Due by: 23rd September 2013

Proposal: Erection of 10 x 3-bed dwellings (use class C3) together with associated car parking, cycle and bin storage. Diversion of public footpath.

Site Address: Land East Of Warren Crescent, Oxford (**site plan: appendix 1**)

Ward: Churchill Ward

Agent: Turley Associates **Applicant:** Oxford City Council

Recommendation:

The East Area Planning Committee is recommended to resolve to grant planning permission, subject to the satisfactory completion of an accompanying legal agreement and to delegate to the Head of City Development the issuing of the Notice of Permission upon its completion. Should, however, the Community Infrastructure Levy (CIL) charging schedule come into force prior to the completion of the legal agreement, then it shall exclude any items included on the list of infrastructure published in accordance with regulation 123 of the CIL regulations.

If the required legal agreement is not completed within a reasonable period, then the Committee delegates the issuing of a notice of refusal to the Head of City Development, on the grounds that the development has failed to adequately mitigate its impacts

Reasons for Approval

1 The proposal would make an efficient use of this site which has been allocated for residential use as part of the Councils five-year housing supply to provide good quality affordable housing while at the same time establishing a balanced and mixed community within the Headington neighbourhood area. The proposal has considered the potential risk to the Lye Valley SSSI and Lye Valley Nature Reserve from changes to surface and groundwater flow to these sensitive sites, and developed a sustainable urban drainage system which if implemented in accordance with the details submitted in the application would

not be likely to have an adverse impact on the SSSI or Local Nature Reserve. The overall layout, form, and appearance of the development would be appropriate for the site and surrounding area while also safeguarding the amenities of the adjoining residential properties. The proposal is acceptable in highway terms with appropriate access arrangements retained for the Town Furze Allotments, parking provision, and pedestrian linkages to the surrounding area. The development would be energy efficient, and would not have a significant impact upon biodiversity; trees; archaeology; flood risk; air quality; land contamination; or noise impact and any such impact relating to these matters could be successfully mitigated by appropriate measures secured by condition or contributions. The proposal would accord with the overall aims of the National Planning Policy Framework and relevant policies of the Oxford Core Strategy 2026, Oxford Local Plan 2001-2016, and Sites and Housing Plan 2011-2026.

2 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

3 In considering the application, officers have had specific regard to the comments of third parties and statutory bodies in relation to the application. However officers consider that these comments have not raised any material considerations that would warrant refusal of the applications, and any harm identified could be successfully mitigated by appropriately worded conditions.

Conditions

1 Development begun within time limit
2 Develop in accordance with approved plans
3 Samples of materials
4 Details of all means of enclosure
5 Details of refuse and cycle storage
6 Landscape plan required
7 Landscape carry out by completion
8 No felling lopping cutting
9 Tree Protection Plan (TPP) 1
10 Arboricultural Method Statement (AMS) 1
11 Sustainable Urban Drainage Scheme, including design, construction and maintenance schedule
12 Biodiversity enhancements
13 Method statement for preserving ecology during construction
14 Archaeology - Implementation of programme
15 Details of the proposed parking areas
16 Details of the allotment access
17 Amendments to the Traffic Regulation Order
18 Construction Traffic Management Plan
19 A Travel Plan Statement
20 Details of affordable housing
22 Secure by Design Principles

23 Sustainability Measures / NRIA
24 Removal of permitted development rights for dwellings
25 Scheme of external lighting for dwellings
26 Phase II Contaminated Land Assessment

Legal Agreement:

- £148,969 plus the relevant admin fees

Principal Planning Policies:

Oxford Local Plan 2001-2016
CP1 - Development Proposals
CP6 - Efficient Use of Land & Density
CP9 - Creating Successful New Places
CP10 - Siting Development to Meet Functional Needs
CP11 - Landscape Design
CP13 - Accessibility
CP19 - Nuisance
CP20 - Lighting
CP21 - Noise
CP23 - Air Quality Management Areas
NE13 - Water Quality
NE20 - Wildlife Corridors
HE2 - Archaeology

Core Strategy
CS2_ - Previously developed and greenfield land
CS9_ - Energy and natural resources
CS11_ - Flooding
CS12_ - Biodiversity
CS13_ - Supporting access to new development
CS14_ - Supporting city-wide movement
CS17_ - Infrastructure and developer contributions
CS18_ - Urban design, town character, historic environment
CS19_ - Community safety
CS22_ - Level of housing growth
CS23_ - Mix of housing
CS24_ - Affordable housing

Sites and Housing Plan
HP2_ - Accessible and Adaptable Homes
HP9_ - Design, Character and Context
HP11_ - Low Carbon Homes
HP12_ - Indoor Space
HP13_ - Outdoor Space
HP14_ - Privacy and Daylight
HP15_ - Residential cycle parking
HP16_ - Residential car parking

SP60_ - Warren Crescent

Other Planning Documents:

- National Planning Policy Framework
- Balance of Dwellings Supplementary Planning Document
- Affordable Housing Supplementary Planning Document
- Natural Resource Impact Analysis Supplementary Planning Document
- Planning Obligations Supplementary Planning Document
- Parking Standards Supplementary Planning Document

Relevant Site History:

02/02348/FUL - Demolition of garages and the erection of 18 dwellings comprising of 8x3 bed houses, 6x1bed flats in a 3 storey building, 2x1 bed bungalow and 2x2 bed bungalows. Formation of new vehicular access, provision of 18 parking spaces, erection of 12 garden sheds and a cycle store: Approved

Public Consultation

Statutory Consultees

Natural England

- No objections to the application. There should not be a significant impact on the hydrology of Lye Valley SSSI, provided that the design and construction methodologies proposed in the application are implemented.
- There will be a need for the Sustainable Urban Drainage Scheme to be maintained in perpetuity, and restrictive covenants need to be put in place to ensure that the block paving and grass gardens are maintained as they have been designed and the dwellings cannot be altered should the housing be sold in the future.

Berkshire, Buckinghamshire, and Oxfordshire Wildlife Trust

- The trust is concerned about the impact upon the special features of the Lye Valley SSSI, but support the conclusions of Natural England in their response and conditions need to be secured to maintain the integrity of the site.
- These include the long-termed management and maintenance of the SuDS scheme; permeable paving and gardens need to be maintained in perpetuity; and an action plan should be submitted for the action what will be taken in the event of pollution or contamination of the SuDs to prevent contamination of the aquifer

Thames Water Utilities Limited

- Thames Water supports the need for a sustainable urban drainage scheme to manage the surface water from this development to minimise the impact on Lye Valley Brook.

Environment Agency Thames Region

- No comment to make on the proposal as it is deemed to have a low environmental risk

Oxfordshire County Council

- Highways Authority: No objection subject to conditions and financial contributions towards highway measures
- Rights of Way: There is no objection to the diversion of the proposed footpath to that shown in the application. This will need to be agreed through a section 257 diversion application under the Town & Country Planning Act and the works for the diverted route will need to be certified by the field officer for Oxford City.
- Education: No objection subject to contributions to primary and secondary education and special education needs as a result of increased occupancy.
- Property: No objection subject to conditions towards libraries, waste management, and museums as a result of increased occupancy.

Third Parties

Letters have been received from the following addresses, and their comments are summarised below

- 43 Dene Road; 2 Dorchester Court, Kidlington; 12 Colemans Hill; 44 Courtland Road; (J Gee), Heath Close; 4 Lye Valley Road; 24 Ramsay Road; 50 St Annes Road; 12, 22, 47, (J Collins) Warren Crescent; 12 Weyland Road; Dr Rietsema; Mr & Dr Cody (allotmentees); Mr K Taylor MEP

Individual Comments:

The main points raised were:

- The need for housing is obvious, but this needs to be balanced against the needs of the community
- The previous proposals to develop this site were withdrawn and we were assured that there would be no houses built on the site
- There is too much housing in Headington and not enough green space
- The level of housing in the area is disproportionate to other areas of Oxford
- This is a green space which is used by people in the area, particularly children, dog walkers and it is loss will have an adverse impact upon the area and the health of those in the area.
- The space is used by the flats who have no garden space so it is important to them
- The arrival of 10 houses will place more pressure on the green area and the SSSI from dogs needing exercise, light pollution, fly tipping etc
- The development will create parking pressures in the area. There are already on street parking pressures in the evenings and weekends in Warren Crescent
- The houses will have an impact upon the winter sun received in the Warren Crescent properties on the opposite side of the road.
- This is already an extremely built up area and the loss of this green space will have a negative effect on the feel of the area
- The development is contrary to Local Plan Policies CP6, and CP8, Core Strategy Policies CS2,
- There is a large variety of wildlife in the space, including foxes and badgers, and bats which will be lost if this is developed
- A previous application for this site was rejected, partly because it would remove most of the essential green 'buffer' to the Lye Valley Fens
- The access to the allotments must be of sufficient size to allow deliveries
- The Lye Valley Nature Trail should be retained as is and not encroached upon

- The development will result in the loss of a scenic footpath, and running them behind the houses would have been the better option to enable access to natural surroundings and allow monitoring of any rubbish that is discarded from these properties
- The proposal will have an adverse impact upon climate change which is contrary to the aims of the Core Strategy.
- This will lead to the Lye Valley Nature Reserve being built upon.
- The council has already allowed much of the water catchment area to be eroded by channelling rainwater in the local area as far afield as Quarry into storm water drains causing deleterious flash flooding in the last 20 years, permanently damaging the eco-structure of the fens
- The proposal removes the most essential green buffer to the Local Wildlife Site and Lye Valley Fens SSSI and will have long term damage to these sites. The existing urban development in the area has been a poor neighbour to the fens
- The mitigation measures will not be as good as leaving the site undeveloped
- There is not enough evidence that the hydrological SUDS mitigation (run off water directed to a swale) associated with this housing development will actually work long term to prevent damage to the Lye Valley fen wetland SSSI and LWS areas
- The Swale would need constant management to ensure the base is not compacted, silted up or filled with leaves from overhanging trees. It would need cleaning every year.
- The planned measures for water run-off is novel and untested for this sort of area and should not be entertained until it is demonstrated for less critical environments.
- It may lead to some springs being deprived and others having too much water, and there is the potential for pollution. The development will not improve water quality as suggested
- The site is too important to be damaged and it needs all the water that currently infiltrates gently over the whole green field of the land east of Warren Crescent.
- The long term management issues with the SUDS scheme are difficult to see working. Who will ensure that the front drives are regularly vacuumed, that the steep bank to the rear will be cleared of rubbish, how will the people be prevented from erecting decking, sheds, patios in their gardens, who will forbid residents from keeping cats, or preventing oil dripping on their drive as they mend the car
- Natural England has clear provisions to prosecute those who destroy or contribute to destroying natural habitats such as Lye Valley. The Council should look to preserve an area for which it is responsible rather than be prosecuted once they have destroyed the area irretrievably.

<u>Town Furze Allotment Association</u>

- The association objects to the application
- The allotments are next to the proposed development and there is a concern about access
- The association need to be certain that a turning point of 6m width will be maintained to allow a 90 degree turning point for a tractor sweep to allow the delivery of compost etc to the site.
- The application states that there is sufficient turning space but does not provide dimensions.

Officers Assessment:

Site Location and Description

1. The site is located on the eastern side of Warren Crescent and is bordered by residential accommodation to the north, north-east, and south-west. To the south east lies a band of mature trees which adjoins the Lye Valley Site of Specific Scientific Interest [SSSI] and Lye Valley Nature Reserve (**site plan: appendix 1**).

2. The site comprises a tended grassed area of informal open space which fronts onto Warren Crescent. There is a small open car park with a metalled surface at the northern end along with an access to the Town Furze allotments. The Town Furze allotments are also located to the north-east, and there is a footpath (no.80) which runs from the southern side of the allotment to the north-western corner of the site

3. The Lye Valley Sites of Specific Scientific Interest [SSSI] and Lye Valley Nature Reserve adjoin the site, but are situated at a lower land level to the site. A small part of the north of the site forms part of the Lye Valley Local Nature Reserve and the non-statutory designated site, Lye Valley Scrub Site of Local Importance for Nature Conservation (SLINC).

Proposal

4. The proposal forms part of the Oxford City Council Affordable Housing Programme 2011-2015, and will provide 100% on-site affordable housing which is to be owned and operated by Oxford City Council.

5. The development is seeking permission for the erection of 10x3 bedroom two-storey terraced and semi-detached dwellinghouses. The dwellings would have their own private gardens with refuse area to the rear which are accessible by a side gate and an off-street parking space per dwelling and two cycle stores. The dwellings are designed to comply with Code for Sustainable Homes Level 4, Secured by Design, Lifetime Homes and the Housing Quality Indicators.

6. The proposal also includes the diversion of footpath (no.80), and the retention of the access to the Town Furze Allotments.

7. Officers consider the principal determining issues to be:
   - Principle of Development
   - Affordable Housing
   - Balance of Dwellings
   - Residential Uses
   - Site Layout and Built Form
   - Impact upon Adjoining Properties
   - Impacts upon the Lye Valley SSSI – Flood Risk & Sustainable Urban Drainage
   - Biodiversity
   - Allotment Access

- Rights of Way
- Landscaping
- Highway Matters
- Sustainability
- Archaeology
- Planning Obligations / CIL Contributions
- Other Matters

Principle of Development

8. The site has previously been granted planning permission for residential development comprising 18 dwellings under reference number 02/02348/FUL. This permission was never implemented and lapsed on the 14th October 2008.

9. The National Planning Policy Framework encourages the effective use of land by reusing land that has been previously developed, provided that it is not of high environmental value. Policy CS2 of the Oxford Core Strategy supports this aim and makes clear that the development of greenfield sites will only be allowed where they are specifically allocated for that use within the Local Development Framework, or required to maintain a five-year rolling housing-land supply in accordance with Oxford Core Strategy Policy CS22. The site would not constitute previously developed land as defined by the National Planning Policy Framework but it has been specifically allocated for residential development within the Sites and Housing Plan as part of the Councils five-year supply of housing under Policy CS22 of the Oxford Core Strategy 2026.

10. The general principle of redeveloping this site for a residential use has been established through the sites allocation under Policy SP60 of the Sites and Housing Plan. However, the allocation policy recognises that the site is in close proximity to the Lye Valley SSSI and makes clear that any development is on the basis that it can be demonstrated that there would be no adverse impact upon surface and groundwater flow and the Lye Valley SSSI.

Affordable Housing

11. The application forms part of the Oxford City Council Affordable Homes Programme 2011-2015, which is seeking to deliver new affordable homes across a number of development sites within the city. The programme has secured funding from the Homes & Communities Agency to provide 112 new build affordable homes of mixed social and affordable rented tenure by March 2015.

12. The Oxford Core Strategy 2026 recognises that the provision of affordable homes is a key priority for the Council in order to deliver a wide choice of quality homes to address the needs of local people and to create sustainable, inclusive mixed use communities. The Sites and Housing Plan makes clear in Policy HP3 that development sites with a capacity for 10 or more dwellings must provide 50% affordable homes on the site. It goes on to state that a minimum of 80% of these homes must be social rented accommodation, with the remaining as intermediate housing.

13. The proposal will provide 100% affordable housing, although the proposed tenure of this housing would be entirely 'affordable rent'. The Sites and Housing Plan does not consider 'affordable rent' to be the same as 'social rented' housing hence the requirement in Policy HP3 for a greater proportion of social rented accommodation to be provided as part of any on-site affordable provision from qualifying schemes. Therefore despite the fact that the scheme would provide more affordable housing than the 50% normally sought under the policy, the tenure mix would not strictly satisfy the requirements of Policy HP3.

14. The Affordable Homes Programme is reliant on funding from the Homes and Communities Agency (HCA), who stipulate that a proportion of 'affordable rented' units must be provided within the programme. In real terms this means that 44 of the 112 affordable homes have to be 'affordable rent' while the remaining 68 can be provided as 'social rent'. In order to meet the HCA's requirements the mix of tenures has been carefully allocated across each development site within the programme. This allocation has ensured that overall the programme exceeds the policy requirements for affordable housing in that it will deliver 100% affordable homes on each of the individual sites, and far more social rented housing than would normally be sought on a site-by-site basis. Therefore although this scheme in particular does not deliver any social rented properties, this is compensated by the higher number of social rent homes delivered on the other sites within the programme. Officers consider that the programmes contribution to affordable housing provision within the city would represent a material consideration which justifies an exception being made to this policy in this instance.

Balance of Dwellings

15. Policy CS23 of the Oxford Core Strategy 2026 require residential development to deliver a balanced mix of housing to meet the projected future household need, within each site and across Oxford. The mix of housing relates to the size, type and tenure of dwellings. The Balance of Dwellings Supplementary Planning Document (BoDSPD) sets out the appropriate housing mixes for each Neighbourhood Area. The site is located within the Headington Neighbourhood Area, where a reasonable proportion of new family dwellings are required within residential schemes.

16. The proposal would provide 10x3 bedroom units which would slightly exceed the preferred mix for a scheme of this size, however, the increase in number of 3 bed units would not be so significant when it is viewed against the requirements for a scheme of 9 units. The BoDSPD would normally require schemes of 10-24 units to provide 30-75% of the total number of units as 3 bedroom dwellings, whereas a scheme of 4-9 units could provide 30-100% 3 bedroom units. Therefore although the development would not strictly satisfy the requirements of the BoDSPD, officers recognise that the difference would be marginal and given the clear benefits in terms of affordable homes provision officers would raise no objection to the provision of 10x3 bedroom units within the scheme.

Residential Uses

17. The proposed dwellings would all be self-contained and have internal layouts that exceed the requirements of Sites and Housing Plan Policy HP12 which sets minimum floor sizes and general living accommodation standards expected from residential accommodation. The dwellings have been designed to comply with Lifetime Homes Standards in accordance with Sites and Housing Plan Policy HP2.

18. In terms of outdoor space, Sites and Housing Plan Policy HP13 states that new dwellings should have direct and convenient access to an area of private open space. It recognises that family homes should be provided with a private garden of adequate size and proportions to the size of house proposed. The dwellings would each have access to sizeable private gardens to the rear which would be adequate for the family accommodation that they serve. They would also have refuse and cycle storage to the rear which would accessible via a side passageway. As such the proposal would accord with the aims of Policy HP13.

Site Layout and Built Form

19. Sites and Housing Plan Policy HP9 states that residential developments should respond to the overall character of the area, including its built and natural features; the form, layout and density of the scheme should make an efficient use of land while respecting the site context and making a positive contribution to local character. It should also ensure that landscaping, and boundary treatments integrate the development into the street scene in a way that defines public and private space and maintains natural surveillance of the public realm. This is supported by Oxford Core Strategy Policy CS18, and Policies CP1, CP6, CP8, CP9, and CP10 of the Oxford Local Plan.

20. The site layout has been designed to follow the arc of Warren Crescent in order to respect the linear development pattern throughout the street and a continuous building line with the existing properties on this side of the road. The layout would also establish a clear public and private realm relationship with active frontages that allow for natural surveillance onto the public realm. The built form would be of an appropriate residential scale for the location, with two-storey dwellings with pitched roofs that are arranged as a terraced row of four dwellings, and three pairs of semi-detached properties. The dwellings would have a contemporary appearance within a traditional residential form, which would not look out of place in the street scene. The units will have a rendered finish with an interlocking clay plain tile which would also help integrate the dwellings into the street scene. As such the overall layout, form and appearance of the proposed development would make the best use of the site, while also suiting the sites context within the existing residential suburb, which officers consider would accord with the aims and objectives of the above-mentioned policies.

Impact upon Adjoining Properties

21. Policy HP14 of the Sites and Housing Plan states that residential development should provide reasonable privacy and daylight for the occupants of both existing and new homes.

22. The location of the site and the orientation of the properties would mean that the proposal would not create an adverse impact upon any of the adjoining properties adjacent to the new dwellings, or on the opposite side of Warren Crescent in terms of loss of light, outlook, overbearing impact or privacy and would therefore be consistent with the aims of Policy HP14.

Impacts upon the Lye Valley SSSI – Flood Risk & Sustainable Urban Drainage

23. The site is located adjacent to the Lye Valley SSSI which is very sensitive to changes in surface water run-off and groundwater flows. The allocation policy (SP60) makes clear that permission will only be granted for the development of the site if it can be proven that there would be no adverse impact upon surface and groundwater flows and the SSSI from increase hard surfacing.

24. In accordance with these policy requirements, the following assessments have been undertaken to understand the potential impact of the proposal upon the hydrology of the SSSI and Local Wildlife Site of Lye Valley.
    - Flood Risk Assessment [April 2013]
    - Phase 1 Ground Condition Report [Dec 2012]
    - Geotechnical Engineering Ground Investigation Report [June 2012]
    - Assessment of the Potential Impacts of the Proposed Development on the Lye Valley SSSI [June 2013]

25. These documents have carried out an assessment of the existing ground conditions on site; a hydrological study of the groundwater flows and levels; and an assessment of the impact risk to the SSSI should the site be developed. They support the concerns raised during the consultation process that any changes to the current rate of the surface water and groundwater could have an adverse impact upon the SSSI. These assessments have been used to develop a robust approach to drainage and water quality treatment to ensure that the surface water runoff from the proposed development does not degrade the quality of the receiving ground and stream water in order to mitigate the impact on the SSSI. The assessments have been developed in conjunction with Natural England and the Oxfordshire County Council Drainage Authority.

26. The Flood Risk Assessment identifies that the site is located within Flood Zone 1 and confirms that the soils are deemed suitable for infiltration techniques such as a sustainable urban drainage system [SUDS] to be used for the disposal of surface water without any negative impact on the SSSI. The groundwater monitoring shows that the water levels are sufficient distance below ground level to employ a robust SUDS scheme, but that this would need to have suitable water quality treatments to ensure that surface water runoff does not degrade the receiving groundwater and stream water.

27. The assessment establishes that the existing drainage regime in the catchment area of the valley appears to be having a negative impact on the features of the SSSI. These impacts being lowering the bed of the Lye Brook because of erosion (caused by increase run-off through land drains into the stream); lowering the water table of the fen; and the reduction of rain water feeding the springs vital

to the SSSI. Both cause the drying out of parts of the fen. The proposed development would not significantly alter the ground water flow on the basis that large areas of the site would be soft-landscaped or open space (i.e. gardens) and the buildings foundations would be designed to avoid any impact. The SUDs scheme ensures there will be no significant change in the amount and timing of water feeding into the springs of the SSSI. It will collect surface water run-off through permeable paving and discharge to the groundwater via a swale in the south-east corner of the site. The use of swales are identified in national guidance as a suitable method for the attenuation of surface water run-off and the removal of pollution as part of a 'treatment train' to ensure that the quality of water discharged from a site does not significantly impact upon a wider environment. The swale is designed to accommodate a 1 in 100 year storm event plus 30% for climate change, and the excavated soils will be placed adjacent to the slope to the SSSI to ensure that a more extreme flood event does not lead to water running down the slope to the SSSI. The drainage strategy would also include water quality protection and enhancement through its design such as permeable paving with oil separation treatment to absorb hydrocarbon pollutants reducing the risk of pollution from surface water run-off. The use of calcareous aggregates to line the swale will stop the acidification of the water as it slowly feeds into the SSSIs springs.

28. It is clear from the consultation process that concerns have been raised about the suitability of the SUDs scheme to mitigate any potential impact upon the Lye Valley SSSI. However, officers consider that the proposed scheme would ensure that the indirect impact on the SSSI, and direct erosion from drainage, would be reduced to an insignificant level. Importantly Natural England is also satisfied that there should not be a significant impact upon hydrology of the Lye Valley SSSI provided that the drainage strategy is developed in accordance with the details set out within these assessments. Notwithstanding this, both Natural England and officers share the view that the SUDs scheme would need to be maintained in perpetuity. This would include fencing off the swale to prevent access and therefore compaction of the soils, as well as rubbish entering the system. The swale would also need to be checked regularly and cleaned where necessary. Similarly the block paving within the development would need to be maintained to ensure that it remains porous in the future. There would also need to be restrictions on the properties so that the paving and grass gardens are maintained as designed and especially if the properties are sold in the future. It would be important to ensure that the properties cannot be extended without examining the potential impacts upon hydrology.

29. The long term management and maintenance could be secured by a condition which requires details of the maintenance schedule for the properties. The dwellings will remain in the ownership of Council who would also be responsible for maintaining the infiltration drainage system and it would be expected that this would be incorporated into the general maintenance of these properties. A condition should also be attached which removes all permitted development rights for the properties to ensure that consideration is given to any changes, although tenants of the properties would also need to seek permission from the Council as landowner. Therefore it is considered that reasonable controls could

be put in place to ensure that long term maintenance of the SUDs scheme and also to consider any potential changes to the properties.

30. Therefore on the basis of the information provided, and given the fact that Natural England have raised no objection to the proposal, officers consider that the development would not have a significant impact upon the hydrology of the nearby SSSI subject to the provision and maintenance of the proposed sustainable urban drainage system.

Biodiversity

31. An Ecological Desk Study and Phase 1 Habitat Survey have been submitted with the application. This has identified that the site only supports habitats of limited intrinsic ecological value with the exceptions of limited potential to support breeding birds. This SSSI and Local Nature Reserve will be protected throughout the proposed development. The survey proposes mitigation measures and enhancements to minimise any possible impacts on species that may be present on site and in the surrounds. These would include retaining areas of importance for reptiles and common toads within the site; the protection of the field maples on the eastern boundary throughout the process for breeding birds and the introduction of native species and bird boxes to encourage breeding opportunities; specific site safety measures during construction to prevent harm to badgers who may be using the outlier sett to the east of the site within the SSSI, and the provision of suitable shrubs and trees in the open spaces to improve their foraging habitat; and the introduction of a lighting scheme to reduce the potential impact on bats and other species within the SSSI, along with the planting of native species and bat boxes to provide roosting opportunities.

32. Officers consider that the direct biodiversity impact of the development would not be significant, as the site only supports habitats of limited significance and its use by species of biodiversity significance is minimal or would be protected through the recommended mitigation measures. Natural England has also confirmed that the proposed development would be unlikely to affect European Protected Species and that the impact upon other species should be considered in line with standing advice. Therefore subject to a condition being attached requiring the recommendations of the ecological survey to be carried out in full, the proposal would accord with the aims of Policy CS12 of the Oxford Core Strategy 2026.

Allotment Access

33. The site allocation policy (SP60) recognises that vehicular access and turning area is essential for the allotment users. It goes on to say that a width of 6m and a turning area may be required.

34. As with the previously approved scheme, the proposal would provide a 3m wide access road from Warren Crescent which leads into a turning area which allows a 90º turn. The access road would be gated albeit to a design that allows pedestrian access to the public footpath. The access road and turning area are considered adequate to enable a tractor and trailer to access the site and leave in a forward gear according to the vehicle tracking diagrams included with the

application. As such officers consider that the proposal would maintain appropriate access arrangements for the allotment.

Rights of Way

35. There are currently two footpaths (nos.79 & 80) that cut across the site from the south-west corner to the allotments in the north. The site allocation policy states that the public right of way should be either retained or diverted. An alternative location was agreed for these footpaths as part of the previous development proposal for the site (02/02348/FUL).

36. The proposal would provide the same diversion to this previous scheme whereby, the footpath will lead through the site and around the front of the proposed dwellings and then down through the allotment access to join up with its current position at the north. The diverted route as shown on the plans would maintain part of this as a countryside footpath, but also encourage natural surveillance of the footpath from the new residential dwellings.

37. The Oxfordshire County Council Countryside Access Team has raised no objection to the general principle of the footpath being diverted but requires more information about the intended route. The diversion will require a formal application for a public right of way diversion to be submitted to the county council and therefore the proposed route will be determined by that means.

Landscaping

38. A Tree Survey has been submitted with the application. This identifies the requirement to remove a large proportion of trees within the site. The manna trees at the rear of the site (T8-T18) are of a low quality and value and so not objection would be raised to their loss.

39. The proposal does require the removal of a number of the trees to the front of the site, which make an important contribution to the visual amenity in the area. It is regrettable that these have to be removed, however, the loss could be adequately mitigated in accordance with Local Plan policies CP1, CP11 and NE15 by the planting of new *Pyrus Chanticleer* trees being planted at the front of each of the pair of the new houses i.e. 5 new trees to ensure that the harm to amenity in the area is adequately mitigated.

40. The hedge along the SW boundary, which forms a barrier to Lye Valley is to be reduced in height and spread. This work should be undertaken at an appropriate time of year i.e. during the winter, to minimise potentially harmful effects on the health of the trees and disturbance of nesting birds. The ecological appraisal has recommended that these trees should be protected during the construction process and also that any landscape strategy should include the planting of native species to improve wildlife. Officers would therefore recommend that conditions should be attached which secure a landscape plan which includes the new planting recommended above and that suggested in the ecological appraisal.

Highway Matters

41. A Transport Statement has been submitted with the application. The proposed dwellings would be provided with 1 off-street parking space per dwelling, and 2 secure cycle parking spaces.

42. The site is situated within an existing residential are, and has reasonable access to public transport links and a small parade of shops on Girdlestone Road although the majority of shops and public transport would lie beyond in Old Road, Wood Farm and the Headington District Centre. The proposed development would not generate significant levels of traffic and is certainly less than the 18 units previously approved for the site under 02/02348/FUL.

43. The provision of 1 off-street parking space for the 3 bed units would accord with Sites and Housing Plan Policy HP16 which sets the required parking standards for residential developments in specific locations. The Local Highways Authority have raised no objection to this, but have indicated that the proposal would result in the loss of 5 on-street parking bays from the controlled parking zone. The Local Highways Authority has stated that it would be necessary to remove the development from eligibility to residents parking permits to ensure that no further pressure is placed on the controlled parking zone. This would require amendments to the order at a cost of £3,000 which would also cover the need to extend existing on-street parking bays in the vicinity to provide five additional spaces.

44. The Highways Authority have queried the potential impact from the loss of unrestricted car parking on site which they consider is likely to be used by allotment holders. The existing car park on site was formerly a garage block which was demolished following the grant of the previous permission (02/02348/FUL). Any parking within this small car park is currently informal and so officers consider that the loss of this space should not represent a constraint upon the development of the site. The proposal will provide a direct access to the allotments for users including a small number of informal spaces in the area to the rear for use by allotment users.

45. The Highways Authority has also recommended conditions which require the provision of a sustainable urban drainage system; a travel plan statement which includes travel information packs for each residential unit to be provided, and a construction traffic management plan to avoid potential disturbance to the local area from construction traffic.

46. The Oxford City Council Planning Obligations SPD has a requirement for a contribution of £26,250 towards transport infrastructure improvements from the development. The Highways Authority have also requested a further £5,000 towards public transport traffic management improvements at the Girdlestone Road/The Slade junction, which impacts buses using this route and will be used by residents of the proposed development.

Sustainability

47. Sites and Housing Plan Policy HP11 states that residential development should include an element of on-site renewable or low carbon technologies were practicable. It goes on to state that for qualifying developments (i.e.10 or more dwellings) proposals should include a least 20% of their energy needs from on-site renewables or low carbon technologies, unless it can be robustly demonstrated that such provision is either not feasible or it makes the development unviable.

48. An NRIA has been submitted with the application which reflects the need to achieve 20% of the development's regulated and unregulated energy requirements from renewable sources and is therefore considered to be acceptable. The NRIA scores 7/11 which exceeds the minimum score required to comply with the policy. The proposed scheme is designed to achieve the Code for Sustainable Homes Level 4 which exceeds the minimum requirement of Level 3 for open market homes. The buildings will use solar photovoltaic tiles, high energy boilers, energy efficient and thermally efficient glazing, and be built to Building Regulations 2010 standards. Officers would recommend a condition requiring the details of the NRIA to be implemented.

Archaeology

49. An archaeological desk based assessment has been submitted which identifies that the site is of interest because it is located around the corner from a nationally important pottery production site at the Churchill Hospital and on level ground close to a water course. A Roman kiln is recorded 50m away on the other side of the valley in a similar location (HER3616, MOX11526). Subsequent to the desk based assessment a geophysical survey was undertaken at this site by Northamptonshire Archaeology which did not pick up any strong anomalies that may be potential kiln sites. Furthermore the details of previous borehole investigations have been submitted demonstrating that much of the proposed development footprint is modern made ground of considerable depth. However part of the site does not appear to have been substantially landscaped and a targeted archaeological investigation would be warranted given the archaeological context.

50. Therefore given the likely level of previous disturbance on site and the scale of the proposed development, a condition should be attached requiring an archaeological investigation to be carried out. This should consist of either targeted trial trenching followed by further mitigation as appropriate or watching brief depending on the detail of foundation design and servicing work.

Planning Obligations / CIL Contributions

51. In accordance with the Planning Obligations Supplementary Planning Document contributions are required to mitigate the impact of the proposal on the City and County Services and infrastructure. The following contributions would therefore be required.

Oxfordshire County Council

- £51,690 (Primary Schools)
- £44,530 (Secondary Schools)
- £3,065 (Special Educational Needs)
- £2,224 (Library)
- £990 (Household Waste Recycling Centre)
- £130 (Museum Resource Centre)
- £26,250 (Highways & Transport)
- £8,000 (Pub Transport Improvements / Amendments to Road Traffic Order)

Oxford City Council

- £2,400 (Indoor/Outdoor Sport)
- £6,360 (Open space/Ecology)
- £1,710 (Sports Ground)
- £1,510 (Play Areas)
- £110 (Allotments)

52. The total level of contributions would be £148,969 plus the relevant admin fees. The County Council contributions will be secured by a legal agreement, and by internal mechanism for the City Contributions.

53. It is important to note that the Councils' Community Infrastructure Levy Charging [CIL] Schedule is to be put to Full Council for adoption on the 30th September 2013. The formal implementation of CIL would have an impact upon the level of contributions sought for this scheme, as Affordable Housing is one of the forms of development which could apply for an exemption from CIL charges. The introduction of CIL will apply to any applications where S106 agreements have not been agreed before this comes into effect and therefore given the timeframes for this decision it is likely that these contributions will have to be recalculated.

Other Matters

54. A Phase 1 Ground Condition Assessment has been carried out comprising a desk study, site walkover, ground stability assessment and risk assessment for contamination. The site has been identifies as having a low potential for ground contamination, has recommended a Phase II survey to determine the extent of made round and to mitigate or remediate impacted soil and groundwater. A condition should be attached requiring a Phase II survey to be conducted before development commences.

55. An air quality screening assessment has been submitted which identifies that air quality within the site is very food, and the traffic generated by the development is unlikely to have significant air quality impacts. Officers would agree that there is not likely to be a significant impact on air quality from the development.

56. A Noise Survey has been submitted with the application which assesses the suitability of the site for its proposed use. The survey identifies that the dominant noise source is local road traffic and the anticipated noise and vibration impact on occupants would be negligible.

Conclusion:

57. The proposal is considered to be acceptable in terms of the relevant policies of the Oxford Core Strategy 2026, Sites and Housing Plan 2011-2026, and Oxford Local Plan 2001-2016 and therefore officer's recommendation is to approve the development in principle, but defer the application for the completion of a legal agreement to secure the necessary financial contributions as set out above.

Human Rights Act 1998
Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

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

Contact Officer: Andrew Murdoch
Extension: 2228
Date: 27th August 2013

To: Planning Department, Oxford City Council

Date: 19 October 2015

Objection to Planning Application 13/01555/CT3
Land East Of Warren Crescent Oxford Oxfordshire OX3 7NQ.

Erection of 10 x 3-bed dwellings (use class C3) together with associated car parking, cycle and bin storage. Diversion of public footpath. (Amended plans and description)

The site proposed for development is referred to as Site 60 and by the name 'Warren Meadow', which is at present an amenity used by local people. The Lye Valley adjacent to it contains an SSSI wetland of international rarity and importance and a Local Wildlife Site wetland, which is improving towards SSSI standard with the help of BBOWTs Wild Oxford project and many local volunteers who love the site. It is Oxford's most ancient habitat and is only now, with Council and volunteer assistance, recovering from years of neglect; it is flourishing.

The Friends of Lye Valley object to the amended planning application for this major development. It cannot be regarded a 'sustainable development' for the reasons which are made clear below.

A. Effect on Hydrology of the area: lack of SuDS success evidence, impact on fen wetlands
B. Validity of the quoted 'Precedent for development'
C. Control over the proposed development: 'Right to Buy' and enforcement of Restrictive Covenants
D. Loss of green space for informal recreation in Warren Meadow
E. Inaccurate information as to ecological importance of Warren Meadow and Wildlife Corridor status
F. Policies which should protect Warren Meadow/Site 60 and the Lye Valley SSSI.
G. Adverse Effect on Landscape Character and Green Setting
H. General points
I. The Council's Legal obligation for development
J. Site visit request
K. Summary and Conclusions

(Three Appendices give further details on the above points.)

A. Effect on Hydrology of the area: lack of SuDS success evidence, impact on fen wetlands

It is a condition of this application that it should be **proved beyond any doubt** that the proposed development will have no adverse effect on the SSSI fen **in perpetuity**.

"Planning permission will only be granted for residential development at Warren Crescent if it can be proven that there would be no adverse impact upon the groundwater flow and the Lye Valley SSSI".

Although both Natural England and BBOWT withdrew their objections, the **conditions attached to their withdrawals have not been demonstrably met.** These include **proof that the SuDS will work in perpetuity** and a Plan B (required by BBOWT) should the development go ahead and damage to the fen result.

Dr Judy Webb has already submitted her criticisms of the SuDS mitigation scheme of infiltration of paving and roof run-off water proposed by Peter Brett Associates LLP – see **Appendix 1** of this document. This is a **design that is an unproven experiment, the first of its kind, anywhere**. We contend that there is considerable doubt that this will work.

Regarding the SuDS evidence presented: no valid examples have been given of SuDS using a swale to control the water flow and adjust critical water chemistry into such a rare habitat as the Lye Valley Fen. We note this company (PBA) takes no responsibility for the success or failure of their design.

The examples of 'successful' SuDS case studies provided as evidence by PBA were **neither the same nor sufficiently similar to be comparable to the Lye Valley**. Dr Judy Webb's analysis and critique of them, demonstrating how they do not provide the required evidence, can be found in **Appendix 2** of this document. Crucially, not one of these examples was studied for a long enough period and none of them monitored wildlife before and after the installation of the SuDS to demonstrate no damage.

However well designed a system might be, hydrology is complex and SuDS in practice do not always work in the beneficial way intended. For example, the infiltration SuDS at Milham Ford Nature Park for the Harberton Heights development here in Oxford resulted in **the loss of rare plant (bee orchid) species**, which the mitigation was intended to protect, as a result of the production of excess water of the wrong chemistry. Expensive remedial drainage measures were necessary to correct the SuDS failure and **the orchids have still not returned to the site.**

Has the Council made a Risk Assessment and costed possible remediation in the eventuality of the SuDS failure in this Warren Crescent scheme?

Friends of Lye Valley asked which authority would be responsible for maintaining the demanding and expensive programme of SuDS maintenance advised by Peter Brett Associates. According to Oxford City Council, since this is a major development of 10 houses, it is Oxfordshire County Council. However, according to the County Council it would be the 'developer' i.e. the City Council and then the owners. In this 'pass the parcel' situation – and given the severe financial constraints on councils and families – is it likely that either authority would commit themselves to maintaining these expensive SuDS ***in perpetuity*** as required by Natural England? As an example of *part* of what is required (see the SuDS maintenance schedule provided by PBA) the permeable paving in this development is required to be **suction-swept** (with a machine like a wet and dry VAX) to remove dust, silt, leaves, moss, lichen and plants from the gaps between the pavers ***at least twice a year***. Not all clogging material can be removed by this, so every 20 years the whole paving may need **replacing** to ensure full permeability.

In the light of the **complete uncertainty over the functioning of the mitigation SuDS in perpetuity,** the Warren Crescent development is unsustainable and should not go ahead.

B. Validity of the 'Precedent for Development' statement

Much is made in supporting documents of the fact that planning permission for the site was originally granted in 2002 and it is said that this '**sets a precedent for development'**. We maintain that no real precedent was set because the 2002 permission was achieved **in ignorance of the following important facts:**

i) Warren Meadow (Site 60) is clearly within the rainwater catchment and infiltration area of the Lye Valley SSSI fen springs. This catchment was calculated only in **2007** by Dr Curt Lamberth in respect of the proposed development of Southfield Golf Course. A street map showing the rainwater catchment area of the Lye Valley fen is on the FoLV website at **http://www.headington.org.uk/lyevalley/about/index.html** Development within the rainwater catchment area was not permitted on the golf course – nor should it be on Warren Meadow (Site 60).

ii) The extreme rarity of the habitat of alkaline fen vegetation present, designated as 'M13b' in the National Vegetation Classification (NVC). This only became known in **2013** (Tratt, R., Parnell, M., Eades, P. and Shaw, S. (2013) Development of inventories for Annex 1 habitats 'Alkaline Fens' and 'Transition Mires & Quaking Bogs' in England. Report to Natural England)

Prior decisions made in ignorance of facts are not valid.
The 'development precedent' for this site does not actually exist.

C. Control over the proposed development: 'Right to Buy' and enforcement of Restrictive Covenants

At the East Oxford Area Planning Committee meeting City Councillors specifically asked for information as to whether Right to Buy would apply to the development. **We are informed that Right to Buy would indeed apply** and the properties could be let immediately after purchase – presumably at a higher rent. The City Council would lose any control over activities in the gardens, which would be potentially damaging to water infiltration and the adjacent fens.

It was reported in the press that sales of Right to Buy properties may not result in the City Council receiving the resulting income. So the sacrifice of the Lye Valley's flora and fauna and an important local amenity may not even result in a financial gain for the Council.

Whatever covenants the City Council wished to impose either on tenants or on subsequent owners, it would, in practice, be impossible to enforce them. With 6ft-high solid fencing on the brink of the steep-tipped embankment, officers would be unable to see – or even stand safely to see – the gardens. Barbeques on paving, paving stones along the grass to the washing lines, Wendy houses, greenhouses, poly-tunnels, sheds, sandpits and paddling pools – all would contribute to reducing the rainwater catchment area contrary to the requirement made that the gardens will remain green and permeable, as demanded by Natural England.

Other problem activities include: people washing their cars on the drives, accidentally dropping antifreeze or oil, or even washing bicycles with washing up liquid and applying lubricant, plus fertilizers/weed killers on lawns and flower beds – all would go from paving into the swale and the ground. Since the SuDS swale is permeable, these harmful chemicals would inevitably pollute the Lye Valley fen.

Apparently 'harmless' rubbish, such as grass cuttings and garden waste, thrown over the back garden fences would add too much nitrogen to the fen immediately downslope and result in increase of invasive reeds and loss of rare wild flowers. This is another form of pollution. **There can be no covenants against this**.

Subsequent owners, who may live overseas and let the properties on the open market, may be unwilling to meet the SuDS maintenance cost – let alone ensure that the work is carried out and inspected on the regular basis as set out by Peter Brett Associates.

D. Loss of green space for informal recreation in Warren Meadow

New information: if this proposed development goes ahead, the local residents of **Town Furze estate will have lost over 80% their green informal leisure space that was originally designed into the development.** Of the areas designated as children's play area in the 1953 plans **only one** remains as open green space. A second has gone as a tarmaced play-park for the under 5s (another under 5s play-park is on Girdlestone Road). Permission to develop (for housing) the third children's play area was granted in 2007. We note that it was not developed at the time planning permission to build on Warren Meadow/Site 60 was granted in 2002.

If the Warren Crescent proposed development is allowed, only one local green informal play space, plus a small residual corner of Warren Meadow (unsuitable for ball games and with a public footpath running through) will remain. Yet the proposed development of 10x 3-bed houses could add another 20-30 children to the estate – and where would they play? There is ample provision for the under 5s but precious little for the 6+ age group – or for adults.

Does the Council wish to curtail the physical activity of its young children by depriving them of suitable places to play? Is this in line with the Council's Health and Well-Being policies? (Section7 of the Green Spaces Strategy) or with the Sites and Housing DPD? And in the light of increasing levels of childhood obesity?

Section A3 of the Sites and Housing DPD sets out policies to make sure all residential developments are well-designed, respect the character of the area **and respect the quality of life for existing local people.'**

This development would be contrary both to the spirit and letter of this policy.

Policy CS21 states: Planning permission will only be granted for development resulting in the loss of existing sports and leisure facilities, if alternative facilitiescan be provided **and if no deficiency is created in the area**.

This development would indeed create a severe deficiency in the area – a point which has not been made or addressed hitherto.

Furthermore, the Inspector's notes state:

The Core Strategy (CD5.1, Policy CS2) seeks to focus development on previously-developed land (PDL) but allows for the loss of greenfield sites only if a need for the development of the land can be demonstrated, **and if the open space is not required for the well-being of the community.**

No evidence that the open space is not required for the well-being of the community has been presented. Nor has justification been provided for development in this particular location that outweighs the cost to the community and the nearby SSSI fens.

The City Council has set a target of maintaining **5.75 hectares of green space per 1,000 population**. Headington already has less green space and is more densely populated than most areas of Oxford. The emerging Neighbourhood Plan specifically seeks to retain Headington's public access green space, and green setting, **particularly in the proximity of an SSSI or where there may be damage to an SSSI**. We understand that the City Council should take into account the emerging Neighbourhood Plan. The most in-depth consultation of Headington residents, students and employees showed that **'Conserve green spaces and increase biodiversity and public access' was top of the list of local concerns.**

Friends of Lye Valley are circulating a petition, hosted by the City Council's e-petition page and with a link from the News tab of the Friends of Lye Valley website, to support the retention of Warren Meadow/Site 60 as public access green space. *Details are given in a separate document*. We would ask the Committee to take this petition into consideration when making their decision.

While the petition against this development was being circulated door-to-door in Town Furze estate, it became clear that residents, especially children, were unaware of this proposed development and were horrified at the prospect of losing their green space. Children (boys and girls) regularly play ball games on Warren Meadow/Site 60 after school and local residents told of picnics, snowmen-building and 'just sitting' there.

The majority of Town Furze local residents live in social housing as shown on the City Council's Indicators of Social Deprivation 2011 chart. A wealthier area might have registered Warren Meadow (Site 60) as a Town Green, having had free access to it since the estate was built in 1954. Does the Council consider that less wealthy areas should have less green space than wealthier ones?

'Poor people in cities, whether in the US or elsewhere, have systematically less access to green space and recreational facilities, and this has a direct impact on health'. 'Stuffed and Starved' by Raj Patel[1].

E. Inaccurate information as to ecological importance of Warren Meadow and Wildlife Corridor status

We point out that information provided to East Area Planning Committee Councillors as to the biodiversity of the site, taken from the EIA Screening Opinion Letter of 1 July 2013 is incorrect and misleading:

'*This report has concluded that the development is unlikely to lead to any adverse ecological impacts either within the boundary of the development or the adjacent SSSI due to the site being dominated by special* [*sic* – should be 'species'] *poor heavily managed habitat with low intrinsic ecological value; none of the invertebrate species associated with*

[1] *Stuffed and Starved: The Hidden Battle for the World Food System,* Raj Patel, 2008, p. 277.

the SSSI depend on the application site; and it is unlikely that the application site would develop any ecological interest similar to that found within the SSSI in the future.'

Recent research by Dr Webb has shown that the development would break an important wildlife corridor for vertebrates and invertebrates living in the Lye Valley. This would be **contrary to the Council's CS12 policy of maintaining and even increasing wildlife corridors**.

A wildlife survey report on Warren Meadow is attached to this document (Appendix 3). The application site is a green corridor which is used by badgers for foraging (latrines present) and is most likely a sunny, warm, route for viviparous lizards moving freely from the known breeding site of the Town Furze allotment to the known breeding site of the grassy triangle at the end of Heath Close above the SSSI fen. Breaking this green corridor would disadvantage both species. Mobile invertebrate species breeding in the adjacent fen wet peat have been noted feeding on common flowers at Warren Meadow**. Contrary to the statement made in the** EIA Screening Opinion Letter of 1 July 2013 this site could easily have a very important ecological role in supporting rare insects of the adjacent SSSI and LWS if more common nectar flowers are encouraged. This is because the fen has few nectar sources. Gardens nearby do not supply appropriate flowers.

The descriptions of Warren Meadow/Site 60 in City Council reports have consistently been misleading and derogatory eg '*This site is currently used as vacant open space with one corner previously being used as garaging*.' In fact, it is a beautiful swathe of grass, bordered by trees - with a tidy litter bin, well-maintained by the City Council, fronting the Lye Valley. **The images in the Wildlife Report (Appendix 3) clearly show this**.

F. Policies which should protect Warren Meadow/Site 60 and the Lye Valley

We note the following aims of the **Biodiversity Strategy 2015-2020**:

'Objective 1: To act as a responsible landowner and manager for the purpose of conserving and enhancing biodiversity'.

We ask the Council to implement this policy in respect of Site 60/Warren Meadow.

This proposed development would be contrary to many aspects of the Council's **Core Strategy** which states:

'Greenfield land will not be allocated for development if any part of the development … **would cause harm to a site designated for its ecological value** *[i.e. the nearby Lye Valley SSSI]* (CS2) and International and national sites must be protected from any development that **may** have an adverse impact 4.4.1, p75'

The development 'may have an adverse impact' on the Lye Valley SSSI. In fact, it almost certainly will do.

Policy CS12 Biodiversity: 'Development will not be permitted that results in a **net loss of sites and species of ecological value**.'

These policies should protect the Lye Valley and prevent this proposed development, if the City Council would apply them. Such damage would surely result from this development.

If City Councillors decide to allow the Warren Meadow to remain public access green space, the Friends of Warren Meadow would like to work with them to increase its ecological value in line with the City Council's Biodiversity Action Plan while, maintaining the central green kick-about space as a local amenity. This enhancement plan is already available and has been submitted to the council.

G. Adverse effect on landscape character and green setting

We endorse Natural England's comment that the impact of this major development on local landscape character has not been assessed or addressed. (NE Letter 2 Aug 2013).

The footpath through the bottom of the Lye Valley next to the Lye Brook is very popular with walkers for its green setting, natural feel and tranquillity. '**You would not know you were in the city**' is a comment we hear. This proposed development will produce an undesired urban visual intrusion on the green setting of this footpath.

The proposed development, taller than its adjacent houses and nearer to the valley than to those houses, would rise above its 6ft board fences facing the Lye Valley and be clearly visible following the removal of the crack willows in the valley as part of the Wild Oxford Project. This would be worse in winter with the lack of leaves on trees and exacerbated, if the line of field maples at the top of the bank were reduced or removed (undesirable leaf fall and shade in gardens?). This would create an immediate and adverse impact upon the natural feel and tranquillity of the popular Lye Valley footpath, spoiling for ever its secluded atmosphere. **This is contrary to the aims expressed in the Local Plan 4.4 Areas of Special Character and the Policy GSP5 of the emerging Headington Neighbourhood Plan which seeks to preserve the green getting of Headington.**

H. General points

The City Council has a duty of care for its assets, which includes **not harming the interests of future generations.** The Lye Valley SSSI, which is owned and is the responsibility of Oxford City Council, is too rare a habitat to gamble with by permitting this development which may cause harm. It comprises **1.5 hectares of only 19 hectares of this high quality alkaline fen found in the whole of England (19 hectares - just a bit less than South Park area).** As losses of this rare habitat continue elsewhere in the country, the Lye Valley's importance and value to people can only increase with time, therefore the utmost degree of precaution over anything that will affect it should apply.

I. Does Oxford City Council have a legal obligation to develop this site?

Despite inclusion in the Adopted Local Plan, we understand that there is no legal imperative to develop this site. We would ask that the City Council explore the means of safeguarding it in the future – by designation as Local Green Space as suggested in the Petition – or by some other means or designation.

J. Site visit request

We ask that the East Area Planning Committee visit the site prior to the EAPC meeting to decide for themselves whether Warren Meadow is indeed 'a patch of grass with very little amenity value' (Oxford City Council report to Inspector) to see the close proximity to the Lye Valley SSSI and Local Wildlife site and to appreciate the visual intrusion of the proposed development on the Lye Valley's green setting.

K. Summary and Conclusion

In short, we hold that the application should not be approved as it is an unsustainable development, the conditions for its approval have not been met, the risk to the Lye valley fens is too great and the damage to landscape character, green setting and loss of a valued public amenity green space has not been justified.

We would ask the Committee to take the Friends of Lye Valley's petition into consideration when making their decision.

Yours sincerely

Friends of Lye Valley Committee:
Dr Judy Webb, Chair, Ecological Consultant, 2 Dorchester Court OX5 2JT
Heather Armitage, MA (Oxon) Secretary, 50 St Anne's Road, OX3 8NL
Dr Terry Wood, Treasurer, 50 St Anne's Road OX3 8NL
Steve Woolliams, HNC in Applied Biology, 103 Dene Road OX3 7EQ

Appendix 1 Critique of Peter Brett Associates' SuDS for Warren Crescent

Appendix 2 Critique of SuDS evidence examples provided by PBA

Appendix 3 Warren Meadow JW wildlife survey report, including images of Warren Meadow and attached table of species recorded to date

APPENDIX 1

Warren Crescent Proposed Affordable Housing

Critique of SUDS Mitigation designed by Peter Brett Associates LLP

by Judith A Webb BSc, PhD

Profile

I have been working as a Freelance Ecologist for the last 11 years. Prior to that I worked as a Biology Science Teacher (23 years) and an Environmental Forensic Scientist (9 years). I am Chairman of Friends of Lye Valley (FLV) – just one of my many ecological roles locally and nationally. See **http://judithwebb.weebly.com/**

My PhD (1977) was on the vegetational history of 3 alkaline fens in Southern Scotland that are now National Nature Reserves. I have studied and recorded alkaline fen wildlife (plants, invertebrates, fungi) and water quality locally for the last 11 years. I am regularly consulted by the local branch of Natural England and by Oxford City Council about fen management in Oxfordshire. I have a particular research interest in Cothill Fen SAC, a local alkaline fen site of European importance, where my investigations have revealed serious water-quality issues for the springs resulting from nitrate pollution and the consequent detrimental effects on fen vegetation.

Summary

In my professional opinion, the proposed Warren Crescent housing development with the PBA-designed SUDS mitigation in place would be likely to result in the following damaging consequences to the Lye Valley SSSI and LWS wetlands:

- Springs in the west side of SSSI could become 'flashier' – alternating high and low flows, high flows after heavy rainstorms, thus disadvantaging rare plants
- Springs in the west side of SSSI could produce less calcium (lime) and thus less essential tufa after heavy rainstorms, disadvantaging rare plants
- Springs in the west side of SSSI could produce higher phosphate and nitrate, disadvantaging rare plants
- Springs in the west side SSSI could be contaminated by chemicals dumped in the swale (used engine oil, paint, etc) - unknown effect on chemistry and rare plants
- Springs in the LWS immediately down the bank from the development could suffer reduced flow and altered chemistry. This would prejudice their eventual remediation to quality alkaline fen plant communities of SSSI standard (this work has already started in the Wild Oxford project in association with BBOWT)

The fact is that the SUDS mitigation proposal put forward here has not been tried and proved effective **in any other situation** where the water quality and chemistry need to be protected in a rare calcareous alkaline valley-head spring fen habitat.

It would be an experiment with an unpredictable outcome.

Introduction and Background

The proposed Warren Crescent housing development **(Oxford City Council Planning application 13/01555/CT3)** is within the rainwater catchment of the springs upon which the Lye Valley alkaline fen SSSI and LWS areas depend. See information on the Lye Valley habitat and spring catchments at **http://www.headington.org.uk/lyevalley/about/index.html**

Planning Policy Documents relevant to this proposed development:

A. Sites and Housing plan 2011-2026, Adopted Feb 2013, page 112, see box with final **Policy SP60, Warren Crescent**:

'Policy SP 60 Warren Crescent. Planning permission will only be granted for residential development at Warren Crescent if it can be proven that there would be no adverse impact upon surface and groundwater flow and the Lye Valley SSSI. Development proposals should be accompanied by an assessment of groundwater and surface water. Development proposals must incorporate sustainable drainage with an acceptable management plan'

B. From the Inspector's notes (Point 3) on her examination of the soundness of the above Sites and Housing Plan. Main Matter 7, The Soundness of the Sites Allocated in the South West and South East of Oxford. Site SP62 Warren Crescent.

Here the wording is stronger. I actually attended this part of the hearings and voiced my fears for the Lye Valley SSSI. Note in Point 6.5, page 3, of this document:

'*The SPRA notes that the site can be allocated in the Sites and Housing Plan only if a groundwater study demonstrates beyond doubt that the development of this site would not cause a detrimental impact on the SSSI.'*

So '**Proof, beyond doubt**' is clearly required that there would be no damage to the Lye Valley SSSI, which is adjacent to this proposed development site. I have strongly objected to this housing development at every opportunity at previous planning stages because I think it would cause damage to the SSSI.

After initially objecting to this proposed housing development, Natural England subsequently withdrew their objection (with stringent conditions that included a requirement that covenants be attached) on the basis that there was a SUDS mitigation plan.

Peter Brett Associates failed to attend an important site meeting between myself, other members of Friends of Lye Valley and Richard Hawkes, Senior Asset Manager for Oxford City Council, in the Lye Valley on 1 April 2014, when all issues and concerns relating to the SUDS mitigation proposal were fully discussed. No reply to my frequently expressed concerns has yet been received from PBA.

My scepticism is fuelled by **my personal, direct, experience of the failure of a similar SUDS mitigation scheme** designed for preservation of wet, high-calcium, low-nutrient grassland with orchids and rare fungi at Milham Ford Nature Park in Oxford in relation to the Berkeley Homes Harberton Heights housing development nearby. Orchids and fungi were not preserved because, despite the mitigation scheme, the water chemistry changed.

The following discussion aims to show that there is considerable uncertainty and thus **doubt** that the SUDS mitigation scheme devised by consultants Peter Brett Associates LLP for this proposed housing would deliver water of the right volume and **right chemical quality** to keep the SSSI alkaline calcareous fen in an undamaged condition **in perpetuity**.

It also aims to show that Natural England's withdrawal of its objection was hasty and based on insufficient knowledge and evidence of the actual situation. The following points are presented after lengthy discussions with chemist and hydrologist Dr Curt Lamberth, who calculated the catchment of the SSSI fens for Oxford City Council in 2007.

The Warren Crescent housing proposal plans and SUDS Mitigation final design I refer to is described in the following document produced by Peter Brett Associates LLP (PBA):

Warren Crescent Development, Headington, Oxford, Assessment of Potential Impacts on the Lye Valley SSSI Stage 3 - Assessment (Updated) Project Ref: 27920/006 Document: R002/rev1, dated June 2013' - accessible on **Oxford City Council's Planning website** as:

13_01555_CT3-FLOOD_RISK_APPENDIX_6_-_STAGE_3_UPDATE_REPORT_FINAL-378171.pdf

See, in particular, **Figure 2** towards the end of the document for the SUDS design:

> **Proposed Outline Surface Water Drainage**
> Appendix 6, Drawing number 27920/005/003, by Peter Brett Associates.
> Microdrainage design of Swale Model Details: ©1982-2011 Micro Drainage Ltd.

The first point I wish to make is that the decision on this proposed housing development should not be made in ignorance of the **extreme rarity of the calcareous alkaline fen habitat at risk**.

This is a European Level Priority Habitat. A recent assessment by Natural England (Alkaline Fen inventory for England, 2013, ref 1) states that the 'M13' fen vegetation community in the Lye Valley North Fen SSSI holds about 1 hectare of the mere 19.1 hectares of this habitat that remain in the whole of England.

As a guide, 19.1 hectares is a smaller area than South Park in Oxford.

I have serious concerns that the SUDS design featuring the permeable paving and water retention and infiltration swale would make matters *worse* for the water quantity and quality supplied to the important fen areas, (note these are not all in the SSSI, some are outside it in the Local Wildlife Site). **There is no way that this proposed housing development could cause zero damage to the adjacent fen with these mitigation hydrological structures.** 'Mitigation', of course, merely means *reduction* of damage, not elimination of any damage. Note that Natural England removed their objection to this development not because they believed there would be no damage, but because they thought it possible that the damage might be minimal with the SUDS, **if their stringent conditions were adhered to in perpetuity**. I think the damage would be more than minimal.

Peter Brett themselves accept this point. Their report, pages 12 & 13, **4.3.2 Water Quality,** states:

> **'Surface Water Drainage:** Although the surface water discharge options considered would not in themselves represent any significant change from the current greenfield flow conditions, they may represent a change to the quality of the waters arising from the Site and hence may represent a potentially adverse effect on the Lye Valley SSSI.
>
> Although the discharge options would include treatment components appropriate for discharging to highly sensitive waters, the development of the Site for residential use would lead to an increased risk of contamination from activities such as illegal discharges and spillages of used oils or sewage. Notwithstanding this observation, given that Oxford County Council, as the lead flood authority, have a duty to adopt all SuDSs which drain two properties and above, then provided appropriate maintenance is carried out then the increased risk of adversely affecting the quality of the waters entering the Lye Valley would, at worst, be very low'.

Even a low risk to such a rare and threatened habitat is unacceptable. Who could ensure that 'appropriate maintenance' would be carried out in perpetuity? This in an area where fly-tipping and dumping of toxic chemicals (paint, used engine oil) happens regularly already, and the swale might attract more of this. **There is no possible remediation or 'un-doing' of any pollutant contamination of an aquifer which feeds springs.**

Specific Points

1. Quantities and distribution of water supply to fen areas in SSSI with suggested SUDS in place

The first point to be clear on is that the springs feeding the SSSI fen, which is to the south-west of this proposed development, **have currently an excellent water volume flow** and do not need augmentation with increased flow (there is a suggestion in the PBA document that increased flow here would 'help'). Also there is currently **excellent water chemistry** here, as evidenced by large quantities of whitish tufa (calcium carbonate, calcite, more properly '**travertine**') formation on the vegetation. Location of the highest spring relevant here is SP 54757 05887. The high tufa formation binds any free phosphate and locks it away in an unavailable form, so that the flow is very low phosphate, ideal for the rare plants. Water flow under the proposed housing, PBA states, would be generally in a south-east direction through the ground towards the Lye Brook.

Simply put, isn't it obvious that collecting all the rainwater that should have gone into the ground in one area (which, after the development, could be covered by housing and paving) and piping it into a different area to the south-west (to the swale) would partially deprive the valuable calcareous springs in the area immediately down the south-east bank from the housing (in the LWS) and potentially overload the calcareous springs in the SSSI area to the south-west nearest the swale?

There is no geological borehole data from the area of the site that would be under the swale and actually adjacent to the SSSI fen springs and therefore no accurate knowledge of how fast or slow collected run-off water might be expected to penetrate the ground and emerge in the nearby springs normally.

Extrapolation from the three boreholes (BH1001-BH1003) carried out to the north east (under the area of proposed houses) seems rather unreliable due to complex geology – variable amounts of layers of Beckley Sands and Corallian limestone – but calculations of water movement under the site, based on these boreholes, indicate that it is **very slow at the moment** (from PBA report page 11:

> '*groundwater flow velocities are between about 0.8 and 5.0x10-8 m/s, corresponding to between about 0.25 and 1.5 m per annum*'

So, water might normally (undeveloped site) take nearly a year to move the 100–200m or so underground from the northern limit of the proposed housing to the area of the proposed swale**. If the proposed development took place, collecting all the roof and paving area run-off and piping it to the swale would, instead, cause water that should have taken up to a year to get to that point to arrive there and enter the ground within only hours.** PBA quote a 6-hour rainstorm producing 69.7m^3 of rainwater and state that the swale would hold this and release it over days into the ground.

If there is extra volume to the SSSI springs, this might be thought by a lay person to be 'good' and 'improve things' but this is far too simplistic a view.

Extra volume would cause the over-loaded nearest spring to become 'flashier', i.e. more prone to sudden short-duration excess water flow. But the fen vegetation of highest ecological value is National Vegetation Classification category M13, which is adapted to **constant low spring flow, not intermittent low then high flow**, so 'flashiness' is likely to cause vegetation change. Overloading might cause erosion as well.

Overloading would be most likely to happen after a sudden heavy rainstorm. Maybe too much water that is just rainwater and not saturated with calcium (dissolved lime) would flood the spring. Overloading with water that contains insufficient calcium or too much pollution, such as high phosphate, would change the plant community from the present high-value one to a common enriched wetland of much lower ecological value. High phosphate input could result from car washing with detergents on the permeable pavement.

Let us be clear on this point: more water of the wrong sort (wrong chemistry) to the SSSI springs could be as great a disaster as less water.

2. Water Quality (Chemistry) to the SSSI

A calcareous, alkaline, fen ecosystem is **critically dependent on the correct water chemistry** to provide ideal conditions for the rare flora. PBA report P 9 describes this important point accurately in reporting their spring analysis:

> '*in general the groundwater is hard with approximately 370 mg/l hardness as CaCO3 giving rise to a high conductivity of about 0.7 mS/cm'*

Indeed, water issuing needs to be 'hard' with approximately 300 to 400 mg/l hardness as CaCO3 giving rise to a high conductivity of 600 to 850 uS. It also needs to be (and this is critical to fen vegetation) very low in soluble reactive phosphate, with values typical of Headington springs from soluble reactive phosphate ranging from 0.1 to 0.6 mg/l (information from report of Lamberth, C. 2007, Reference 2).

In the Lye Valley there are **22 plant species rare in Oxfordshire**
(See **http://www.headington.org.uk/lyevalley/about/index.html)**

The interactions are complex, but to take just one example: the rare and beautiful marsh helleborine orchids require high calcium, alkaline pH, water and are dependent on particular fungi to associate with the seeds for successful germination and growth. These fungi thrive only in an environment **very low in nitrate and phosphate**. If either of these nutrients increases, the fungi cannot grow and dependent orchids therefore cannot germinate.

Phosphate is the most critical chemical and phosphate levels are normally kept incredibly low in the spring water by the formation of chalky, limy '**tufa**' (hard deposits like stone or fur in a kettle). As spring water issues and is exposed to the air, the high amounts of dissolved calcium in the water precipitate out as hard stone-like calcium carbonate (lime encrusts all the vegetation). In this lime-forming reaction, any phosphate in the water is locked away in the deposited lime, keeping the water phosphate level incredibly low and favouring fungi and orchid growth. Without sufficient calcium in the water, the phosphate 'locking-away' would not happen adequately and phosphate levels might rise to disadvantage the fungi the orchids need. Alternatively, if higher-than-normal phosphate levels were to contaminate the spring water, the tufa-depositing process might not be able to lock it all away, thus allowing phosphate levels in the soil around the orchids to rise to fungi-damaging levels.

The SUDS proposed would deliver **water volume** to the SSSI fen springs but what would the **quality** of that water be? If the water were polluted and, very importantly, if it did not have the right chemistry, then damage would ensue to the plant community receiving this water in the fen. Water emerging from the springs needs to be supersaturated with lime salts and extremely low in nitrate and phosphate.

The current SUDS designs feature calcareous aggregates under the permeable paving in front of the houses plus a layer of limestone gravel in the bottom of the swale so that run-off water percolating through this on its way into the ground would pick up calcium from the limestone (which is chemically calcium carbonate). **How thick would these aggregate limestone layers have to be to produce output water of sufficient calcium and bicarbonate to replicate what this water would have picked up, had it been allowed naturally to infiltrate and pass through a soil profile with growing plants and the underground geology?** No detail is given.

If the limestone layer were too thin or the stone size too large, there would be a big risk that run-off water would just pass through far too quickly to pick up any useful amounts of calcium and bicarbonate.

Also, above the limestone there would have to be a soil layer with actively growing marsh vegetation to generate **enough CO2** to make the water **acid enough** to dissolve the calcium from the limestone in sufficient quantity before exiting the swale into the ground.

Would the chemistry achieved by infiltration through a normally-vegetated soil profile followed by travelling through underground rocks for a year be adequately replicated by the function / installation of the permeable paving and swale?

Extract from a letter from the application officer, **Andrew Murdoch**, regarding the need for Ecological Impact Assessment - see document on **Oxford City Council's Planning website**:
13_01555_CT3-EIA_SCREENING_OPINION-1381290.pdf

> '*The use of calcareous aggregates within the formation of ground below the permeable paving and as a basal lining to the swale will act to modify the groundwater chemistry towards that of the underlying spring water*.'

This admission that the SUDs would act only to '**modify the groundwater chemistry towards that of the underlying spring water'** says it all.

'*Modifying towards'* is so vague that it is clear the chemistry produced might just not be good enough when dealing with a site with critical water chemistry upon which the health of the habitat depends.

3. Water Volumes and Quality (Chemistry) to the LWS springs and fen areas

PBA do not seem to know that there are valuable calcareous spring/fen areas outside the SSSI and to the north of it in the LWS (immediately down the bank to the south east of the proposed development). This is despite presenting water analysis data on these springs – quoting from page 11, last para:

'The three springs observed towards the base of the embankment along the boundary of the site (see Figure 4) flow directly into the Lye Brook and are therefore lost as base flow to the calcareous fen habitat which is further downstream to the south east. However, adopting SuDS drainage in the south east of the proposed development area offers the opportunity to provide a greater degree of infiltration for groundwater recharge that could benefit the adjacent SSSI habitat in this area providing water quality is considered.'

There are several points that are wrong with this statement:

The springs in the first underlined section **do not flow directly to the Lye Brook, they supply peaty tufa-forming areas of former calcareous alkaline fen** that is eminently remediable to high

quality fen, thus their water is **not lost as base flow to the calcareous fen habitat.** The adjacent SSSI springs discussed in the second underlining are **already very strong springs**, they have **no need of greater infiltration and ground water re-charge to augment their flow, so no benefit (as previously discussed).**

The remediation of these LWS calcareous springs to high quality alkaline fen by scrub removal is already under way as part of the local Wildlife Trust/Oxford City Council '**Wild Oxford' Project**. The success of this grant-funded project depends on there being good spring flow with appropriate high-calcium water. Springs in the LWS immediately down the bank from the development could suffer reduced flow and altered chemistry as a result of the SUDS mitigation. This would prejudice their eventual remediation to the target SSSI standard fen vegetation.

So, in conclusion, my view is that this hydrological mitigation SUDS design of permeable paving and infiltration swale is an example of something which '*sounds as though it might work'* because the water is passed though limestone - but the limestone layer installed might prove completely insufficient and the rainwater might pass through it too quickly to achieve the desired water chemistry. Not to mention the problem of protection from pollution and the difficulty and cost of maintenance of permeable paving and swale FOREVER. It also ignores the valid need of the calcareous springs in the LWS.

It would be a risky experiment, and a habitat of this rarity and national (international) importance should not be subjected to it.

REFERENCES

1. Tratt, R, Parnell, M., Eades, P. & Shaw, S. (2013)

Development of Inventories for Annex 1 habitats 'Alkaline Fens' and 'Transition Mires & Quaking Bogs' in England. Final draft report to Natural England.

2. Lamberth, C. (2007)

'*Investigation of the possible hydrological effects on the Lye Valley Sites of Special Scientific Interest and the riparian zones of the Lye and Boundary Brooks as a result of development on Southfield Golf Course*'.

SHLAA Report to Oxford City Council (PDF) available at:
http://www.oxford.gov.uk/Direct/72511FINALAssessmentofhydrologicalimpactofdevelopmentonLyeValleySSSI.pdf

APPENDIX 2

Warren Crescent – SuDS Case Studies supplied by Peter Brett Associates (PBA) to Oxford City Council Corporate Property (Richard Hawkes) by letter on 11 October 2013

Critique by J A Webb 6 October 2015

Summary

The essence of the Warren Crescent proposed SuDS design by PBA is that paving and roof rainwater from the proposed housing area be directed via a pipe system to a swale with a limestone gravel, highly permeable base, to allow run-off water to penetrate the base into the underground aquifer in order to continue to supply the springs emerging in the SSSI and LWS fen areas adjacent. Pollutants would be removed and the depth of limestone in the swale base is supposed to adjust the chemistry of the run-off rainwater to that required by the fen supplied by the nearby springs.

The spring water at emergence needs **high alkalinity and a very high concentration (super-saturation) of dissolved lime (calcium bicarbonate) and very low concentrations of nitrate and phosphate**. This chemistry ensures high alkalinity and the essential continued deposition of TUFA (lime) in the fen and the consequent health of the complex and rare community of species to be found in the NVC M13b community.

Whether the design is good enough to perform this required exacting role is uncertain because **this design for this purpose has never been tried before, it is a first-try experiment.**

None of the three case studies presented by PBA demonstrate that the above proposal will function as required and certainly not that it will function *in perpetuity*. They are thus not 'evidence' that there will be no damage to the fen SSSI from the Warren Crescent development

The supplied case studies:

- **are NOT designed for infiltration (key requirement for Lye Valley)**
- **are NOT designed for chemical change of rainwater to high calcium and alkalinity (key requirement for Lye Valley)**
- **do NOT demonstrate removal of some important pollutants such as phosphate (key requirement for the Lye valley, which is the lowest of the low phosphate ecosystem).**

As for oil and other hydrocarbon removal:
PBA supply a SuDS maintenance schedule for the Warren Crescent proposed system in **Table 1**.
It is noted that in this table there is no mention of regular checking and replacement of an **oil filter** in the pipe to the swale. This is essential. Costs of all this SuDS maintenance in Table 1 are not mentioned and need to be supplied. Of course, such an oil filter (designed to remove oil coming from cars on the permeable paving) would be ineffective in reducing contamination from deliberate fly-tipping of used engine oil dumped directly into the unlined swale in any case. Deliberate dumping of contaminating chemicals will not be prevented by any of the design features. This type of activity is already recorded for adjacent to this site, and it would be unrealistic to assume it will cease.

Detailed Comment on Case Studies supplied by PBA:

Yes, these three case studies involve permeable paving and swales or interception ponds but **none of them** addresses the key issue at Warren Crescent, namely sufficient infiltration of uncontaminated water to an aquifer and critical chemical modification of the water infiltrated towards super-saturated with lime. These SuDS Case study examples are focused on peak water-flow reduction and the filtering out of pollutants such as hydrocarbons and heavy metals. With these aims, they are recorded, in the **short time** they have been studied, to work reasonably well in both tasks.

I note phosphate is not a pollutant that was assessed. Phosphate from detergents in car washing is a concern for the Warren crescent system because the alkaline fen receptor is a critically low phosphate-dependent ecosystem. The ponds in these case studies are either on clay or are lined, so little or zero infiltration is designed to occur and the pollutants they trap are never likely to enter groundwater.

Therefore they are just not comparable situations/solutions. These case study SuDS are not required to perform the same function as is needed for the Warren Crescent proposed SuDS system.

COMMENTS ON THE INDIVIDUAL CASE STUDIES AFTER READING THE REFERENCES GIVEN:

Gartloch Hospital, Glasgow (information from University of Abertay)

The main concern was run-off contamination during temporary construction phase. After construction, SuDS train of ponds is designed only to manage reduction of pollution and lower peak water flow to reduce flooding. This supplies an SSSI, but it is an output into a large water body of a loch and a portion of a fen is referred to as well. Because of the large volume of the receiving water body, even if the SuDS did not completely clean the water, contaminants would be diluted in the large water body. A fen marginal to a loch is likely to be a completely different type from the calcareous alkaline tufa fens in the Lye Valley and unlikely to need the same critical water chemistry.

The SuDS treatment chain uses **lined** ponds, as they are described as **retention ponds**. The soil at the site is described as 'sandy clay', which would not allow much infiltration in any case, so maybe the ponds are unlined, but in any case they are designed to **hold water** and **not infiltrate it.**

Infiltration into the ground is not the aim, merely cleaning run-off to a lake, therefore it is not comparable to the Warren Crescent SuDS design, where the key feature is infiltration and the consequent production of a particular water chemistry high in lime to supply a spring. Unlined swale puts aquifer at risk of pollution, unlike in this case study.

Hopwood motorway Service area, M42, near Bromsgrove Worcestershire (information from University of Coventry)

Installed 2000. Run off from car parks and a roof. Key role is pollutant removal only. All interception ponds have artificial membrane liners covered with 30cm topsoil. No infiltration. Contractors visit every 2 weeks. Silt and oil interceptor not maintained for 18 months and became blocked. Now maintained by specialist contractor every 6 months.

Sediment needs removal from ponds every 3 years – this contaminated sediment taken offsite, taking pollutants away. Pollutants thus not allowed into the ground.

Infiltration into the ground is not the aim, it is not comparable to the Warren Crescent SuDS design where the key feature is infiltration and the consequent production of a particular water chemistry high in lime to supply a spring. An unlined swale puts aquifer for Lye Valley at risk of pollution, unlike in this case study.

Lamb Drove, Cambourne, Cambridgeshire provided by Susdrain

Residential housing development on clay. SuDs not adopted and maintained by Cambridgeshire County Council, yet (at the time the report was published on line). Functioning monitored for only 3 years 2008-2011. SuDS reduced peak flows and reduced hydrocarbon and heavy metal concentrations. No phosphate measures. Unlikely much infiltration happening or of importance **as on clay**. One of aims to reduce new storm sewer connection from the developments and thus save £30 per household per year.

Infiltration into the ground is not the aim, it is not comparable to the Warren Crescent SuDS design where the key feature is infiltration and the consequent production of a particular water chemistry high in lime to supply a spring. Unlined swale puts aquifer at risk of pollution, unlike in this case study.

APPENDIX 3

Warren Meadow (land east of Warren Crescent)

Wildlife Survey Report

Dr Judith A Webb
October 2015

Two views of Warren Meadow taken on 1st August 2013, from the north end looking south-west, flats of Heath Close overlook the site in background. Note the football to the right (below the flats) in the lower photograph, this area is frequently used for informal kick-about by children. Trees to the left are the outgrown hedge-line which is the junction to the Lye Valley LWS/LNR/SSSI.

Introduction and background

This open green space abuts the Lye Valley Local Wildlife Site (LWS)/Local Nature Reserve (LNR) to the east and the Lye Valley Site of Special Scientific Interest (SSSI) to the south-west. To the west are the curve of Warren Crescent road with blocks of flats and the similar flats on Heath Close. The green space is used for informal recreation and as a kick-about area by older children.

Survey data, presented in the Appendix, are from visits on 01.08.2013, 08.06.2014 and 25.09.2015. Most plants will have been identified on site from these visits, but the biodiversity of animals, especially invertebrates, in the area will not be adequately covered without more work.

The area centre is SP5480 0598. It is a linear green strip running from SP54756 05891 on the bank immediately above the SSSI fen to SP 54830 06059 immediately south of Town Furze allotments. A footpath crosses the site from the Town Furze allotment area to the top of the Lye Valley at the end of Heath Close.

It comprises a regularly closely-mown green sward with occasional ornamental trees (ash, Swedish whitebeam, ornamental pear, field maple) and marginal areas of planted shrubs (cotoneaster, pyracantha, variegated holly) along with bramble and elderberry bushes.

A large patch, approx. 20m x 5m, of ground elder and some nettles is to be found behind the fence towards the Town Furze allotments at the northern end of the site and partially adjacent to a small area with concrete, which used to have garages and is now used for parking.

The tree line along the site boundary to the east was originally planted as a mixed hedge of field maple, hawthorn and cherry in the 1970s, when the fence was erected there to limit fly tipping down the adjacent bank into the valley. There was a failure by the council to maintain this feature as a hedge by regular cutting. Consequently the field maples, being the fastest growing species, have come to dominate and have shaded out most of the hawthorns and cherries. The result is a linear feature of mostly mature field maple trees.

It is known that historically this area of land used to slope down gently towards the Lye Brook margin, but when the Town Furze estate was built in 1954, quantities of building rubble were deposited here on the slope and levelled. The result is a level area which is now green and, beyond the line of field maple trees, an artificially very steep, tipped-rubble, embankment leads into the valley.

Survey Results, wildlife using the site

The mown sward would probably have been originally sown with a general hardwearing seed mix suitable for play areas and this is reflected in the frequency of perennial rye-grass and white clover today.

However, the area has developed some diversity of common wildflowers like dandelion, common daisy, yarrow, plantains, dove's-foot crane's-bill, creeping buttercup and meadow buttercup, slender speedwell and germander speedwell with rare dog violets next to the tree/hedge line.

Towards the line of field maple trees, garlic mustard, wood avens and ground ivy are seen with locally frequent cow parsley. Cow parsley is a good spring flower food source for all spring insects.

Ground elder (there is a patch to the northern end), whilst an undesired weed in gardens, is an extremely valuable food source for pollinators. It was seen here on 08.06.2014 covered in insects feeding on the flowers - honey bees, two sorts of bumble bees, solitary bees, solitary wasps, deadwood-breeding hoverflies, a deadwood-breeding wasp beetle and hoverflies known to have larvae that need to breed in wet peat in the fen adjacent (Chrysogaster solstitialis).

As regards other food sources for pollinators, the ornamental pear and Swedish whitebeam trees will have flowers valuable to insects in spring and the white beam produces orange fruits useful to berry-feeding birds in the autumn.

Warren Meadow - abundant flowers of ground elder, covered in insects, (Chrysogaster solstitialis, fen-breeding hoverflies) on 08.06.2014




More insects using the ground elder flowers on 08.06.2014
Myathropa florea (deadwood breeding hoverfly), wasp beetle, Clytus arietis (breeds in dead wood), Cuckoo bumble bee and honey bee.

A Badger latrine area was noticed at SP54825 06009 at the base of the fence under the field maple trees on 25.09.2015. There is a known badger sett (burrow) on the bank to the SSSI just beyond the southern end of Warren Meadow. Characteristic badger turf diggings excavated whilst food-searching were also seen around a group of young ash trees on the same date. This whole green area is likely to be used by badgers for foraging and as a corridor from the sett in the Lye Valley, to the south, to the Town Furze allotments, to the north. Moles use the site as indicated by a number of fresh molehills.

Viviparous lizards and slow worms are known to breed immediately north of Warren Meadow in Town Furze allotments and immediately south of the meadow in a grassy triangle area at the end of Heath Close. As lizards will not cross through cold shady conditions such as are found on the tipped embankment, the warm sunny base of the hedge line is quite likely a route between the two breeding population areas for both reptiles.

Summary

Only common flowers and shrubs are found on site currently and the close mowing limits flowering in the majority of the sward. Uncut margins are, however, useful flower sources for insects. The ornamental pear and Swedish whitebeam trees, shrubs, cow parsley and the large patch of ground elder flowers present good feeding opportunities for important pollinators and for some of the insects breeding in dead wood and the waterlogged peat and tufa of the fen wetland adjacent.

If the site were enhanced by further marginal sowing of nectar-rich wildflowers, it would undoubtedly offer greater support to the life cycles of insects breeding in the adjacent fen and develop much more ecological importance. The site is a wildlife corridor and foraging area for badgers and probably slow worms and viviparous lizards with populations to the north and the south.

Warren Meadow from Warren Crescent, children playing football in the distance

Attached - Warren Meadow species records 2014 / 2015
A table of some species recorded from the Warren Meadow to date

Warren Meadow (land east of Warren Crescent) Wildlife Survey Report **Dr Judith A Webb October 2015**
Warren Meadow species records 2014 / 2015

Key: A abundant, D dominant, F frequent, LA locally abundant, LF locally frequent, O occasional, R rare FP Flowering plant

Scientific name	Common name		Date	Abund/ nos.	Map ref	Comment
Acer campestre	Field maple	FP	25.09.2015	1 tree but frequent in hedge line	SP548 059	
Achillea millefolium	Yarrow	FP	25.09.2015	LA	SP548 059	
Aegopodium podagraria	Ground elder	FP	08.06.2014	Patch 5 x 20m near fence	SP54829 06037	
Alliara petiolata	Garlic mustard	FP	25.09.2015	R	SP548 059	
Anthriscus sylvestris	Cow parsley	FP	25.09.2015	LF	SP548 059	
Arrhenatherum elatius	False oat	FP	08.06.2014	LF	SP54829 06037	
Ballota nigra	Black horehound	FP	25.09.2015	R	SP548 059	
Bellis perennis	Common daisy	FP	25.09.2015	F	SP548 059	
Cerastium fontanum	Common mouse-ear	FP	25.09.2015	O	SP548 059	
Cotoneaster sp	Cotoneaster	FP	25.09.2015	O	SP548 059	
Dactylis glomerata	Cock's foot grass	FP	25.09.2015	O	SP548 059	
Fraxinus excelsior	Ash	FP	25.09.2015	9 trees	SP548 059	
Galium aparine	Cleavers	FP	25.09.2015	O	SP548 059	
Geranium molle	Dove's foot cranesbill	FP	25.09.2015	F	SP548 059	
Geum urbanum	Wood avens	FP	25.09.2015	O	SP548 059	
Glechoma hederacea	Ground elder	FP	25.09.2015	O	SP548 059	
Holcus lanatus	Yorkshire fog	FP	25.09.2015	R	SP548 059	

Key: A abundant, D dominant, F frequent, LA locally abundant, LF locally frequent, O occasional, R rare FP Flowering plant

Scientific name	Common name		Date	Abund/ nos.	Map ref	Comment
Lamium album	White dead-nettle	FP	25.09.2015	R	SP548 059	
Lapsana communis	Nipplewort	FP	25.09.2015	R	SP548 059	
Leontodon autumnalis	Autumnal hawkbit	FP	25.09.2015	O	SP548 059	
Lolium perenne	Perennial ryegrass	FP	25.09.2015	F	SP548 059	
Plantago lanceolata	Ribwort plantain	FP	25.09.2015	F	SP548 059	
Plantago major	Greater plantain	FP	25.09.2015	O	SP548 059	
Pyracantha sp	Firethorn	FP	25.09.2015	O	SP548 059	
Pyrus sp	Ornamental pear tree	FP	25.09.2015	3	SP548 059	
Ranunculus acris	Meadow buttercup	FP	25.09.2015	O	SP548 059	
Ranunculus repens	Creeping buttercup	FP	25.09.2015	F	SP548 059	
Rosa canina	Dogrose	FP	25.09.2015	R	SP548 059	
Rubus fruticosus agg.	Bramble	FP	25.09.2015	O	SP548 059	
Rumex obtusifolius	Broad leaved dock	FP	25.09.2015	O	SP548 059	
Sorbus sp cf intermedia	Cf Swedish whitebeam	FP	25.09.2015	4 mature	SP548 059	
Taraxacum sp.	Dandelion	FP	25.09.2015	F	SP548 059	
Trifolium repens	White clover	FP	25.09.2015	A	SP548 059	
Urtica dioica	Common nettle	FP	25.09.2015	O	SP548 059	
Veronica chamaedrys	Germander speedwell	FP	25.09.2015	LF	SP548 059	
Veronica filiformis	Slender speedwell	FP	25.09.2015	O	SP548 059	
Viola sp.	A dog violet	FP	25.09.2015	R	SP548 059	

Key: A abundant, D dominant, F frequent, LA locally abundant, LF locally frequent, O occasional, R rare FP Flowering plant

Scientific name	Common name		Date	Abund/ nos.	Map ref	Comment
Agaricus sp	A mushroom	Fungus	25.09.2015	3 caps	SP548 059	
Myathropa florea	A hoverfly	Fly	08.06.2014	1	SP54829 06037	Feeding on ground elder flowers
Chrysogaster solstitialis	A hoverfly	Fly	08.06.2014	5	SP54829 06037	Feeding on ground elder flowers
Talpa europaea	Mole	Mammal	25.09.2015	Sign - fresh molehills	SP548 059	
Meles meles	Badger	Mammal	25.09.2015	Sign - one latrine area	SP54825 06009	Near to fence line
Andrena cineraria	Ash grey mining bee	Bee	08.06.2014	5	SP54829 06037	Feeding on ground elder flowers
Andrena/colletes	An unidentified solitary bee	Bee	08.06.2014	1	SP54829 06037	Feeding on ground elder flowers
Apis mellifera	Honey bee	Bee	08.06.2014	4 workers	SP54829 06037	Feeding on ground elder flowers
Bombus vestalis	Vestal cuckoo bumble	Bee	08.06.2014	1q	SP54829 06037	Feeding on ground elder flowers
Bombus lucorum agg.	White-tailed bumble	Bee	08.06.2014	1q	SP54829 06037	Feeding on ground elder flowers
Clytus arietis	Wasp beetle	Beetle	08.06.2014	1	SP54829 06037	Feeding on ground elder flowers

Your ref:

Our ref: 27920/013/CBH/RP/AZ/ASR/EE

11 October 2013

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Mr Richard Hawkes
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Dear Richard

RE: Warren Crescent, Oxford – SuDS Case Studies

Following on from the Oxford City Council Planning Committee meeting for Warren Crescent, Peter Brett Associates LLP (PBA) has been asked to provide evidence where the use of Sustainable Drainage Systems (SuDS) have been successfully used to manage surface water and water quality at ecologically sensitive locations. This letter report outlines this information and provides a comparison with the proposed surface water drainage scheme at Warren Crescent.

1. Introduction

The Warren Crescent site is located adjacent to the Lye Brook Site of Specific Scientific Interest (SSSI). The SSSI consists of fenland and springs which produce calcareous and nutrient rich water. At present, the site is greenfield and drains through infiltration to groundwater and through to the SSSI and the Lye Brook.

As part of the Flood Risk Assessment (FRA) a surface water drainage strategy was prepared for the site and includes water quality treatment stages as follows:

- The access roads, pavements and parking bays would drain via permeable paving, providing the first tier of storage and treatment;
- Treated water from the permeable paving would then pass through catchpits and be conveyed to a swale (with underlying limestone base) bounding the edge of the Lye Valley. The swale would act as the second tier of water quality treatment;
- Roof drainage, access paths to the bike sheds and patio areas will be directed, via a pipe network, to the swale such that this relatively clean water would receive two levels of water quality treatment; and
- For design exceedence flows, a bund between the edge of the Lye Valley and the development site would prevent overland flows from entering the Valley.

2. Gartloch Hospital, near Glasgow, Scotland (provided by the University of Abertay, Dundee)[1]

The Gartloch Hospital and Estate is located adjacent to the Bishops Loch, which is classified as a Site of Specific Scientific Interest (SSSI), a Local Nature Reserve (LNR) and a Site of Importance for Nature Conservation (SINC).

Due to the sensitivity of the Bishop Loch and the surrounding area, and concerns of soil disturbance during construction and impact on water quality, the surface water drainage from the development was considered

[1] Berwick, N (n.d.) Gartloch Hospital Case Study

for the temporary construction phase in addition to the post-construction installation of a SuDS treatment train as follows:

- Temporary /construction phase – surface water runoff from the site was managed using a network of channels which conveyed overland flows to flocculant enhanced settlement basins. The clean water is then released to the Bishops Loch through a temporary channel. Vegetated buffer zones were also used to provide additional protection for watercourses. Regular water quality monitoring and visual inspections were undertaken varying from daily, when surface water runoff was occurring, to weekly.

- SuDs Treatment Train – The site was split into three sub-catchments based on topography. The management train within each sub-catchment consisted of three SuDS features, which each act as a tier of water quality treatment; permeable paving within the curtilage of each property, filter areas and retention ponds.

The Gartloch Hospital is similar to the Warren Crescent in that it is located adjacent to a SSSI and utilises permeable paving for the first stage of water quality treatment.

3. Hopwood Motorway Service Area, near Bromsgrove, Worcestershire (provided by the University of Coventry)[2]

The Hopwood Park Motorway Services on the M42 motorway drains into the Hopwood Stream and the adjacent wildlife reserve. The SuDS management trains were completed in 1999 for the each of the four areas as follows:

- HGV park – sheet runoff is treated in a grass filter strip, followed by a stone-filled and lined infiltration trench, a spillage basin and a final attenuation wetland, with treatment in a further grass strip and swale for overflows;

- The coach park, fuel filling area service yard and main access road – runoff is collected through conventional gullies and pipes and is passed through a silt and oil interceptor before being discharged into a wetland/pond/wet swale management train;

- The car park – runoff from this area is collected via slotted kerbs into sub-surface, gravel-filled collector trenches that drain to a balancing pond; and

- The amenity building roof – runoff is piped to a balancing pond, before draining towards the Hopwood Stream.

The SuDs features are maintained regularly, with contractors visiting every 2 weeks to inspect and undertake maintenance as part of the overall landscape management of the Services Area. The drainage pipes and gullies are maintained by separate contractors.

Between 2003 and 2008, several studies by various organisations have been conducted to assess the performance of the SuDs management trains at Hopwood.

The highest contaminant concentrations were found in the 1st pond, which is presumed to be due to the diesel spillage in 2003, but were lower at its outlet in comparison to the interceptor outlet (conventional piped drainage). In the car park, the concentrations of sediment contamination were shown to progressively decrease down the management train. The lessons learnt were that the SuDs system was able to effectively deal with the pollution incident.

The contaminant concentrations in the grass filter strips generally decreased with distance from the pavement edge.

[2] Heal, K.V; Bray, R; Willingale, S.A.J; Briers, M; Napier, F; Jefferies, C and Fogg, P (2008) *Medium-tern performance and maintenance of SUDS: a case-study of Hopwood Park Motorway Service Area, UK*. 11th International Conference on Urban Drainage, Edinburgh.

This case study therefore shows that a 3 stage SuDS management train (the level of treatment proposed at Warren Crescent) can provide the robust water quality treatment required to mitigate against the impact of contamination to the receiving watercourse and Nature Reserve. This case study in particular shows the efficiency of containing contaminants from oil/petrol spillages within the HGV/petrol filling area within the SuDS features.

4. Lamb Drove, Cambourne, Cambridgeshire (provided by Susdrain)[3]

The Lamb Drove site in Cambridgeshire utilises a range of different SuDs components which form an effective management train for the conveyance, treatment and storage of surface water runoff, aiming to control the runoff as close to its source as possible:

- Roofwater is collected in water butts for use on gardens or flows directly to grass swales;
- Rain falling on paths and roads drains through permeable paving and is filtered/treated before draining to swales. The swales treat and convey runoff through the site to a series of detention basins and wetlands before it reaches a final retention pond;
- Water is stored in the retention pond before being released to a local drainage ditch, Bourn Brook, outside the development site.

A 3 year monitoring programme was undertaken by Royal Haskoning between 2008 and 2011 to assess and compare the performance of the SuDS components and compare with a piped drainage system within a local control site[4]. The monitoring results showed that the SuDs management train at Lamb Drove improves water quality in comparison to the conventional piped drainage at the Control site, particularly with regard to hydrocarbons, heavy metals and suspended solids and therefore reduces pollutant loads into the retention basins and ultimately the Bourn Brook.

The report also shows that after 6 years after installation, the permeable pavement at the site is still functioning well and has an infiltration rate in exceedence of the maximum rainfall intensities observed at the Control site over the 3 year monitoring period for the 1 in 50 and 1 in 100 annual probability rainfall events.

The Warren Crescent site would utilise a similar treatment and conveyance route of permeable paving and a swale. The Lamb Drove site, even though it is not discharging to a SSSI/sensitive area shows that in comparison to utilising conventional piped drainage, flows to the receptor are managed and water quality is significantly improved.

5. Summary

These case studies therefore show that SuDs have been successfully utilised to manage surface water runoff and to provide robust and improved water quality treatment in comparison to conventional drainage. In particular, the Hopwood Services and Lamb Drove case studies showed a reduction in contaminants down the treatment train.

Yours Sincerely

Andy Robertson

Andy Robertson BSc CEng MICE MCIWEM C.WEM

Associate

For and on behalf of

Peter Brett Associates LLP

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[3] Susdrain (2013) Lamb Drove, Residential SuDS Scheme, Cambourne.

[4] Stevens, R (2012) *Lamb Drove Sustainable Drainage Systems (SuDS) Monitoring Project (Final Report)*. Royal Haskoning, Peterborough and Cambridgeshire County Council.

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Affordable Housing, Oxford – Warren Crescent

SuDS Management Plan

On behalf of

OXFORD CITY COUNCIL

Project Ref: 27920/011 | Rev: DRAFT | Date: October 2013

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Document Control Sheet

Project Name: **Affordable Housing, Oxford – Warren Crescent**

Project Ref: **27920/011**

Report Title: **SuDS Management Plan**

Doc Ref: **DRAFT**

Date: **October 2013**

	Name	Position	Signature	Date
Prepared by:	Elizabeth Edney BSc MSc	Graduate Flood Risk Assessor		
Reviewed by:	Andy Robertson BSc CEng MICE MCIWEM CWEM	Associate		
Approved by:	Richard Puttock BSc MSc FGS	Partner		
For and on behalf of Peter Brett Associates LLP				

Revision	Date	Description	Prepared	Reviewed	Approved

Contents

Appendices

1 Introduction

1.0.1 The Warren Crescent surface water drainage system utilises Sustainable Drainage Systems (SuDS) in the form of permeable pavements, pipework and a swale (with limestone base) to attenuate and convey surface water across the development and provide a robust water quality treatment train to mitigate the impact of the development on the adjacent Lye Valley Site of Specific Scientific Interest (SSSI).

1.0.2 Attenuation, within the swale is provided up to and including the 1 in 100 year (+ 30% allowance for climate change) rainfall event.

1.0.3 As with any drainage system, SuDS require regular inspection and maintenance to ensure that they continue to operate as designed, both in terms of hydraulic capacity, potential pollutant removal, and maintenance of surface water quality.

1.0.4 This report sets out the inspection and maintenance requirements for the long term management of the development's surface water drainage system in accordance with The SuDS Manual, CIRIA C697, and also identifies the maintenance of the different elements of the system.

1.0.5 This draft has been issued for comment and subsequent liaison with Peter Brett Associates LLP (PBA) before finalising.

2 Operation and Maintenance

2.0.1 The SuDS Manual, CIRIA C697, states that there are three types of maintenance activities associated with SuDS:

2.0.2 Regular Maintenance – 'basic tasks undertaken on a frequent and predictable schedule' including vegetation management, litter and debris removal, and inspections.'

2.0.3 Occasional Maintenance – 'tasks that are likely to be required periodically, but on a much less frequent and predictable basis than the routine tasks (sediment removal is an example).

2.0.4 Remedial Maintenance – 'intermittent tasks that may be required to rectify faults associated with the system, although the likelihood of faults can be minimised by good design. Where remedial work is found to be necessary, it is likely to be due to site-specific characteristics or unforeseen events, and as such timings are difficult to predict.'

2.0.5 Monitoring and maintenance of the SuDs components within the surface water drainage system will be the responsibility of Oxford City Council's Leisure and Parks Department.

2.0.6 In accordance with The SuDS Manual, CIRIA C697, specific maintenance needs should be monitored and maintenance schedules adjusted to suit a SuDS components particular requirements and location.

2.0.7 Table 1 in Appendix A defines the type of maintenance required by each of the SuDS utilised as part of the Warren Crescent surface water drainage system.

Appendix A SuDS Maintenance Table

Table 1 SuDS Maintenance Table

Table 1: SuDS Maintenance Table

OCC Leisure & Parks O & M Activity	SuDS Component											
	Permeable Pavement		Catchpit		Pipework		Swale		Weir		Swale Limestone Base	
	Required Action	Frequency	Required Action	Frequency	Required Action	Frequency	Required Action	Frequency	Required Action	Frequency	Required Action	Frequency
Regular Maintenance	Brushing and vaccuming: Care should be taken in adjusting vaccuming equipment to avoid removal of jointing material of present. Any lost material should be replaced	At least twice a year - during spring and after leaf autumn fall, or as required based on site-specific observations of clogging or manufacturers' recommendations	Inspection	At least twice a year	Inspection from catchpit	At least twice a year	Litter and debris removal	A minimum of twice a year or when mowing takes place	Litter and debris removal	A minimum of twice a year or when mowing takes place	Litter and debris removal	A minimum of twice a year or when mowing takes place
							Grass cutting - to retain grass height within specified design range (to be determined at detailed design stage)	Monthly (during growing season) or as required	Inspection	At least twice a year	Inspection	At least twice a year
							Manage the integrity of the embankment through visual monitoring	Monthly at start, then as required				
Occassional Maintenance	Removal of weed	As required	Sediment Removal	As required	Sediment Removal	As required	Remove any unwanted vegetation growth. If necessary, reseed areas of poor grass cover	Annually, or if bare soil is exposed over 10% or more of the swale treatment area	As Required		As Required	
Remedial Maintenance	Remedial work to any depressions, rutting and cracked/broken blocks considered detrimental to the structured performance or a hazard to users.	As required	Any damage to catchpit to be repaired.	As required	Structure rehabilitation/repair	As required	Repair erosion or other damage by re-turfing or re-seeding.	As required	Repair any damge	As required	As required if monitoring picks up on any detereoration or damage - possible removal of surface layer and replacement may be needed in this instance	
	Rehabilitation of surface and upper structure: surface blocks should be uplifted and the affected areas of layering course material and geotextile disposed of. The existing sub-base can be left in situ. Fresh geotextile and laying course stone should be installed and the existing surface blocks re-used.	As required, perhaps after around 25 years or more (if infiltration and filtration performance is reduced as a result of significant clogging)					Re-level uneven surfaces and reinstate design levels.	As required				
							Scarify and spike topsoil layer to break up silt deposits and prevent compaction of the soil surface	As required				
							Remove and dispose of oils or pertrol residues using safe standard procedures	Monthly				
Monitoring	Initial inspection	Monthly for three months after installation	Initial inspection	Monthly for three months after installation	Initial inspection	Monthly for three months after installation	Inspect infiltration and filtration surfaces for ponding, compaction and silt accumulation. Record areas where ponding is >48hours	Monthly, and after every large rainfall event	Inspection of weirs	At least twice a year	Inspection of limestone base	Every 5 years
	Inspect for evidence of issues with the permeable paving i.e. settlement, depressions, rutting, cracked/broken bricks and weeds. If required take remedial action.	Every three months, or 48 hours after large rainfall events	Monitor inspection chambers for sediment accumulation	At least twice a year	Inspection from catchpit	At least twice a year	Inspect inlets and overflows/weirs for blockages, and clear if required	Monthly				
	Monitor the amount of silt accumulation on the pavement and establish appropriate brushing frequencies.	Annually					Inspect inlet and facility surface for silt accumulation. Establish appropriate silt removal frequencies	Bi-annually				
							Visual monitoring of the embankment, to include checking for any landslips, burrowing and unwanted vegetation	A minimum of twice a uear				

MINUTES OF THE PLANNING REVIEW COMMITTEE

Wednesday 27 January 2016

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OXFORD CITY COUNCIL

COUNCILLORS PRESENT: Councillors Fry, Fooks, Goddard, Hollick, Kennedy, Munkonge, Rowley, Sinclair and Smith.

OFFICERS PRESENT: Michael Morgan (Lawyer), Fiona Bartholomew (Principal Planner) and Catherine Phythian (Committee Services Officer)

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Lygo (substitute Councillor Smith) and Councillor Turner (substitute Councillor Rowley).

2. ELECTION OF CHAIR FOR THE REMAINDER OF THE 2015/16 MUNICIPAL YEAR

The Committee elected Councillor Fry to be the Chair for the remainder of the Council Year 2015/16.

3. ELECTION OF VICE-CHAIR FOR THE REMAINDER OF THE 2015/16 MUNICIPAL YEAR

The Committee elected Councillor Fooks to be the Vice-Chair for the remainder of the Council Year 2015/16.

Councillor Rowley joined the meeting.

4. DECLARATIONS OF INTEREST

There were no declarations of interest.

The Chair welcomed the public and speakers to the meeting and explained the procedure that would be followed. He said that in view of the number of requests to speak he would extend the time allowed for public speaking to 20 minutes in total (10 minutes for the objectors and 10 minutes for the supporters). He confirmed that the meeting would be audio recorded by a member of the public.

On a general point the Chair observed that the initial discussions and debate on this planning application may have benefitted from the use of a “swiss poles” scheme to illustrate the height of the proposed development in relation to the existing buildings and street scene.

5. 36, 38 AND 40 LONDON ROAD AND 2 LATIMER ROAD:15/00858/FUL

The Committee considered an application for planning permission for the demolition of residential houses at 36, 38 and 40 London Road and 2 Latimer Road. Erection of 167 student study rooms and ancillary facilities on 4 and 5 levels plus basement, together with 2 x 2-bed and 2 x 3-bed maisonettes. Provision of 4 car parking spaces, 88 cycle parking spaces, landscaped areas and ancillary works. (Amended description, amended plans and additional information).

The Committee noted that the East Area Planning Committee on 2 December 2015 resolved to refuse planning permission for the following reasons:

1. The height, mass and bulk of the main building is overbearing and does not form an appropriate relationship to the street. The design does not appropriately relate to the context of its surroundings and does not show the high standard required for a building of this size on this prominent key location. The height and design has a significant adverse impact on the privacy, outlook and amenity of neighbouring buildings. This is contrary to policies CP1, CP6, CP8, CP10 and CS18 of the adopted local plan.
2. The development has an unacceptable adverse impact on community safety by reason of overlooking of the adjacent school playground and because of traffic movements and which seriously reduces the safety of pedestrians and cyclists, contrary to policy CS19.

That decision had been called in to this Committee on the grounds that the robustness of the decision in relation to adopted policy needed to be tested.

The Planning Officer presented the report and briefed the Committee on the main developments since the previous submission of the application. She assured the Committee that the majority of the issues and questions raised by the East Area Planning Committee in December 2015 had been addressed by officers and the applicant as detailed at paragraph 5 of the report. In addition she confirmed that the applicant had agreed to provide £5000 towards a barrier at Latimer Grange to be secured through the legal agreement.

She said that with regard to the safeguarding concerns she had visited the development site and the Headington School grounds and buildings and had taken advice from the Oxfordshire Safeguarding Team. She confirmed that the applicant was willing to address this concern through the introduction of some form of screening to the western elevation of the development. However she was concerned about the negative visual impact this might have on the building and also on the light quality in the student rooms. She recommended the inclusion of a further condition for some form of screening or obscured glazing.

Richard Couzens (Headington School), Richard Burden (St Luke's Housing Society), Jeremy Burgess (St Luke's Housing Society), Gareth Jones (resident) and Councillor Ruth Wilkinson (ward councillor and member of East Area Planning Committee) spoke against the application.

Roger Smith (Agent), Sue Holmes (Oxford Brookes University), Jagdeep Bhogal (Unite Student Accommodation) and Mike Mansell (Applicant) spoke in support of the application.

The Committee asked questions of the officers and the speakers to clarify a number of matters.

The Committee noted:

- that the Highway Authority had not raised any objection to the scheme
- that the County as drainage authority was content that the scheme deals adequately with drainage requirements
- that the main access to the development would be from London Road, with service and disabled parking access from Latimer Road
- the concerns about the safety of pedestrians and cyclists due to increased traffic on the existing dual lane pavement, but acknowledged that this was not a valid reason for refusal
- that the suggestion that the site would be better suited to development for key worker housing was not a valid reason for refusal

The main focus of the Committee consideration was the safeguarding concerns about the implications of the study-bedroom windows overlooking Headington Junior School buildings, grounds and playground. The Committee spent some time considering what practical measures could be taken to mitigate this problem.

A motion to refuse the application for the reason set out below was lost on being put to the vote.

- The height mass and bulk of the main building is overbearing and does not form an appropriate relationship to the street. The design does not appropriately relate to the context of its surroundings and does not show the high standard required for a building of this size on this prominent key location. The height and design has a significant adverse impact on the privacy, outlook and amenity of neighbouring buildings. This is contrary to policies CP1, CP6, CP8, CP10 and CS18 of the adopted local plan.

A motion to approve the application on the terms recommended and with the additional conditions set out below was carried on being put to the vote.

- Sustainable Urban Drainage System
- a pre-commencement condition to prevent overlooking of the Headington School grounds and buildings by obscured glazing or screening the western elevation of the development. Such a scheme to be developed in consultation with the applicant, Headington School and the County and City Council safeguarding officers; to consider the inclusion of obscured glazing on the Headington School buildings; to protect the amenity needs of the student residents; and to be approved by Oxford City Council.

The Committee resolved to GRANT application 15/00858/FUL subject to the following conditions and satisfactory completion of a legal agreement; and to delegate to the Head of Planning and Regulatory the issuing of the Notice of Permission upon its completion:

Conditions

1. Development begun within time limit.
2. Develop in accordance with approved plans.
3. Samples.
4. Tree Protection Plan.
5. Arboricultural Method Statement.
6. Utilities and Services Plan.
7. Hard Surfaces Plans (sections).
8. Landscape plan.
9. Landscape plan completion.
10. Landscape Management Plan.
11. Travel plans.
12. Students no cars.
13. Construction Travel Plan.
14. Strategy for arrivals and departures.
15. Bin and bike stores.
16. Car/cycle parking provision before use.
17. Variation of Road Traffic Order.
18. Bio-diversity enhancement.
19. Sustainable Urban Drainage System.
20. Scheme to prevent overlooking of the Headington School grounds and buildings by obscured glazing or screening to the western elevation of the development.

Legal Agreements and Community Infrastructure Levy (CIL).

Affordable housing contributions are required in two respects in relation to this proposal:

- Policy CS24 of the Core Strategy and Policy HP6 of the Sites and Housing Plan, supported by the Affordable Housing and Planning Obligations Supplementary Planning Document (SPD) which describe the circumstances under which contributions to affordable housing are required from student accommodation. The amount of contribution will be calculated in accordance with Appendix 4 of the Sites and Housing Plan; and
- Policy HP4 of the Sites and Housing Plan, which requires a financial contribution from sites providing between 4 and 9 dwellings towards the provision of affordable housing elsewhere in the City. The amount of contribution will be calculated in accordance with Appendix 2 of the Sites and Housing Plan.

A legal agreement is also required to secure Travel Plan monitoring fees of £1,240.

A legal agreement is also required to secure £5000 towards a barrier at Latimer Grange.

6. MINUTES OF THE MEETING OF 29 APRIL 2015

The Committee resolved to APPROVE the minutes of the meeting held on 29 April 2015 as a true and accurate record.

7. DATE OF FUTURE MEETINGS

The Committee NOTED the dates of future meetings (if required).

The meeting started at 6.00 pm and ended at 7.50 pm

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