

Agenda

Planning - Oxford City Planning Committee

This meeting will be held on:

Date: **Tuesday 21 May 2024**

Time: **6.00 pm**

Place: **Long Room - Oxford Town Hall**

For further information please contact:

Emma Lund, Committee and Members' Services Officer

☎ 01865 252367

✉ DemocraticServices@oxford.gov.uk

Members of the public can attend to observe this meeting and:

- may register in advance to speak to the committee in accordance with the [committee's rules](#)
- may record all or part of the meeting in accordance with the Council's [protocol](#)

Information about speaking and recording is set out in the agenda and on the [website](#)

Please contact the Committee Services Officer to register to speak; to discuss recording the meeting; or with any other queries.

*View or subscribe to updates for agendas, reports and minutes at
mycouncil.oxford.gov.uk.*

All public papers are available from the calendar link to this meeting once published

Committee Membership

Councillors: Membership 11: Quorum 5: substitutes are permitted.

Members will be appointed to the Committee at the Annual Council meeting on 16 May 2024.

*Decisions come into effect after the post-meeting councillor call in period expires, or after a called-in decision is reconsidered, **and** the Head of Planning Services has issued the formal decision notice.*

Oxford City Council, Town Hall, St Aldate's Oxford OX1 1BX

Agenda

Pages

Planning applications - background papers and additional information

To see representations, full plans, and supplementary information relating to applications on the agenda, please [click here](#) and enter the relevant Planning Reference number in the search box.

Any additional information received following the publication of this agenda will be reported and summarised at the meeting.

1 Apologies for absence and substitutions

2 Election of Chair for the Council Year 2024-25

3 Election of Vice-Chair for the Council Year 2024-25

4 Declarations of interest

5 24/00075/OUT: Land at Bayswater Farm, Bayswater Farm Road, Oxford

11 - 94

Site Address: Land At Bayswater Farm, Bayswater Farm Road, Oxford, Oxfordshire

Proposal: Outline application (with all matters reserved except access) for up to 121 dwellings and a care home, including open space and green infrastructure.

Reason at Committee: The proposal is a major development

Recommendation:

The Oxford City Planning Committee is recommended to:

1. **refuse planning permission** for the reasons given in the report and agree to delegate authority to the Head of Planning

*Decisions come into effect after the post-meeting councillor call in period expires, or after a called-in decision is reconsidered, **and** the Head of Planning Services has issued the formal decision notice.*

Services to:

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

6 24/00335/FUL: 4200 Nash Court, John Smith Drive, Oxford OX4 2RU

95 - 138

Site Address: 4200 Nash Court, John Smith Drive, Oxford

Proposal: Demolition of existing office buildings and erection of 1no. laboratory-enabled office building for research and development with ancillary commercial space (all within use Class E). Provision of new access, alterations to existing footpath, motor vehicle and cycle parking, landscaping and services infrastructure.

Reason at Committee: The proposal is a major development.

Recommendation:

The Oxford City Planning Committee is recommended to:

1. **approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 13 of this report and grant planning permission subject to:
 - the satisfactory completion of a legal agreement under section.106 of the Town and Country Planning Act 1990 and other enabling powers to secure the planning obligations set out in the recommended heads of terms which are set out in this report; and
2. **delegate authority** to the Head of Planning and Regulatory Services to:
 - finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning and Regulatory Services considers reasonably necessary; and
 - respond to comments made by the Environment Agency with regards to groundwater contamination, resolve any

*Decisions come into effect after the post-meeting councillor call in period expires, or after a called-in decision is reconsidered, **and** the Head of Planning Services has issued the formal decision notice.*

concerns or objections and finalise any recommended conditions;

- finalise the recommended legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers as set out in this report, including refining, adding to, amending and/or deleting the obligations detailed in the heads of terms set out in this report (including to dovetail with and where appropriate, reinforce the final conditions and informatives to be attached to the planning permission) as the Head of Planning and Regulatory Services considers reasonably necessary; and
- complete the section 106 legal agreement referred to above and issue the planning permission.

7 Minutes

139 - 152

Recommendation: to approve the minutes of the meeting held on 19 March 2024 as a true and accurate record.

8 Forthcoming applications

Items currently expected to be considered by the committee at future meetings are listed for information. This is not a definitive list and applications may be added or removed at any point. These are not for discussion at this meeting.

22/02555/FUL: Plot 27, Oxford Science Park, Robert Robinson Avenue, Oxford OX4 4GA	Major
22/02954/OUT: Land at Oxpens Road, Oxford OX1 1TB	Major
22/02955/FUL: Land at Oxpens Road, Oxford OX1 1TB	Major
23/01001/CT3: Tumbling Bay, Head of Bulstake Stream, Botley Road, Oxford	Called-in
23/02262/FUL: Churchill Hospital, Old Road, Headington, Oxford OX3 7JT	Called-in
23/02411/FUL: Land North of Charlbury Road, Oxford, Oxfordshire	Major
23/01870/FUL: 113 Wytham Street, Oxford OX1	Applicant is a

*Decisions come into effect after the post-meeting councillor call in period expires, or after a called-in decision is reconsidered, **and** the Head of Planning Services has issued the formal decision notice.*

4TN	member of staff
23/02136/FUL: 111 and 113 Wytham Street, Oxford OX1 4TN	Applicant is a member of staff
24/00318/FUL: Land to the North of Goose Green Close, Oxford	Major
24/00585/VAR: Car Park, Meadow Lane, Oxford OX4 4BJ	Called-in
24/00667/FUL: 111 and 113 Wytham Street, Oxford OX14TN	Applicant is a member of staff
24/00668/FUL: 113 Wytham Street, Oxford OX1 4TN	Applicant is a member of staff
24/00732/FUL: U Y S Ltd, Garsington Road, Oxford OX4 2BW	Major
24/00690/FUL: Beaver House and 39-42A Hythe Bridge Street, Oxford OX1 2ET	Major
24/00812/FUL: 14 Fair View, Oxford OX3 7EZ	Called-in

9 Dates of future meetings

Future meetings of the Committee are scheduled at 6.00pm on:

25 June 2024

16 July 2024

20 August 2024

17 September 2024

15 October 2024

19 November 2024

*Decisions come into effect after the post-meeting councillor call in period expires, or after a called-in decision is reconsidered, **and** the Head of Planning Services has issued the formal decision notice.*

Oxford City Council, Town Hall, St Aldate's Oxford OX1 1BX

Information for those attending

Recording and reporting on meetings held in public

Members of public and press can record, or report in other ways, the parts of the meeting open to the public. You are not required to indicate in advance but it helps if you notify the Committee Services Officer prior to the meeting so that they can inform the Chair and direct you to the best place to record.

The Council asks those recording the meeting:

- To follow the protocol which can be found on the Council's [website](#)
- Not to disturb or disrupt 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, even inadvertently, unless they are addressing the meeting.

Please be aware that you may be recorded during your speech and any follow-up. If you are attending please be aware that recording may take place and that you may be inadvertently included in these.

The Chair of the meeting has absolute discretion to suspend or terminate any activities that in his or her opinion are disruptive.

Councillors 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". 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.

Members' Code – Other Registrable Interests

Where a matter arises at a meeting which directly relates to the financial interest or wellbeing** of one of your Other Registrable Interests*** then you must declare an

interest. You must not participate in discussion or voting on the item and you must withdraw from the meeting whilst the matter is discussed.

Members' Code – Non Registrable Interests

Where a matter arises at a meeting which **directly relates** to your financial interest or wellbeing (and does not fall under disclosable pecuniary interests), or the financial interest or wellbeing of a relative or close associate, you must declare the interest.

Where a matter arises at a meeting which affects your own financial interest or wellbeing, a financial interest or wellbeing of a relative or close associate or a financial interest or wellbeing of a body included under Other Registrable Interests, then you must declare the interest.

You must not take part in any discussion or vote on the matter and must not remain in the room, if you answer in the affirmative to this test:

“Where a matter affects the financial interest or well-being:

- a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
- b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest You may speak on the matter only if members of the public are also allowed to speak at the meeting.”

Otherwise, you may stay in the room, take part in the discussion and vote.

*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.

** Wellbeing can be described as a condition of contentedness, healthiness and happiness; anything that could be said to affect a person's quality of life, either positively or negatively, is likely to affect their wellbeing.

*** Other Registrable Interests: a) any unpaid directorships b) any Body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority c) any Body (i) exercising functions of a public nature (ii) directed to charitable purposes or (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management.

Procedure for dealing with planning applications at the Oxford City Planning Committee 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. Advice on bias, predetermination and declarations of interests is available from the Monitoring Officer.

The following minimum standards of practice will be followed:

1. All members of the Committee will have pre-read the officers' report. Committee members are also encouraged to view any supporting material and to visit the site if they feel that would be helpful. (In accordance with the guidance at 24.15 (Planning Code of Practice) in the Council's Constitution).
2. At the meeting the Chair may draw attention to this procedure. The Chair may 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. In determining an application Committee 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 overturning the officer's recommendation have been formulated including the reasons for refusal or the wording of any planning conditions; 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.

Public requests to speak

Members of the public wishing to speak must notify the Committee Services Officer by noon on the working day before the meeting, 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 Committee Services Officer (details are on the front of the Committee agenda).

Written statements from the public

Any written statement that members of the public or Councillors wish to be considered should be sent to the planning officer by noon two working days before the day of the meeting. The planning officer will report these at the meeting. Material received from the public at the meeting will not be accepted or circulated, as Councillors are unable to give 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. Any such material will not be displayed or shown at the meeting.

Exhibiting model and displays at the meeting

Applicants or members of the public can exhibit models or displays of photos and/or pictures at the meeting or a room provided for that purpose as long as they notify the Committee Services Officer of their intention by noon two working days before the start of the meeting so that members can be notified. Applicants or members of the public are not permitted to exhibit photos and/or pictures in any electronic format.

Recording meetings

This is covered in the general information above.

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.

This procedure is detailed in the Annex to part 24 of the Council's Constitution as agreed at Council in March 2023.

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

1. RECOMMENDATION

1.1. The Oxford Planning Committee is recommended to:

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

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

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

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

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

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

2. EXECUTIVE SUMMARY

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

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

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

3. LEGAL AGREEMENT

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

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

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

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

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

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

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

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

5. SITE AND SURROUNDINGS

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

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

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



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

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

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

6. PROPOSAL

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

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

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

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

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

7. RELEVANT PLANNING HISTORY

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

8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

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

9. CONSULTATION RESPONSES

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

Statutory and non-statutory consultees

Oxfordshire County Council

Highways

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

Drainage

9.3. No objection subject to conditions.

County Council Ward Councillor – Glynis Phillips

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

South Oxfordshire DC Ward Councillor (Wheatley) – Tim Bearder

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

Natural England

9.6. No objection.

Historic England

9.7. No comments.

Active Travel England

9.8. No comments

Thames Water

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

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

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

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

Risinghurst and Sandhills Parish Council

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

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

Thames Valley Police

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

Officer Comments

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

Public representations

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

Principle of Development

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

Park and Land North of Bayswater Brook.

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

Character, design and Visual Impact

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

Amenity

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

Traffic/Highways/Access Impacts

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

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

noise & pollution.

Ecology

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

Flooding/Drainage

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

Other Matters

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

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

Forest Hill and Shotover Parish Council

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

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

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

Residents of Hawkes Close

9.20. Object to the development for the following reasons:

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

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

Oxford Civic Society

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

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

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

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

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

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

Sandhills Naturehood

9.27. Oppose the development for the following reasons:

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

Sandhills Neighbourhood Association

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

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

Residents of Hill View

9.29. Object to the development for the following reasons:

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

10. PLANNING MATERIAL CONSIDERATIONS

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

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

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

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

Principle of development

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

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

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

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

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

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

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

Environmental Impact Assessment

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

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

Transport and Access

Access Arrangements

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

Transport Generation

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

National Travel Survey

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

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

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

Junction Assessment Methodology

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

Assessment Year and Traffic Growth

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

Trip Generation

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

Highway Impact Assessment

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

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

Public Transport

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

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

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

Summary

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

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

Trees

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

Design

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

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

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

Ecology

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

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

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

Impact on neighbouring amenity

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

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

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

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

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

Other Matters

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

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

11. CONCLUSION AND PLANNING BALANCE

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

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

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

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

12. REASONS FOR REFUSAL

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

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

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

13. APPENDICES

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

14. HUMAN RIGHTS ACT 1998

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

15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

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

Appendix 1 – Site Location Plan



This page is intentionally left blank

South Oxfordshire District Council – Delegated Report

APPLICATION NO.	P24/S0133/O
SITE	Land at Bayswater Farm Bayswater Farm Road near Barton, OX3 8EB
PROPOSAL	Outline planning application (with all matters reserved except for access) for up to 121 dwellings and a care home, including open space and green infrastructure. (As amended by revised archaeological report received 11 March 2024)
AMENDMENTS	None
APPLICANT	Cildara Group (Headington) Ltd
APPLICATION TYPE	OUTLINE
REGISTERED	11.1.2024
TARGET DECISION DATE	11.4.2024
PARISH	FOREST HILL
WARD MEMBER(S)	Tim Bearder
OFFICER	Hanna Zembrzycka-Kisiel

1.0 INTRODUCTION

The application site

- 1.1 The application site forms part of a larger strategic allocation under Policy STRAT13: Land North of Bayswater Brook of the South Oxfordshire Local Plan 2035. The application site (also known as ‘Sandhills’) forms a smaller parcel of land which is in different ownership and spatially separated from the main STRAT13 parcel as shown in the Indicative Concept Plan in Figure 1 below:



Figure 1: STRAT13 Indicative Concept Plan

South Oxfordshire District Council – Delegated Report

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

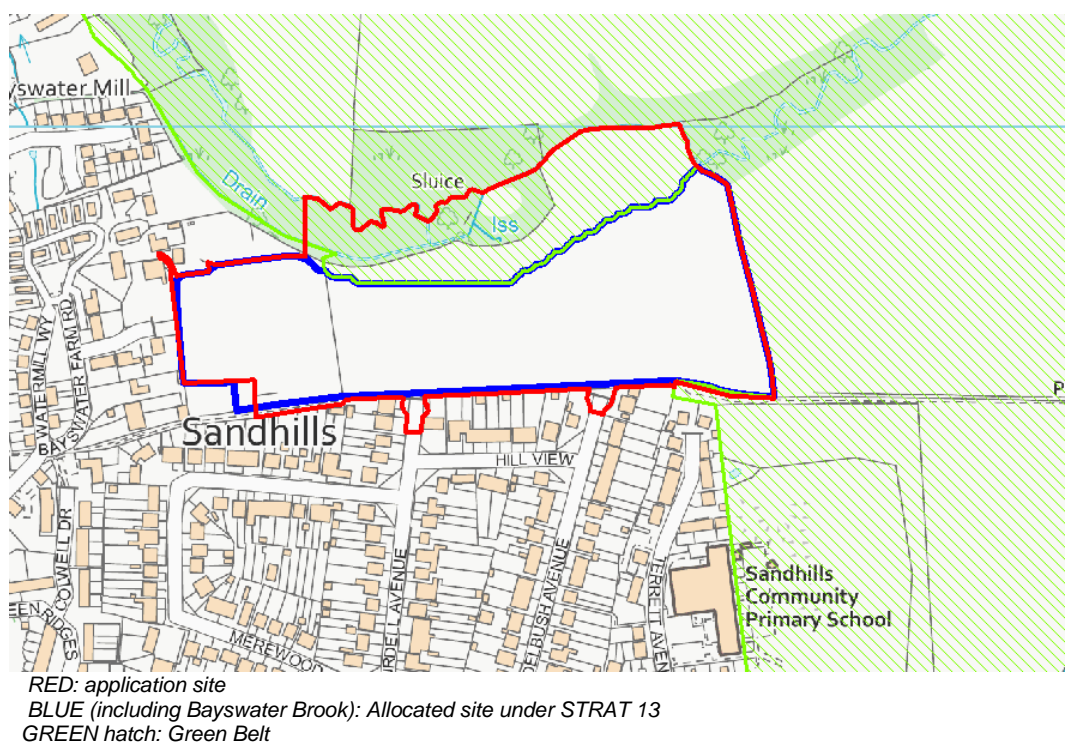


Figure 2: Location Plan

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

South Oxfordshire District Council – Delegated Report

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

South Oxfordshire District Council – Delegated Report

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

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

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



Illustrative layout

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

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

1.14



Cross-section

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

South Oxfordshire District Council – Delegated Report

form the northern part of the site.

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

2.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS

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

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

South Oxfordshire District Council – Delegated Report

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

South Oxfordshire District Council – Delegated Report

	<p>the addition an 80-bed Care Home.</p> <ul style="list-style-type: none"> • Increased Traffic/ heavy-duty construction traffic • Turning the Bridleway into a Highway • Flooding: is already a huge problem at Bayswater Road and in parts of the site • Sustainability: The site is NOT sustainable as no public amenities are proposed for the site • Green Belt: the site includes the new boundary of the existing green belt (reduced in size by adoption of SODC LP 2035) which is extremely close to the proposed location of the buildings. The developers make no reference to the new green belt boundary in their submitted plans and how it will be protected and made defensible. • Biodiversity will be affected and lost • Welfare: Development on the Sandhills site will have a negative impact on welfare and wellbeing of residents with the loss of the only local green space.
<p>Local Ward Member- Glynis Phillips</p>	<p>Comments</p> <ul style="list-style-type: none"> • I oppose to this proposal, as this will fundamentally change the character of the current Sandhills community. The narrow tree lined avenues will be full of through traffic and will reduce the safety of pedestrians especially children. • There is only one junction in and out of this community and there are already tailbacks at peak times given the dropping off and picking up for the Sandhills Primary School. • This plot of green land is much valued and used by residents as the lung of the community. • There are concerns about a deterioration of air quality and mental health. • I have been contacted by a resident who choose to live in Sandhills because their child with special needs benefits from the quiet and the access to greenspace. • I support the request for this land to be deallocated as being unsuitable for development because of the need for access across the bridlepath and to remove precious trees.
<p>Local Ward Member- Tim Bearder</p>	<p>Comments:</p> <ul style="list-style-type: none"> • I remain open minded about the plans and look forward to assessing it on its merits when it comes before the planning committee. • It does not seem to comply with either the Planning Inspector's aspiration or the County Council's own Parking Policy for it to be a zero or ultra-low car

South Oxfordshire District Council – Delegated Report

	<p>development.</p> <ul style="list-style-type: none"> • I am worried about flooding and waste treatment concerns that exist in the area, and I think this looks very difficult to overcome. We have just had the wettest February on record and the existing infrastructure was already at breaking point – extra housing, increased runoff and the ever more extreme effects of climate change would appear to make this a very difficult location for new housing on this site. • The stopping up of this well used and much-loved Bridleway which provides important access to green spaces and to the city from my division would seem unconscionable.
Residents	<p>241 received in Objection.</p> <p>The matters raised are summarised below:</p> <ul style="list-style-type: none"> • The proposed access is unachievable • Unsustainable location • Harmful impact upon the biodiversity • Harmful impact upon character of the area • Harmful impact upon local landscape • Harmful impact upon Green Belt • Harmful impact upon local services • Harmful impact upon local facilities • Harmful impact upon local infrastructure • Harmful impact upon the existing woodland • Harmful impact upon wildlife (deer, foxes, hedgehogs) • Bats (the protected species) will be affected • Schools and GPs are at capacity • It's overdevelopment of the site • Houses are not needed in this location • Sewage treatment system capacity • The increase of traffic in an already congested area • Health and safety at risk during and post construction • The damage to local ecology • Existing topography was not taken into account • Failure to Meet Low/Zero Car Neighbourhood Standards • All previous applications have been refused • The risk of flooding from Bayswater Brook • The impact on local people's wellbeing • Problems of building on the site • Loff of a green field • The number of houses in excess of what the Local

South Oxfordshire District Council – Delegated Report

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

South Oxfordshire District Council – Delegated Report

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

South Oxfordshire District Council – Delegated Report

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

South Oxfordshire District Council – Delegated Report

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

South Oxfordshire District Council – Delegated Report

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

South Oxfordshire District Council – Delegated Report

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

3.0 RELEVANT PLANNING HISTORY

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

South Oxfordshire District Council – Delegated Report

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

4.0 **ENVIRONMENTAL IMPACT ASSESSMENT**

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

4.2 The proposed development exceeds the 5ha threshold and has been screened under Regulation 8 of the above Regulations. This confirmed that an Environmental Statement is not required as all issues are of local significance only and can be examined through the normal planning process.

5.0 **POLICY & GUIDANCE**

5.1 **Development Plan Policies**

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

CF2 - Provision of Community Facilities and Services

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

DES1 - Delivering High Quality Development

DES10 - Carbon Reduction

DES2 - Enhancing Local Character

South Oxfordshire District Council – Delegated Report

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

Emerging Joint Local Plan 2041

- 5.3 The Council is preparing a Joint Local Plan covering South Oxfordshire and Vale of White Horse, which when adopted will replace the existing local plan. Currently at the Regulation 18 stage, the Joint Local Plan Preferred Options January 2024 has limited weight when making planning decisions. The starting point for decision taking will remain the policies in the current adopted plan.
- 5.4 A review of the existing allocated sites in the current Local Plan has found that the overall Bayswater Brook site is largely still a suitable allocation to continue into the JLP, however this is '*with the exception of the parcel of land north of*

South Oxfordshire District Council – Delegated Report

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

5.5 Neighbourhood Plan

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

5.6 Supplementary Planning Guidance/Documents

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

5.6 National Planning Policy Framework and Planning Practice Guidance

5.7 Listed Buildings and Conservation Areas Act 1990

Other Relevant Legislation

5.8 *Human Rights Act 1998*

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

Equality Act 2010

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

5.10 *Procedural Fairness Test*

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

6.0 **PLANNING CONSIDERATIONS**

6.1 The relevant planning considerations are the following:

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

South Oxfordshire District Council – Delegated Report

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

6.2 Principle of Development

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

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

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

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

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

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

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

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

South Oxfordshire District Council – Delegated Report

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

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

Emerging Policy

- 6.12 South Oxfordshire District Council and Vale of White Horse District Council are currently preparing a single Joint Local Plan (JLP) for both council areas. The emerging Joint Local Plan 2041 (JLP), recently at its Regulation 18 'Preferred Options' consultation stage, highlights that the Sandhills site was allocated by Policy STRAT13: Land North of Bayswater Brook in the South Oxfordshire Local Plan 2035.
- 6.13 A review of the existing allocated sites in the current Local Plan has found that the overall Bayswater Brook site is largely still a suitable allocation to continue into the JLP, however this is '*with the exception of the parcel of land north of Sandhills*' (the area that this application is focused upon).

Suitability issue: Access

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

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

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

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

South Oxfordshire District Council – Delegated Report

allocation of this section of the site.

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

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

- 6.21 It further states that:

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

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

Housing Land Supply

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

South Oxfordshire District Council – Delegated Report

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

South Oxfordshire District Council – Delegated Report

Council's delivery strategy.

- 6.35 To conclude on the housing land supply and delivery strategy matters, at the present time, in the context of this application, the Council does not have any current need to demonstrate a five year housing land supply, due to the operation of the revised guidance in the NPPF (2023) and so the policies which are most important for determining the application are not out-of-date.
- 6.36 There are no material considerations that would indicate the proposed development should be considered otherwise than in accordance with the development plan.
- 6.37 Furthermore, it is not considered that the refusal of the proposal on Sandhills site, would have a detrimental impact upon South Oxfordshire District Council's overall delivery strategy.

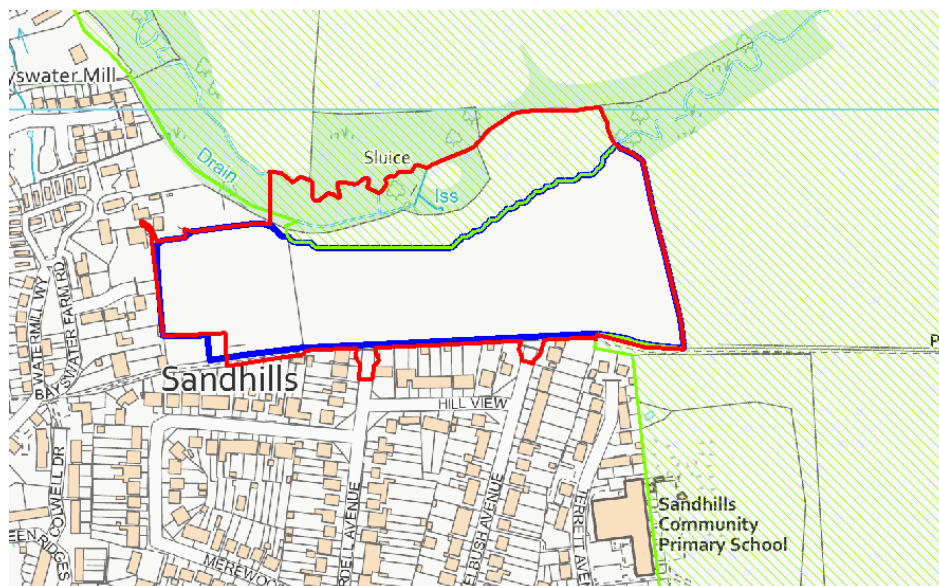
Oxford Green Belt

6.38 *Boundary*

The site boundary in the outline application differs from the allocation boundary for the site under Policy STRAT13 identified in the South Oxfordshire adopted policies map. The application boundary extends north of the allocated site boundary as shown on the overlay plan, below.

- 6.39 The allocation boundary consists of land that was released from the Green Belt; whereas the additional northern land that is included in this application boundary (around Bayswater Brook) remains within the Green Belt designation. Policy STRAT 6 - Green Belt therefore needs to be taken into account.

6.40



RED: application site
BLUE (including Bayswater Brook): Allocated site under STRAT 13
GREEN hatch: Green Belt

- 6.41 Policy STRAT6 states that where land has been removed from the green belt, new development should be carefully designed to minimise visual impact. It

South Oxfordshire District Council – Delegated Report

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

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

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

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

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

- 6.47 The submitted Planning Statement states:

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

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

South Oxfordshire District Council – Delegated Report

boundary.

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

Landscape Impact

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

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

Policy ENV1: Landscape and Countryside states that:

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

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

South Oxfordshire District Council – Delegated Report

shrubs.

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

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

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

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

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

South Oxfordshire District Council – Delegated Report

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

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

Design and Layout

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

South Oxfordshire District Council – Delegated Report

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

Highways, Access and Sustainable Travel

- 6.71 Access into the site is a matter that is detailed in the application. In its capacity as Local Highway Authority, Oxfordshire County Council has considered the access arrangements and objects to the proposal.

Access arrangements

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

South Oxfordshire District Council – Delegated Report

- 6.73 The extension of Burdell Avenue and Delbush Avenue is to consist of the realignment of these streets, amendments / extensions of the existing footways, access(s) to private dwelling (71 Delbush Avenue), the removal of an established highway tree (located at the end of Delbush Avenue) and crossing bridleway 215/8/10.
- 6.74 With regards to the existing highway infrastructure that currently serves Delbush Avenue and Burdell Avenue, specifically the visibility splays available at the junction arrangements of both avenues onto Merewood Avenue meet the appropriate design standards for a street located within a 20mph speed restriction area.
- 6.75 The carriageway widths of both avenues vary in width but do meet appropriate Manual for Street dimensions. The existing footways that serve both avenues vary in width from 1 metre to 3 metres (with verges in places), but there are no formal cycle routes provided throughout the estate. Both provisions (and lack of) are not considered desirable to serve the proposed site to promote active travel journeys without suitable improvement measures.
- 6.76 The plans provided in the Transport Assessment confirm the proposed carriageway and footway dimensions of the extension to Delbush Avenue, as a primary street, meet the required county council design standards in terms of width. The dimensions of the secondary street to be served via Burdell Avenue (paragraph 6.5 of the TA) also meets council's design guidance.
- 6.77 However, no provision has been provided for cyclists on either proposed street design. The absence of such facilities is not considered acceptable as it does not promote active and sustainable travel journeys to / from the site in accordance with the policies and objectives of OCC's Local Transport Connectivity Plan (LTCP).
- 6.78 The proposed pedestrian crossing arrangements shown at Delbush Avenue and Burdell Avenue are not perpendicular to the carriageway shown to ensure all users of the bridleway have appropriate visibility to cross in these locations – while also promoting / providing a direct route. As submitted the proposed crossing designs are not considered acceptable.
- 6.79 The design details shown for the proposed access arrangements do not provide any cross sections, gradient levels etc of the proposed works. The gradient of the development site is significant in places, and this does raise an issue for this proposal, as well as a future reserved matters application, with regards to DDA compliance.
- 6.80 Further to that no design detail i.e., cross section is provided for assessment has been submitted for what appears to be a ramp / raised table proposed where the bridleway is proposed to cross Delbush Avenue and Burdell Avenue.
- 6.81 Further information is required on those aspects of the development

South Oxfordshire District Council – Delegated Report

proposal.

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

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

Bridleway 215/8/10

6.85 The proposal to cross Bridleway 215/8/10 to provide accesses to the development site raises a delivery concern as the bridleway sits on unregistered land i.e., the existing public highway only extends up the verge of both turning heads. This means the applicant does not have the ability to dedicate the land which the bridleway sits on as public highway, and at this time, cannot connect this development site to the highway network, without securing the legal rights to do so. This is the case for both proposed accesses.

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

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

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

Transport generation

South Oxfordshire District Council – Delegated Report

- 6.88 The applicant has provided their rationale and modelling for the trip generation forecasts in their Transport Assessment.
- 6.89 The Oxfordshire County Council has adopted new policy that is to be followed when assessing new developments, called ‘Implementing “Decide & Provide” Requirements for Transport Assessments’.
- 6.90 This is set out in Policy 36 of the Local Transport and Connectivity Plan (LTCP) and is a shift from an approach to transport planning characterised as ‘predict and provide’ towards adopting a ‘decide and provide’ approach instead.
- 6.91 The applicant has acknowledged this requirement and set out the list their four principles of trip generation that have been followed to provide the trip forecast informing the TA modelling.
- 6.92 In their comments, the OCC Highway Officers have stated that there are key elements of implementing Decide and Provide missing from the forecast assessment, or parts of the methodology that are not acceptable to OCC.
- 6.93 The TRICS sites (Trip Rate Information Computer System) used by the applicant were chosen based on criteria listed in paragraph 7.3 of the TA and have been used to establish the person trip rates. The applicant has not however, undertaken a comparison exercise to determine the suitability of these sites as outlined in Section 3.2 of *‘Implementing ‘Decide & Provide’: Requirements for Transport Assessments’*.
- 6.94 Such exercise is required, with detailed explanations and justifications for TRICS sites that are retained for the purpose of forecasting the final person trip rates for this site.
- 6.95 Furthermore, the methodology to establish the breakdown of trips by trip purpose has been based on the methodology agreed for the proposed development at Land North of Bayswater Brook (LNBB) (ref P22/S4618/O). However, since work was undertaken and agreed for the purposes of the pending LNBB planning application (as far back as 2020) when pre-application discussions started, the requirements for assessing the highways impact of development proposals have changed.
- 6.96 LNBB were required to consider the emerging D&P guidance when undertaking their modelling scenarios and indeed, they will be required to incorporate it into their monitoring and review of the site, as it builds out, however, in agreeing their trip rate forecasts, this pre-dated D&P and, was therefore not available to adhere to.
- National Travel Survey (NTS)
- 6.97 The applicant’s use of the 2022 National Travel Survey (NTS) using the ‘Trip start time by trip purpose’ dataset (NTS0502), contradicts the Decide and Provide guidance, which discusses the use of the NTS for forecasting multi-modal trips and

South Oxfordshire District Council – Delegated Report

states:

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

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

Junction Assessment Methodology

- 6.102 To inform the base flows, Manual and Automatic Traffic Count surveys were undertaken in September 2023.
- 6.103 However, OCC advises that they cannot accept these counts for the following reasons:
- no further narrative, specifying the exact location of each of these surveys, nor a map pertaining to this, was provided in the TA,
 - there is no detail about the exact dates on which these surveys were undertaken, as well as the duration and timings for each location, and
 - the surveys have only been undertaken on the A40 (eastbound and westbound), Headington Roundabout and at the A40 London Road / Merewood Avenue / Thornhill Park & Ride junction, which represents a significantly reduced area, when compared to the scoping map, which was provided at the pre-application stage in 2021 and 2023.
- 6.104 It’s been said in the OCC response that it is vital that any junctions not included in the junction capacity assessment have been firstly scrutinised to ascertain the impact of the development proposals on them. This can only be done by comparing development traffic flows with existing traffic flows and providing detailed rationale for their exclusion.

South Oxfordshire District Council – Delegated Report

- 6.105 The applicant has assumed on the traffic flows on Burdell Avenue and Delbush Avenue by using surveyed flows for Merewood Avenue at the junction with the A40. Although this is not a standard practice, OCC has accepted this assumption as the flows are considered relatively small.

Assessment Year and Traffic Growth

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

Trip Distribution

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

Highway Impact Assessment

- 6.112 The applicant has subjected three junctions to a junction capacity analysis assessment:
- 6.113
- Delbush Avenue / Merewood Avenue Priority Junction.
 - Burdell Avenue / Merewood Avenue Priority Junction and
 - A40 London Road / Merewood Avenue / Thornhill Park & Ride Traffic Signal Controlled Junction.

South Oxfordshire District Council – Delegated Report

- 6.114 This list is significantly reduced when compared to the highway network that was presented the OCC's pre-application responses, both in 2021 and 2023.
- 6.115 The applicant has also stated that they have undertaken a percentage capacity assessment at the Headington Roundabout, however, provides no further justification for why so few junctions have been accounted for in any further percentage impact assessments and then taken forward into more detailed junction capacity analysis.
- 6.116 OCC advises that *"in determining what the impact of the development proposals upon the highway network will be, the applicant must first undertake further percentage impact assessments that utilise agreed existing traffic flows, which OCC can agree. Many of the junctions included in the specified modelling area identified in our preapplication responses are subject to significant delay and congestion and therefore, it is not for the applicant to dismiss them completely, without first providing robust evidence and justification"*.
- 6.117 As such this site is required to demonstrate that it can mitigate its own impact upon the highway network by scenario test modelling, as per requirements in the Decide and Provide guidance.
- On-site Parking provisions
- 6.118 On-site parking provisions will be part of any future reserved matters application and as such, any future on-site parking provisions associated with this development site must be provided in accordance with OCC's Parking Standards for new Developments.
- Public Transport
- 6.119 OCC seeks to ensure that all new development is well served by public transport. Financial contributions are requested from development sites for the maintenance and/or improvement of local public transport services where reasonable and appropriate, in order to mitigate the impact of their proposals and to secure sustainable development in line with the council's LTCP policy objectives.
- 6.120 The intention is therefore to deliver a 15-minute frequency service between Thornhill P&R and the Hospitals, with the potential to improve this to a 10-minute frequency in the future, and to connect Thornhill P&R with key employment destinations in the Eastern Arc. It is considered that the proposed development would attract occupants who may work at key locations in the Eastern Arc, including the major hospital sites in Headington.
- 6.121 In addition, staff at the care home may be drawn from areas of south-east Oxford where connectivity to this area is currently poor.
- 6.122 The total public transport services contribution for this development is estimated to be £230,999,80 (although OCC advises that this figure is subject to review as it is based upon TA trip rates that are not yet agreed).

South Oxfordshire District Council – Delegated Report

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

Summary

- 6.124 Overall, the development proposal submitted is not considered acceptable with regards to the access arrangements proposed for the site. There are also several key points that require clarification and additional information ensuring a robust traffic assessment for all highway users has been undertaken.
- 6.125 As submitted, the Local Highway Authority objected to this planning application on transport grounds. The proposal is considered to be contrary to policies STRAT13, INF1, DES1, TRANS2 TRANS4, TRANS5 of the South Oxfordshire Local Plan 2035 and paragraphs 108, 114 and 116 of the National Planning Policy Framework and Policies 1, 18 and 36 of the Oxfordshire Local Transport and Connectivity Plan 2022-2050.

Affordable housing

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

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

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

6.129 *First Homes*

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

South Oxfordshire District Council – Delegated Report

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

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

- 6.131 *Nationally Described Space Standards (NDSS)*
The following minimum sizes are sought for each type of affordable unit:

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

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

Care Home provision

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

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

South Oxfordshire District Council – Delegated Report

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

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

Housing Mix

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

Heritage Impact and Archaeology

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

South Oxfordshire District Council – Delegated Report

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

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

Archaeology

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

Trees

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

South Oxfordshire District Council – Delegated Report

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

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

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

Ecology

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

South Oxfordshire District Council – Delegated Report

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

Designated sites

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

Habitats

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

Species - Bats

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

South Oxfordshire District Council – Delegated Report

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

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

Species- Birds

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

Species - Reptiles

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

South Oxfordshire District Council – Delegated Report

Other Species

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

Biodiversity Net Gain (BNG)

- 6.174 SOLP policy ENV3 (Biodiversity) is relevant in respect of biodiversity net gain. The BNG technical note is indicative, which reflects the outline nature of the application. The Ecology Officer has confirmed that he is satisfied with the general conclusion of the assessment (net loss likely, trading rules potentially offended). However, it is noted that most areas of public open space and road verges have been accounted for as more-species rich other neutral grassland in moderate condition. This is likely a gross overestimation of the value of the habitats, but at this outline stage (where landscaping details are not yet being fixed), it is mutually understood that offsite habitat creation (either through an offsetting agreement or habitat creation on land under the control of the applicant) will need to be relied upon to meet the allocation policy requirements. An updated metric assessment will be required at the reserved matters stage, if permission is granted.
- 6.175 To conclude, a number of concerns has been raised by the Ecology Officer with regards to the proposed spatial arrangement of the built form within the site (in particular to the location of the access road and the apartment blocks, in a close proximity to the existing woodland in the northern part of the site), and their impact upon the protected species.
- 6.176 As such it is considered, insufficient information has been submitted with this Outline application, to demonstrate that the proposal would not have a detrimental impact upon *Barbastella barbastellus*, one of the rarest and most threatened bat species in the England.
- 6.177 The constraints of the site and quantum of proposed development mean that, on the balance of probability, no acceptable remedy exists for the likely harm to protected species. The proposal is judged to be contrary to Policy ENV2 and STRAT13 3xi of the South Oxfordshire Local Plan 2035, and paragraphs 180, 185 and 186 of the NPPF.

Environmental Sustainability and Carbon Reduction

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

South Oxfordshire District Council – Delegated Report

in the light of any future legislation and national guidance.

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

Drainage and Flood Risk

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

Surface Water

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

The Local Lead Flood Authority (LLFA)

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

South Oxfordshire District Council – Delegated Report

Foul Water

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

Thames Water

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

Water Supply Comments:

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

Contaminated Land

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

Air Quality

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

South Oxfordshire District Council – Delegated Report

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

Residential Amenity

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

South Oxfordshire District Council – Delegated Report

Waste Management

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

Infrastructure and Contributions

- 6.204 The council has an adopted a Community Infrastructure Levy ('CIL') 2023 and 'chargeable development' includes all new buildings and development delivering 100 sqm or more of additional gross internal floor space. Development on this site is exempt from CIL being part the allocated strategic site of Bayswater Brook which is exempt from chargeable CIL (Zero Rate).
- 6.205 All supporting infrastructure is to be secured through a S106 agreement. Where necessary to mitigate the impact of the development, on-site and off-site infrastructure can be secured through a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended). As Oxfordshire County Council are the authority responsible for highways, education and waste disposal, if the application has progressed positively, Oxfordshire County Council would have been party to a Section 106 ('S106') legal agreement.
- 6.206 In terms of the functions that South Oxfordshire District Council are responsible for, on-site affordable housing would have been secured as part of a S106 agreement. A S106 would also have been used as a mechanism to secure the delivery and management of on-site open space and play.
- 6.207 Under the current fee schedule, if the application has progressed positively, the council would also have secured:
- A financial contribution towards street naming and numbering at a rate of £268 per 10 houses (Index RPIX February 2022).
 - A financial contribution towards the provision of recycling and refuse bins at a rate of £186 per property (Index RPIX October 2019).
 - A monitoring fee to cover the costs involved in the administration and monitoring of the agreement.
- 6.208 In terms of the functions that the county council operate, the proposed development would increase demand placed on local education infrastructure and services. If the application had progressed positively, the following financial contributions would have been required to mitigate the impact of the development:

South Oxfordshire District Council – Delegated Report

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

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

The following contributions / obligations would have been required:

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

6.210 In their role as a Waste Disposal Authority, the county council would also require a contribution towards the expansion and efficiency of Household Waste and Recycling Centre capacity.

The following contribution / obligations would have been required:

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

South Oxfordshire District Council – Delegated Report

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

7.0 CONCLUSION AND PLANNING BALANCE

Conclusion

7.1 Principle

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

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

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

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

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

Five Years Housing Land Supply

- 7.6 Whilst officers are not convinced the 'tilted' balance applies in this case, if it were to apply, the benefits of the proposal would include providing employment opportunities during the construction period, investment in the local and wider economy through the construction works and new residents and their spending.

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

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

Council's Delivery Strategy

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

South Oxfordshire District Council – Delegated Report

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

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

Accessibility

- 7.11 The emerging Joint Local Plan (JLP) for both council areas (recently at its Regulation 18 Part 2 'Preferred Options' consultation stage) has found that the overall Bayswater Brook site is largely still a suitable allocation to continue into the JLP, however this is '*with the exception of the parcel of land north of Sandhills*' due to the specific issues affecting the suitability of the Sandhills area.

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

Highways

- 7.13 The development proposal submitted is not considered acceptable with regards to the access arrangements proposed for the site. There are also several key points that require clarification and additional information ensuring a robust traffic assessment for all highway users has been undertaken (As such, the proposal is contrary to policies STRAT13, INF1, DES1, TRANS2 TRANS4, TRANS5 of the South Oxfordshire Local Plan 2035 and paragraphs 108, 114 and 116 of the National Planning Policy Framework and Policies 1, 18 and 36 of the Oxfordshire Local Transport and Connectivity Plan 2022-2050.

Green Belt

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

South Oxfordshire District Council – Delegated Report

Landscape

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

Proposed quantum

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

Ecology

- 7.19 As currently presented, the proposal (in particular the location of the large apartment blocks within the northern boundary of the site, close to the woodland edge) is considered to have a harmful impact upon the *Barbastella barbastellus* (one of the rarest and most threatened bat species in the England).
- 7.20 The constraints of the site and quantum of proposed development mean that, on the balance of probability, no acceptable remedy exists for the likely harm to protected species. The proposal is judged to be contrary to Policy ENV2 and STRAT13 3xi of the South Oxfordshire Local Plan 2035, and paragraphs 180, 185 and 186 of the NPPF.

Balance

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

South Oxfordshire District Council – Delegated Report

location.

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

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

8.0 RECOMMENDATION – Refuse outline permission

1. The proposed new accesses off Delbush Avenue and Burdell Avenue are unachievable, given the unregistered land upon which the Bridleway (215/8/10) sits on, therefore, the proposed access roads will not be able to make any legal connection (or land dedication) from the site to Burdell or Delbush Avenue. The access proposals would also require the removal of an existing tree in the public highway, which is not acceptable to the Local Highway Authority. As such, the proposed development is not in accordance with policy TRANS5 of the South Oxfordshire Local Plan 2035 and paragraph 114 of the National Planning Policy Framework.
2. The applicant has not provided sufficient technical detail for the proposed new accesses off Delbush Avenue and Burdell Avenue to demonstrate the proposed accesses provide safe and suitable access into the site for all users and modes of transport. As such the proposed development is not in accordance with policy TRANS5 of the South Oxfordshire Local Plan 2035 and paragraph 114 of the National Planning Policy Framework.
3. The highways impact assessment has not been undertaken in accordance with the Highway Authority's adopted 'Implementing 'Decide & Provide': Requirements for Transport Assessments (September 2022), whereby highway impacts resulting from this development cannot be fully assessed. As such, any proposed highway mitigation may fail to deliver appropriate off-site infrastructure that mitigates the highway impacts of the proposal. The proposed development therefore is not in accordance with policies STRAT13, INF1, TRANS4 and TRANS5 of the South Oxfordshire Local Plan 2035, paragraphs 108 and 114 of the National Planning Policy Framework and Policy 36 of the Oxfordshire Local Transport and Connectivity Plan 2022-2050.
4. The proposals fail to fully provide for safe and suitable off-site walking and cycling provision in accordance with LTN 1/20. Without these modes of transport suitably facilitated, the occupants of the site will be encouraged to rely on the private car for access to services and facilities. The proposed development therefore does not represent sustainable development and is contrary to policies STRAT13, DES1, TRANS2, TRANS4 and TRANS5 of the South Oxfordshire Local Plan 2035, paragraphs 114 and 116 of the National Planning Policy Framework and

South Oxfordshire District Council – Delegated Report

Policies 1, 2,18 of the Oxfordshire Local Transport and Connectivity Plan 2022-2050.

5. The proposal constitutes inappropriate development in the Oxford Green Belt and fails to provide a defensible space to the Green Belt boundary. No very special circumstances have been demonstrated to justify the encroachment of the proposed built form into the Oxford Green Belt. As such the proposal is contrary to policies STRAT6 and STRAT13 3iv, viii, ix of the South Oxfordshire Local Plan 2035 and paragraph 154 of the NPPF.
6. By the virtue of the proposed spatial distribution of built form, the proposal fails to demonstrate a strong rural edge, would create an abrupt transition and would result in adverse visual impacts on the character and the appearance of the rural/countryside edge location. As such the proposal is contrary Policies STRAT13 3iv,viii, ix, ENV1 and DES2 of the South Oxfordshire Local Plan 2035.
7. Insufficient information has been submitted to demonstrate that the proposed development would not have a harmful impact upon protected species, in particular Barbastelle (*Barbastella barbastellus*). The constraints of the site and quantum of proposed development mean that, on the balance of probability, no acceptable remedy exists for the likely harm to protected species. The proposal is contrary to Policy ENV2 and STRAT13 3xi of the South Oxfordshire Local Plan 2035, and paragraphs 180, 185 and 186 of the NPPF.
8. It has not been satisfactorily demonstrated how the quantum of the proposed development can be accommodated/achieved on this site without having a harmful impact upon the quality of the design and ensuring satisfactory living conditions for future occupiers of the development, as well as upon character and appearance of the surrounding area. As such the proposal is contrary Policies STRAT13 3 viii, ix, DES1 vii, xiii, xiv, xix, DES5 of the South Oxfordshire Local Plan 2035 and Joint Design Guide (Place and setting, Natural Environment, Movement and Connectivity, Space and Layout).
9. In the absence of a completed Section 106 legal agreement, the proposed development fails to secure affordable housing to meet the needs of the district. As such the proposal is contrary to Policy H9, H11 and STRAT13 of the South Oxfordshire Local Plan 2035.
10. In the absence of a completed Section 106 legal agreement, the proposed development fails to secure infrastructure necessary to meet the needs of the development. As such the proposal is contrary to Policies INF1, TRANS4, TRANS5, EP3, CF1 and CF5 of the South Oxfordshire Local Plan 2035.

Informative

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

South Oxfordshire District Council – Delegated Report

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

Delegated Authority Sign-Off Officer

OXFORD CITY PLANNING COMMITTEE

21st May 2024

Application number:	24/00335/FUL		
Decision due by	21 st May 2024		
Extension of time	21st June 2024		
Proposal	Demolition of existing office buildings and erection of 1no. laboratory-enabled office building for research and development with ancillary commercial space (all within use Class E). Provision of new access, alterations to existing footpath, motor vehicle and cycle parking, landscaping and services infrastructure.		
Site address	4200 Nash Court, John Smith Drive – see Appendix 1 for site plan		
Ward	Temple Cowley Ward		
Case officer	Jennifer Coppock		
Agent:	Mr James Ellis	Applicant:	Mr. Robin Moxon
Reason at Committee	Major development		

1. RECOMMENDATION

1.1. The Oxford City Planning Committee is recommended to:

1.1.1. **approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 13 of this report and grant planning permission subject to:

- the satisfactory completion of a legal agreement under section.106 of the Town and Country Planning Act 1990 and other enabling powers to secure the planning obligations set out in the recommended heads of terms which are set out in this report; and

1.1.2. **delegate authority** to the Head of Planning and Regulatory Services to:

- finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning and Regulatory Services considers reasonably necessary; and
- respond to comments made by the Environment Agency with regards to groundwater contamination, resolve any concerns or objections and finalise any recommended conditions;
- finalise the recommended legal agreement under section 106 of the Town

and Country Planning Act 1990 and other enabling powers as set out in this report, including refining, adding to, amending and/or deleting the obligations detailed in the heads of terms set out in this report (including to dovetail with and where appropriate, reinforce the final conditions and informatives to be attached to the planning permission) as the Head of Planning and Regulatory Services considers reasonably necessary; and

- complete the section 106 legal agreement referred to above and issue the planning permission.

2. EXECUTIVE SUMMARY

- 2.1. This report considers development at Plot 4200 Advanced Research Clusters (ARC) Oxford (previously known as the Oxford Business Park), John Smith Drive which comprises the demolition of the 7no. existing buildings and erection of 1no. three storey building in Research and Development use to accommodate Containment Level 2 (medium risk biological agents and hazards, genetically modified organisms, animals and plants) laboratories and associated offices. Officers consider that the proposed development would respond appropriately to the site context, Local Plan policies and the Oxford Business Park site allocation. The proposal would provide enhanced pedestrian connectivity from Boswell Road through to ARC Oxford and improved bus infrastructure through financial contributions and it is considered that there would be no harm to the highway network as a result of traffic generation. The development would result in a marginal net gain in tree canopy cover through new and retained soft landscaping.
- 2.2. There would be no harm to any identified protected species and the proposal would achieve a Biodiversity Net Gain of 5% (the application was submitted prior to the 10% BNG requirement becoming law as part of the Environment Act). The development would be of a sustainable design and construction, achieving a 45.4% reduction in carbon emissions when set against the 2021 Part L Building Regulations. The scheme would result in a reduction in car parking provision by 77 spaces – from 243 down to 166 bays equating to a mode share of 41.5% which is considered acceptable in this location, in accordance with the objectives of the Oxford Local Plan 2036. 117 cycle parking spaces would be provided, in excess of Local Plan requirements, with further details to be secured by condition. There would be no adverse land contamination, noise pollution, air quality or flood risk and drainage impact as a result of the proposal. The Environment Agency (EA) are yet to comment on the application with regards to ground water contamination due to ongoing resourcing issues, however Officers would liaise with the EA to address any queries and negotiate appropriate conditions prior to granting planning permission.
- 2.3. Subject to addressing comments made by the Environment Agency, the imposition of appropriately worded conditions and a section 106 legal agreement, the development would accord with all policies in the Oxford Local Plan 2036 and NPPF.

3. LEGAL AGREEMENT

3.1. This application is subject to a legal agreement to cover:

- An agreement to enter into a S278 Agreement with the Highways Authority regarding the requirement to provide dropped-kerbs, bollards and double yellow lines at Boswell Road within the vicinity of the pedestrian/cycle route through to ARC Oxford.
- An agreement to reduce car parking numbers by 36 spaces, from 166 to 130 bays within 3 months of the Cowley Branch Line operating a passenger service of 2 trains per hour at peak times between London Marylebone, Oxford City centre and Oxford Cowley.
- A requirement that tenancy agreements shall include the loss of parking spaces, with appropriate clauses inserted into lease agreements to secure their sacrifice.
- £114,142.00 towards the Eastern Arc bus service with agreement/qualification that the County Council will use all reasonable endeavours to procure bus service stops within the north and south of the Campus in locations to be marked on a plan.
- £3,110.00 towards Travel Plan monitoring.
- The provision and implementation of Construction (excluding demolition, site clearance and remediation works) and End User Community Employment and Procurement Plans with the City Council.
- Agreement that the footpath between Boswell Road and ARC shall remain open 24 hours a day, 7 days a week in perpetuity upon completion of the footpath works.
- Agreement to achieve 5% Biodiversity Net Gain within the wider ARC Oxford site (edged blue on the site location plan).

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. The proposal is liable for CIL totalling £852,980.70.

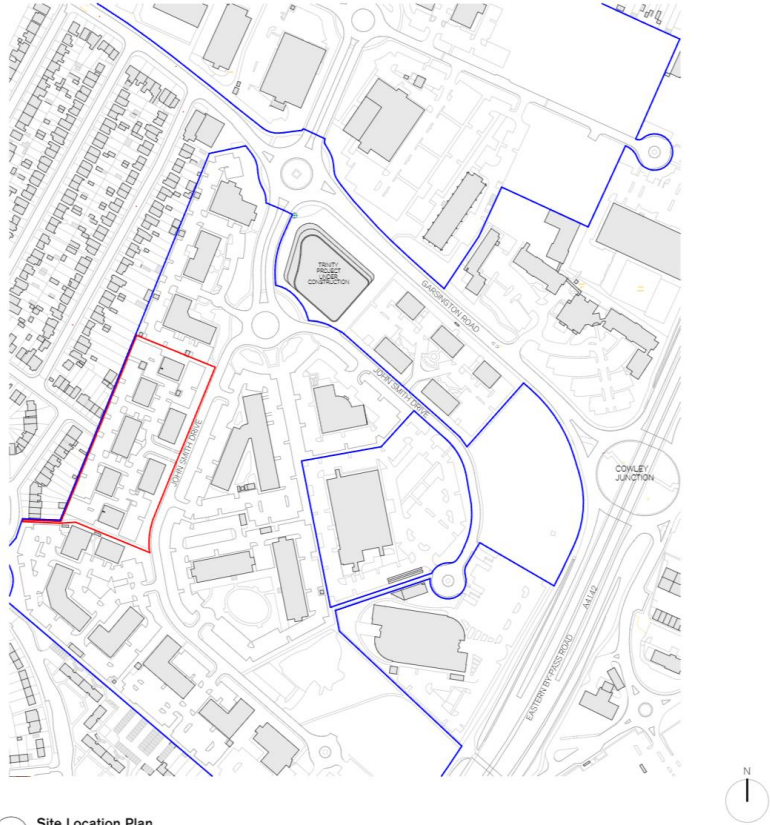
5. SITE AND SURROUNDINGS

5.1. The site comprises a rectangular parcel of land, accessed off John Smith Drive within ARC Oxford and extends to approximately 1.3ha. Built development on site is currently in the form of 7no. two storey office buildings with pitched roofs. Surface parking is laid out throughout the site, interspersed with soft landscaping and bound by trees and hedges. The application site includes an existing private footpath which runs the extent of the southern site boundary and leads out onto Boswell Road. The footpath is currently gated and closed between 9pm and 5am.

5.2. Surrounding built form comprises two and three storey buildings in a range of employment uses. Two storey residential dwellings fronting Phipps, Bailey, Frederick and Boswell Roads lie immediately to the west. Rear elevations sit between 1.5m and 35m from the western site boundary and are positioned approximately 1.4m higher than the application site due to varying ground levels.

5.3. ARC Oxford is a Category 1 Employment Site and as such is a key site for delivering the Local Plan’s aim of managed economic growth to 2036. The Park has been specifically allocated within the Oxford Local Plan 2036 for employment and complimentary uses and the Cowley Branch Line Area of Change sits immediately south of the Eastern By-Pass. These designations are set out below in more detail. The site is not subject to any specific planning policy constraints and lies within flood zone 1 (lowest probability of flooding).

5.4. See site location below:



Site Location Plan
Figure 1: Site Location Plan

6. PROPOSAL

6.1. This full application proposes to demolish all existing two storey office buildings and replace them with a three-storey building with a maximum height of 17m. Whilst regrettable, demolition is necessary due to the insufficient floor to ceiling heights within the existing buildings to accommodate laboratories and their mechanical servicing requirements. Further, their structural loading is insufficient and incapable of supporting the required equipment and mechanical plant. As above, the building, with a Gross Internal Area of 9,829 sq. m., would accommodate Containment Level 2 laboratories and offices. Part of the second and third floors would be reserved for

ancillary amenity uses with a roof terrace at third floor for use by tenants and authorised visitors only, details of these uses are yet to be confirmed as the application is speculative with no end user secured at present. Five single storey ancillary buildings to store cycles, lab gases and bins, generators and a sub-station would be located to the north, south and west of the main laboratory building as shown on the submitted drawings.

6.2. The existing footpath to the south of plot 4200, and included within the application site, would be partially widened to create an entrance plaza with enhanced planting, seating and visitor cycle spaces. The gate fronting Boswell Road would be removed allowing 24/7 public access. A spur off the footpath directly to plot 4200 would also be created, providing a short-cut for staff and visitors to the building. This element of the footpath would be gated to provide security.

6.3. 166 vehicular parking spaces, including visitor parking and accessible bays, would be located at surface level. The majority of which would be located to the rear of the building with four of the visitor spaces to the front. This provision would equate to 41.5% of the estimated 400 staff that would be on site at any one time (total capacity would be 500 staff). In terms of cycle parking provision, 117 spaces would be provided for staff and visitors. As above, full details of cycle parking specifications would be secured by condition.

6.4. Please see proposed site plan below at figure 2:

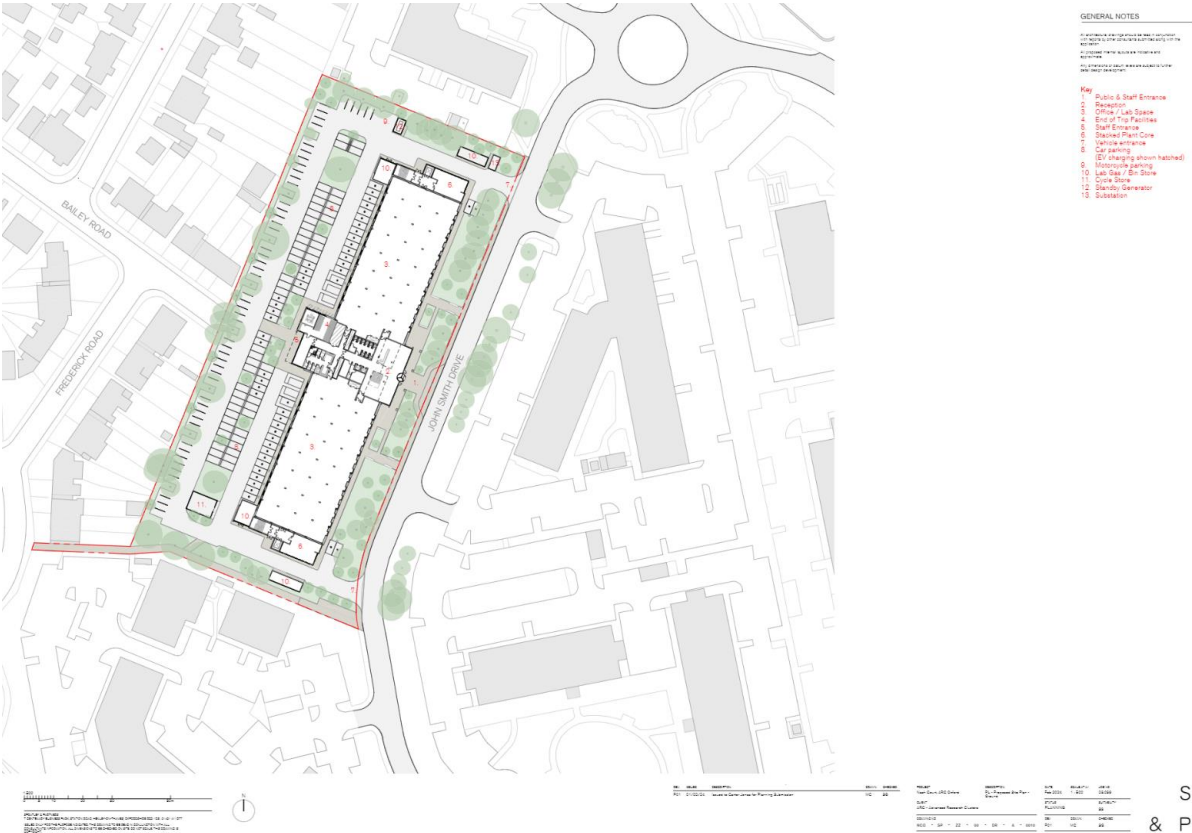


Figure 2: Proposed block plan

7. RELEVANT PLANNING HISTORY

7.1. The table below sets out the relevant planning history for the application site:

Application Ref	Description	Decision
91/01303/NO	Demolition of all buildings. Construction of buildings for B1 business use (125,023 square metres) & a hotel (10,451 square metres) incl. new roads, car parking, infrastructure & landscaping (Amended Plans) (Oxford Business Park, Garsington Road).	Approved 27.11.92
93/00706/NR	Details of access and landscaping on Garsington Road and some internal site roads. Details of landscaping on Eastern Bypass (part reserved matters of outline approval NO/1303/91)	Approved 02.02.94
95/01818/NR	7 two storey buildings for business purposes (total 5097 sq. m.) together with car parking (256 spaces including 12 spaces for disabled people) cycle parking, access, landscaping and ancillary (amended plans)	Approved 12.02.1996
99/01351/VF	Variation of condition 1 on permission NO/1303/91 to allow submission of reserved matters application until 26.11.2004.	Approved 15.10.1999
04/00215/VAR	Variation of condition 1 on permission 99/01351/VF to allow submission of reserved matters application until 30.11.2012.	Approved 02.04.2004
12/01424/EXT	Extension to the outline planning permission	Approved 13.12.2012

	91/01303/NO for Class B1 business use, hotel, associated roads, car parking, infrastructure and landscaping.	
--	--	--

Pre-application advice

7.2. Pre-application engagement took place from October 2023 to January 2024. A summary of key amendments made to the proposal during this time is listed below:

- The building has been pulled back from residential rear garden boundaries to the west by an additional 16.3m (total of 33.7m) to ensure the proposal would not lead to overlooking, perceived or otherwise, and reduce any overbearing impact.
- The rear elevation has been carefully articulated and the plant enclosure has been reduced as far as possible, again to mitigate impact on neighbouring amenity.
- Fenestration to the rear has been simplified and reduced to mitigate overlooking and the impact on views from Frederick Road.
- The plant screen materiality was amended to a high-quality bronze coloured metal cladding and extended across the upper storey in order to break down the building mass and meaningfully integrate the plant enclosure into the building design.

8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	NPPF	Local Plan	Other planning documents
Design	131-141	DH1 - High quality design and placemaking DH7 - External servicing features and stores	
Conservation/ Heritage	195-214	DH2 - Views and building heights DH3 - Designated heritage assets	High Buildings TAN
Housing	60-84	H14 - Privacy, daylight and sunlight	
Commercial	85-89	E1 - Employment sites - intensity of uses SP10 - Oxford Business Park	Employment Skills TAN

Natural environment	180-194	G2 - Protection of biodiversity geodiversity G7 - Protection of existing Green Infrastructure G8 - New and enhanced Green and Blue Infrastructure	
Social and community	118-122	RE5 - Health, wellbeing, and Health Impact Assessment	
Transport	108-117	M1 – Prioritising walking, cycling and public transport M2 – Assessing and managing development M3 – Motor vehicle parking M4 – Provision of electric charging points M5 – Bicycle parking	Parking Standards SPD
Environmental	157-179	RE1 - Sustainable design and construction RE4 - Sustainable and foul drainage, surface RE6 - Air Quality RE8 - Noise and vibration RE9 - Land Quality RE4 - Sustainable and foul drainage, surface	Energy Statement TAN
Miscellaneous	7-14	S1 - Sustainable development RE2 - Efficient use of Land RE7 - Managing the impact of development	

9. CONSULTATION RESPONSES

- 9.1. Site notices were displayed around the application site on 5th March 2024 and an advertisement was published in The Oxford Times newspaper on 29th February 2024.

Statutory and non-statutory consultees

Oxfordshire County Council (Highways)

- 9.2. No objection, subject to conditions.

Lead Local Flood Authority (LLFA)

- 9.3. No objection, subject to conditions.

Thames Water Utilities Limited

- 9.4. No objection, subject to condition and informative.

Thames Valley Police (TVP)

9.5. An initial objection was raised due to concerns around access and security, postal deliveries, car parking and cycle storage. However, following clarification provided by the applicant, the objection was lifted on 3rd May 2024 with no conditions recommended.

Oxford Preservation Trust

9.6. No comments received.

Historic England

9.7. No comments to make.

Active Travel England

9.8. Standing advice given.

Environment Agency

9.9. No comments received at time of writing but we are awaiting a response.

Public representations

9.10. No public comments have been received.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- a) Principle of development
- b) Design, views and impact on heritage assets
- c) Impact on neighbouring amenity
- d) Health and wellbeing
- e) Highways and parking
- f) Trees and landscaping
- g) Air Quality
- h) Sustainable design and construction
- i) Noise
- j) Land quality
- k) Flood Risk and Drainage
- l) Ecology
- m) Utilities

a. Principle of development

10.2. The NPPF sets out a presumption in favour of sustainable development and the Core Principles encourage the efficient use of previously developed land. Policies S1 and RE2 of the Oxford Local Plan 2036 are consistent with this approach. Policy RE2 requires that development proposals must make best use of site capacity, in a manner compatible with the site itself, the surrounding area and broader consideration of the needs of Oxford. The development proposal must have a density appropriate for the proposed use, with an appropriate scale and massing, maximise

the appropriate density with a built form and site layout appropriate to the capacity of the site.

- 10.3. The Oxford Local Plan recognises at paragraph 128 that Oxford has *“one of the highest concentrations of knowledge intensive businesses in the UK. It has the fastest growing and one of the best educated workforces in the country and is the main centre of research and spin outs in the country. The Local Plan supports the growth of these sectors and puts in place measures to manage the effects of success”*. The Oxfordshire Strategic Economic Plan (2017) sets out the long-term vision and ambitions for economic growth in the County, which is that overall by 2030 *“Oxfordshire will be recognised as a vibrant, sustainable, inclusive world leading economy driven by innovation, enterprise and research intelligence”*. The Oxfordshire Local Industrial Strategy (2019) looks to position Oxfordshire as one of the top 3 global innovation ecosystems highlighting the County’s world leading science and technology cluster.
- 10.4. As above, the site forms part of a Category 1 employment site and as such, under the requirements of policy E1 of the Oxford Local Plan 2036, the site is protected for employment floorspace only. Planning permission will be granted for the intensification, modernisation and regeneration for employment purposes of any employment site if it can be demonstrated that the development makes the best and most efficient use of land and does not cause unacceptable environmental impacts and effects. Further, the Park is allocated under policy SP10 for employment and, potentially, other complimentary uses. The policy encourages the promotion of sustainable travel modes to the Park and there is a requirement to mitigate any harm to biodiversity value.
- 10.5. It is therefore considered that intensifying development on the site for business (Use Class E(g)) uses within the research led employment sector, as proposed, is acceptable in principle subject to compliance with all requirements of policies E1, SP10 and the Local Plan as a whole.
- 10.6. The submitted Economic Statement estimates that approximately 115 on-site jobs would be created during the 19-month construction period with 500 jobs created on site once operational, an increase of 150 jobs compared to what the partially vacant site could feasibly support if it were fully operational. According to the Statement, the proposal could create 190 jobs associated with the operational phase (net, on-site and off-site) for residents of Oxford. The Statement also estimates that the economic activity on site would result in up to £38 million of Gross Value Added (GVA) each year, once fully operational.
- 10.7. In addition to the above, the applicant has committed to entering into Construction and End User Community Employment and Procurement Plans (CEPP) which would ensure that local people are employed and local businesses are supported during the construction and operational phases of the development. This would be secured by legal agreement.

b) Design, views and impact on heritage assets

- 10.8. The NPPF makes it clear that the purpose of planning is to help achieve sustainable development (Section 2), and that design (Section 12) and effects on the natural environment (Section 15) are important components of this.
- 10.9. Section 11 of the NPPF notes in paragraph 128 that in respect of development density the considerations should include whether a place is well designed and “the desirability of maintaining an area’s prevailing character and setting...or of promoting regeneration and change”.
- 10.10. Paragraph 135 of the NPPF states that decisions should ensure that developments will a) function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; c) are sympathetic in local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); d) establish or maintain a strong sense of place to create attractive, welcoming and distinctive places and e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public open space) and support local facilities and transport networks; and f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 10.11. Local Plan Policy DH1 requires developments to demonstrate high quality design and placemaking.
- 10.12. In response to the plot’s long and fairly narrow form, the proposed building is long, slender and of a relatively simple form, making an efficient use of the development plot that sits comfortably within the local context. Sufficient vehicular parking is located to the rear, screened by the building, which allows for generous soft landscaping to the front, providing a key place-making element that will respond to forthcoming development on the Park (currently being discussed at pre-application stage). As set out in more detail below, the building is stepped away from the western boundary which adjoins residential properties, thereby mitigating harm to neighbouring amenity.
- 10.13. Internal amenity space has been positioned over the entrance which forms the highest part of the building, legibly marking the entry point to the building. Again, this increased bulk is positioned away from the western edge so as to avoid impacting adjacent residential properties, demonstrating a well thought out and effective design.
- 10.14. The upper storey of the proposed building is further stepped back from residential neighbours, with smaller windows and clad in bronze coloured metal, differentiating it from lower floors helping the upper storey to read as a roof top. This approach to the scale, massing and materiality (to be secured by condition) enables a comfortable transition between the commercial typology of the Park and the neighbouring 2-3 storey dwellinghouses.

10.15. The retention and enhancement of the existing footpath through to Boswell Road allows sufficient permeability for the site, as well as the main access from John Smith Drive.

10.16. In conclusion, it is considered that this is a thoughtful and well considered proposal that maximises efficiency of the site whilst achieving an appropriate and comfortable quantum of development. The relatively simple form and façade design sits comfortably within both the residential and commercial site contexts. This is a quality design that reflects the wider step change of ARC Oxford and would be a welcome addition to the campus.





Figure 3: Proposed east (front) and west (rear) elevations

10.17. As required by Local Plan policy DH2, the City Council will seek to retain significant views both within Oxford and from outside. Policy DH3 requires development to respond positively to the significant character and distinctiveness of heritage assets.

10.18. Oxford's historic built environment, including its central core and surrounding townscape, is intrinsically linked to its landscape setting. The city's character has been influenced by its physical and topographical environment, which has three fundamental elements:

- River meadows – these flat open areas permeate the city north to south.
- Wooded farmland, estates & hills – these high and nearby hills form a natural green backdrop and 'amphitheatre' to the east and west of the city.
- Alluvial lowland & vale farmland – these areas of lower lying hills are predominant to the north and south of the city and signal the location of the rivers.

10.19. Oxford's historic built environment features an architectural history that comprises:

- Medieval historic core, originating from C9th Saxon burgh, built on a raised gravel terrace at the confluence of the rivers which contains a cluster of tall buildings of exceptional architectural significance that form its iconic skyline

and are collectively known as the 'dreaming spires'. The historic core is designated as Oxford's Central Conservation Area.

- Surrounding outlying villages of medieval origins, designated as individual conservation areas, which have been subsumed by later C19 and C20 development.
- C19 suburban expansion which subsumed the outlying villages and forms, which the poet Matthew Arnold termed "Oxford's base & brickish skirt".
- C20 expansion including the industrial development of the Cowley Motor Works to the south of the city.

10.20. The landscape and built environment elements identified above and their interrelationship with one another and the intrinsic connection of Oxford's historic development to its landscape setting is fundamental to the significance of the city's Central Conservation Area and can be appreciated from a number of views, both from viewpoints outside of the city looking in (i.e. view cones) and from high level viewpoints within the city looking out.

10.21. At the southern edge of the city, the east and west containing hills fall away to a much lower ridgeline with the backdrop of the Chiltern Hills beyond, which signals the river route and is where the areas of C20 expansion have taken place below and beyond the lower ridge line. The ability to visually appreciate the location, extent and forms of the hills and ridgelines that surround the city is essential to understanding its historic development and heritage significance.

10.22. Any new, tall building development that extends above the ridgeline along the southern edge has the potential to disrupt and detract from the setting of Oxford's historic built environment and its Central Conservation Area, as well as affect the setting of other heritage assets. Notwithstanding this, the south-eastern suburbs, within which the site sits, are an 'Area of Greater Potential' which is less constrained by heritage considerations and therefore has the potential for growth in the form of tall buildings, as outlined in the High Buildings TAN. The High Buildings TAN identifies that buildings taller than 15m high at the Business Park would skyline in views from St Mary's Tower. In correlation with the TAN, the submitted TVIA views suggest that the uppermost parts of the proposed development would be visible from the towers of St Mary's (Grade I), and St George's (Grade I). However, in both of these views the built form would not break the far horizon line of the Chiltern Hills nor the lower ridgeline, which it would sit just below. The TVIA views indicate that the development would not be visible from Carfax Tower (Grade II), which was also tested.

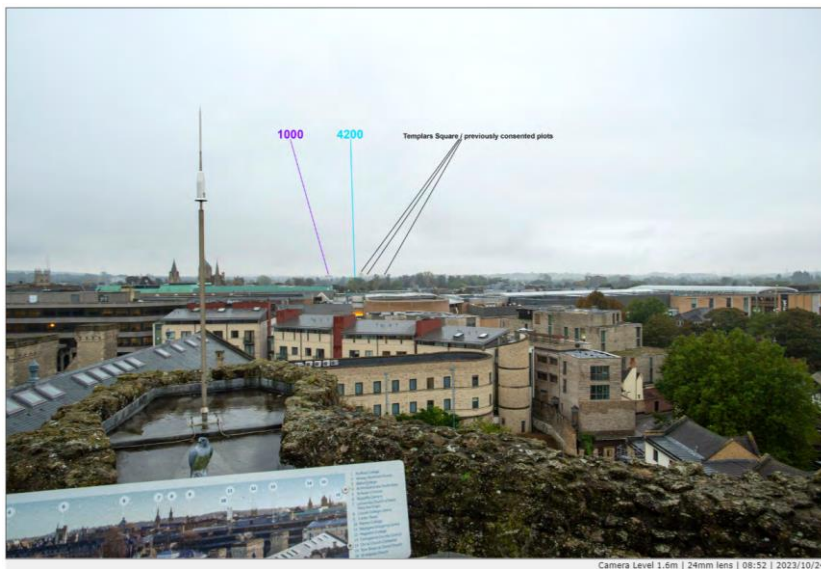


Figure 4: verified views of the proposed building from St Mary's Tower and St George's Tower.

10.23. It is considered that the proposed development would be a modest addition to the Conservation Area's wider setting to the south that would result in a very low level of less than substantial harm to the Central Conservation Area. It is not considered that the development would adversely affect the ability to appreciate the historic and architectural special interest of any of the individual spires that make up the City's iconic skyline; and whilst the development would result in a change to the settings of the Oxford Stadium and Temple Cowley Conservation Areas it would not cause harm to these designated heritage assets.

10.24. When determining an application affecting a Conservation Area, officers are required to take account of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended and Chapter 16 of the NPPF which states that, with respect to buildings or other land in a Conservation Area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the

area. Paragraph 205 requires great weight to be given to conserving a designated heritage asset.

- 10.25. Paragraph 206 of the NPPF states that, *'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.'* Paragraph 208 continues that *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'*.
- 10.26. In accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant planning permission, special regard should be given to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.
- 10.27. In terms of considering the planning balance of public benefits against harm to designated heritage assets, NPPF paragraph 206 states that there should be a clear and convincing justification for the harm, whilst paragraph 208 weighs the harm against public benefits including the optimum viable use.
- 10.28. In terms of providing a clear and convincing justification for the harm, the application has been developed following pre-application discussions with officers on the design, including an explanation of the space requirements for lab buildings. As widely understood now, the demand for high quality lab enabled office space within this part of the 'Golden Triangle' is outstripping supply making it difficult for Oxford to realise its potential as a global leader. As such officers consider that sufficient evidence has been provided to justify the overall height and form of the building.
- 10.29. In terms of public benefits, National Planning Practice Guidance states that public benefits that flow from a development could be anything that delivers economic, social, or environmental objectives. They need to flow from the development and should be of benefit to the public at large and not just a private benefit, although benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.
- 10.30. The applicant has set out a list of public benefits in the supporting Planning Statement. Officers consider the most valid to be as follows:
- 10.31. Economic: The proposed development would strengthen the provision of lab-enabled office space within Oxford, further strengthening its position as a world leader for the Research and Development sector.
- 10.32. As set out above, during the construction phase (19 months), the proposal would result in the creation of 115 jobs per annum. A net total of 90 jobs per annum associated with on- and off-site construction would be created for residents of Oxford, equivalent to 145 jobs over the construction period. The construction phase would contribute just over £5 million in GVA per annum to the local economy, or just over £8 million over the construction period.

- 10.33. During the operational phase, the proposal has the capacity to create a total of 500 on site jobs (150 more than the existing site could create if at full capacity). A net total of 190 on and off-site jobs would be allocated to Oxford residents (as secured by the CEPP). The operational phase would contribute £38 million in GVA per annum to the local economy.
- 10.34. *Social:* As outlined above, the proposed development would lead to far reaching economic benefits within the City with the applicant also committed to providing and implementing a CEPP which would ensure that employment in the construction and operational phases is made available to local candidates, particularly those within deprived areas and with disadvantages backgrounds that would typically not be considered, or have the opportunity to apply, for jobs within the life science sector.
- 10.35. The proposal would deliver enhanced landscaping, connectivity and legibility through improvements to the footpath adjacent to plot 4200.
- 10.36. *Environmental:* The scheme would provide a 5% Biodiversity Net Gain in line with Local Plan requirements, as detailed below in the relevant sections.
- 10.37. The development would result in a reduction in on-site car parking spaces and a sufficient number of cycle parking spaces for staff and visitors.
- 10.38. Taking these benefits into account, and whilst giving great weight to the conservation of the setting of the Conservation Area and listed buildings, it is considered that the very low level of less than substantial harm caused to the setting of the Central Conservation Area is outweighed by the public benefits that the proposal would bring with it.
- 10.39. In light of the above, it is considered that the proposal accords with policies DH1, DH2 and DH3 of the Oxford Local Plan 2036 and the NPPF.

c) Impact on neighbouring amenity

- 10.40. H14 of the Oxford Local Plan 2036 requires new development to provide reasonable privacy, daylight and sunlight for occupants of both existing and new homes. Policy RE7 requires the amenity of neighbours to be protected with regards to visual privacy, outlook, sunlight, daylight and overshadowing and impacts of the construction phase. Policy RE8 seeks to control nuisance from noise.
- 10.41. The windowless side elevation of 75 Bailey Road, which is located closest to the site, would sit approximately 26m from the proposed building. 2 Frederick Road and 55 Phipps Road (the next closest residential dwellings) would sit 48m and 69m away from the proposed building respectively. As above, due to ground level differences, the application site sits approximately 1.4m below neighbouring dwellings. The closest two-storey office building within ARC Oxford would sit approximately 32m north of the proposed building. The two storey office buildings to the east and south of the site would sit 45m and 26m from the proposed building respectively.

Privacy

- 10.42. Given the significant distances between the proposed development and surrounding residential properties and, whilst appreciating that the proposed building is up to 7m

taller than the existing buildings on site, the proposal would be set away from neighbours by an additional 18m than the existing, it is considered that the proposal would not materially compromise neighbouring privacy. The same can be said for the adjacent commercial uses although the impact on amenity of non-residential occupiers and visitors is given less weight than that of residential neighbours. With regards to overlooking, amendments were made to reduce fenestration as well as the introduction of fins during the pre-application stage to successfully reduce glazing to ensure that residential neighbours would not feel overlooked during operational hours.

Overbearing

10.43. Again, the separation distances would mitigate the potential for the proposed building to have an overbearing impact on residential and commercial neighbours. In addition, officers are mindful that ARC Oxford has been subject to a long-standing allocation for employment use within the current and previous Local Plans and therefore reasonable intensification of the application site is expected within this context. Please see figure below of a local verified view from Bailey Road.



Figure 4: Verified view from Bailey Road

Daylight/ sunlight

10.44. The submitted Daylight, Sunlight and Overshadowing Report demonstrates that all neighbouring windows would meet the BRE criteria for Vertical Sky Component (VSC) and Annual Probable Sunlight Hours (APSH) values. Further, all surrounding residential gardens would receive at least 2 hours of sunlight on 21st March and so would meet the BRE guidelines. As such, neighbouring properties should not be adversely affected by the development. It is important to note that the surrounding commercial outdoor spaces are not required to adhere to this guidance.

Construction phase

- 10.45. In order to protect the amenity of neighbours during the construction process, conditions would be imposed requiring the submission of a Demolition Method Statement, Construction Management Plan and a Construction Traffic Management Plan prior to the commencement of development. The Plans would identify the steps and procedures that would be implemented to minimise the creation and impact of noise, air quality, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage construction vehicle access to the site.
- 10.46. Taking all of the above into account, it is concluded that the proposed development fully complies with policies RE7, RE8 and H14 of the Oxford Local Plan 2036.

e) Health and wellbeing

- 10.47. Local Plan policy RE5 seeks to promote strong, vibrant and healthy communities and reduce health inequalities. The application has been supported by a Health Impact Assessment (HIA) which considers the health impacts of the proposed development based on the NHS London Healthy Urban Development Unit (HUDU) Rapid Health Impact Assessment (HIA) as required by policy RE5.
- 10.48. Inclusive design has been considered both internally and externally throughout the scheme with wheelchair accessibility and flexibility available. Further, and as set out above, the existing footpath from Boswell Road to the Park would be enhanced with the removal of gates, the addition of a welcome plaza with seating area and new soft landscaping. This would provide a much more welcoming and unrestricted entrance to the Park for the public to use.
- 10.49. As above, the scheme would provide employment locally in both the construction and operational phases and the applicant has committed to entering into a Community Employment and Procurement Plan (CEPP) which would form part of the S106 legal agreement.
- 10.50. In light of the above, and the contents of this report as a whole, it is considered that the proposed development would comply with policy RE5 of the Oxford Local Plan 2036.

f) Highways and parking

- 10.51. Oxford has the ambition to become a world class cycling city with improved air quality, reduced congestion and enhanced public realm. Road space within the city is clearly limited and to achieve its ambition there is a need to prioritise road space and promote sustainable modes of travel. For non-residential development, the presumption will be that vehicle parking will be kept to the minimum necessary to ensure the successful functioning of the development. Policies M1, M2, M3, M4 and M5 of the Oxford Local Plan 2036 seek to deliver these objectives.
- 10.52. Policy M1 states that planning permission will only be granted for development that minimises the need to travel and is laid out and designed in a way that prioritises access by walking, cycling and public transport. In accordance with policy M2, a Transport Assessment for major developments should assess the impact of the

proposed development and include mitigation measures to ensure no unacceptable impact on highway safety and the road network and sustainable transport modes are prioritised and encouraged. A Travel Plan, Delivery and Service Management Plan and Construction Management Plan are required for a development of this type and size. These would be secured by planning conditions.

Sustainability

10.53. The site is located within a densely populated area of the City with a large number of residents within walking and cycling distance to ARC Oxford. The site is considered sustainable, however, there are some improvements required in order to make active and sustainable travel to the site the preferred choice.

10.54. The site is well connected by bus, with nearby stops close to the site on Garsington Road, Hollow Way and Barns Road. However, these services mainly serve the City centre and do not offer a great level of service to other parts of the City. As a large number of staff would be expected to travel to the site by bus, it is essential that a better level of service connecting the site to other parts of the City is in place before the site is operational. Therefore, financial contributions towards the new 'eastern arc' bus service – connecting the site with Marston, Headington and North Oxford - have been requested and would be secured by legal agreement. As the Planning Committee is aware, it is currently anticipated that the Cowley Branch Line will be operational in 2028. A new station is proposed adjacent to the Tesco Supermarket to the east of ARC Oxford which would further enhance the sites sustainability.

Access

10.55. Pedestrian access to the plot would be via the existing central vehicular access off John Smith Drive which would be stopped up.

10.56. Vehicular access is proposed via two priority junctions off John Smith Drive, located at the northern and southern boundary of the site, which provide an internal road link through the site. As above, the existing vehicular access located at the centre of the plot would be stopped up with a drop-off bay created in its place. The submitted swept path analysis drawings demonstrate that service vehicles could access the site while passing a standard sized car on the access roads with sufficient visibility splays. The proposed vehicular access is therefore considered acceptable.

Vehicular and cycle parking

10.57. As set out above, the site is currently served by 243 car parking bays. The application proposes a reduction in car parking provision by 77 spaces to 166 bays (including 6 visitor spaces). It is estimated that the proposed building would be occupied by a maximum of 500 members of staff, with approximately 400 on site at any one time. This would equate to a mode share of 41.5% with a commitment, secured within the S106, to reduce car parking further to a 31% mode share once the Cowley Branch Line is operational at two trains per hour during peak times. This strategy is considered acceptable, particularly given that the proposal would result in a reduction in parking in this sustainable location in line with the requirements of Local Plan policy M3.

10.58. 117 cycle parking spaces would be provided for staff and visitors throughout the site, including 8 spaces for cargo and accessible bicycles. 59 (34 stacked and 25 hoops) would be located within a secure shelter to the rear of the building, adjacent to and

connected to the rear reception. 52 (20 stacked and 32 hoops) sheltered stands would be located within the car park. 3 external hoops would be located to the front of the building as well as 3 hoops at the entrance plaza of the footpath to Boswell Road. This level of provision is in excess of Local Plan requirements and therefore welcomed by Officers. Details of the cycle parking stands would be conditioned to ensure convenience and high quality.

Traffic generation

- 10.59. The submitted trip generation figures demonstrate a significant increase in staff travelling sustainably to the site and is therefore accepted by the Highways Authority. Given that car parking provision would reduce from the existing number, it is not considered that there would be an impact on the highway network or local junctions and as such, it is not considered that capacity assessments are required.
- 10.60. In light of the above, it is considered that the proposed development complies with Local Plan policies M1, M2, M3, M4 and M5.

g) Trees and landscaping

- 10.61. Policy G7 of the Oxford Local Plan 2036 requires that any unavoidable loss of tree canopy cover should be mitigated by the planting of new trees or introduction of additional tree cover. Policy G8 continues that development proposals affecting existing Green Infrastructure features should demonstrate how these have been incorporated within the design of the new development where appropriate.
- 10.62. The proposed development would result in the loss of 20 early-mature or semi-mature category B individual trees from the central core of the plot. To mitigate this loss, a broad palette of new tree species would be planted, creating a strong character and structure to the development. A range of predominantly native and some non-native species are proposed, offering wildlife benefits with seasonal colour for visual amenity in the landscape.
- 10.63. The Council's Green Spaces TAN requires a Tree Canopy Cover Assessment (TCCA) to be submitted for various types of applications. For major non-residential developments, it needs to be demonstrated that there would be no net loss in canopy cover compared with a no development baseline scenario + 25 years. The projection calculations of the tree canopy cover assessment show a tree canopy cover uplift at 25 years, with a 17sq. m. canopy cover increase within the development. This provides a tree canopy cover of 39.4% of the site area, which is a 0.1% canopy cover increase of the developed site over the site without development.
- 10.64. All trees are proposed to be planted in soft landscaped beds; these are of reasonably generous proportions for the semi-mature nursery stock sizes proposed to provide an immediate impact at planting. However, planting pit sizes need to extend beyond and below proposed hard surfaces for parking-bays to have reasonable confidence that trees would have sufficient rooting volume to attain their intended potential sizes; sizes which underpin the TCCA assumptions for compensation of canopy cover loss. A condition would be attached, requiring an amended tree planting strategy to be submitted prior to commencement of development to ensure compliance with TAN9 and Local Plan policy G7.

10.65. In light of the above, the proposals are considered to meet the requirements under Local Plan policies G7 and G8 and the Green Spaces TAN.

h) Sustainable design and construction

10.66. The Council is committed to tackling the causes of climate change by ensuring developments use less energy and assess the opportunities for using renewable energy technologies. As such, policy RE1 of the Oxford Local Plan 2036 requires schemes to incorporate a number of sustainable design and construction principles.

10.67. Policy RE1 requires developments for new build non-residential development of over 1,000sq. m. to achieve at least a 40% reduction in carbon emissions from a 2013 Building Regulations (or future equivalent legislation) compliant base case. As the Planning Committee will be aware, the new 2021 building regulations were introduced in June 2022 and form the basis of the submitted Energy Statement. Policy RE1 also requires that non-residential development achieves BREEAM Excellent accreditation.

10.68. The proposal has adopted a fabric first approach with insulation and highly sustainable glazing, natural ventilation and the use of brise-soleil and deep window reveals to reduce solar gain. In terms of renewable energy systems, Air Source Heat Pumps (ASHPs) for both heating and cooling and 1,212sq. m. of roof mounted PV solar panels to generate 212 MWh electricity would be installed within the building.

10.69. The scheme would achieve a 45.4% reduction in carbon emissions when set against Part L of the 2021 building regulations. It is anticipated that the scheme would achieve BREEAM Excellent. Conditions requiring compliance with the approved Energy Statement and certification of BREEAM Excellent would be attached to the planning permission to ensure compliance with local policy.

10.70. In light of the above, it is considered that the proposal complies with the requirements of policy RE1 of the Oxford Local Plan 2036.

i) Air quality

10.71. Policy RE6 of the Oxford Local Plan 2036 requires new development to mitigate its impact on air quality and minimise or reduce exposure to poor air quality.

10.72. The application site is located within the Oxford city-wide Air Quality Management Area (AQMA), declared by Oxford City Council for exceedances of the annual mean NO₂ air quality objective (AQO);

10.73. The submitted air quality baseline desk assessment demonstrates that current air quality levels at the application site are below relevant air quality objectives for NO₂, PM₁₀ and PM_{2.5} concentrations. Therefore, the location of the application site is considered suitable for its intended use without mitigation.

10.74. As above, the development would be all-electric and as such, there would be no emissions associated with energy provision. 29% of parking bays would be provided with Electric Vehicle charging, slightly in excess of the Local Plan requirement of 25%. Details of this infrastructure would be conditioned along with the requirement

for adequate ducting to be provided at 100% of spaces to enable additional charging points should demand dictate, in accordance with Local Plan policy M4.

- 10.75. As set out within the submitted Transport Assessment and Air Quality Assessment (AQA), it is anticipated that there would be no more than 10 additional Heavy-Duty Vehicles on any one road link on any given day during the construction phase and therefore it is unlikely that significant impacts on air quality would occur during this time. During occupation, the proposal would result in a reduction in vehicle trips from the existing use of the site, providing a betterment.
- 10.76. The impacts of demolition and construction work on dust soiling and ambient fine particulate matter concentrations have been assessed within the AQA, which identified that there is a medium risk of dust soiling impacts due to the proximity of existing receptors to the proposed development. The sensitivity of the area for human health was classified as “low risk”. The risk of dust causing a loss of local amenity and increased exposure to PM10 concentrations has been used to identify appropriate dust mitigation measures. Provided these measures are implemented and included within a dust management plan, as required by condition, the residual impacts are considered to be not significant.
- 10.77. In light of the above, it is considered that the proposed development complies with Local Plan Policy RE6, subject to suggested conditions set out below.

j) Noise

- 10.78. Policy RE8 of the Oxford Local Plan 2036 requires new developments to manage noise in order to safeguard or improve amenity, health, and quality of life for local communities.
- 10.79. The proposed mechanical plant noise levels criteria have been adequately predicted at the identified receptors taking into consideration distance losses, surface acoustic reflections and, where applicable, screening provided by the building.
- 10.80. Based on the results of the submitted Noise Assessment, noise limits for the proposed plant have been adequately calculated and demonstrate that the noise criteria of the proposed plant strategy would meet the Local Authority criteria during the operating period and should not have an adverse impact on the nearest sensitive receivers.
- 10.81. In light of the above, it is considered that the proposed development complies with Local Plan Policy RE8, subject to conditions set out below.

k) Land Quality

- 10.82. The Council has a statutory duty to take into account, as a material consideration, the actual or possible presence of contamination on land. As a minimum, following development, land should not be capable of being determined as contaminated land, meaning the contamination poses an unacceptable risk to human health or the environment, under Part 2A of the Environmental Protection Act 1990. In accordance with policy RE9 of the Oxford Local Plan 2036, a Phase 1 Desk Study and contaminated land questionnaire was submitted as part of the application.

- 10.83. As demonstrated in the submitted site investigation and risk assessment, no major ground contamination risks were identified on site. No significant ground gas or groundwater risks were identified although, it is apparent that there are locations of the site that were not fully investigated due to various issues including access restrictions and concrete obstructions below ground. The site investigation data set is therefore considered incomplete for the characterisation of contamination risks across the whole site. It is therefore considered necessary, as acknowledged by the applicant, to undertake an element of further site investigation post demolition of the existing buildings. This would include a further ground gas risk assessment in the area of the former gravel pit identified to the south of the site.
- 10.84. The Environment Agency (EA) has been consulted for their comments on potential groundwater contamination given the historic car manufacturing use of the site. Due to the current under resourcing of the EA, comments are not expected after the publication of this report. Any conditions that are recommended by the EA would be attached to the planning permission which would not be issued until EA comments have been received.
- 10.85. It is considered that, subject to conditions suggested by the EA and those set out below, the proposed development would comply with Local Plan policy RE9.

I) Flood Risk and Drainage

- 10.86. Local Plan policy RE3 requires applications for development within flood zones 2 and 3 and sites over 1ha in flood zone 1 to be accompanied by a Flood Risk Assessment (FRA) demonstrating that the proposed development will not increase flood risk on or off site; and safe access and egress in the event of a flood can be provided; and details of the necessary mitigation measures to be implemented have been provided.
- 10.87. As above, the application site lies wholly within flood zone 1 (lowest probability of flooding) and extends to less than 1ha. Therefore, the application has not been accompanied by an FRA in line with policy and guidance. To ensure that the proposed development does not lead to an increased flood risk, the drainage systems would be regularly inspected and maintained. An allowance for an additional 40% climate change induced rainfall has been included in the 100 year calculations to ensure that the effect of potential higher rainfall rates are mitigated to below pre-development conditions. Taking into account the proposed drainage measures, it is considered that there would be no increase in flood risk to off-site receptors now and in the future.
- 10.88. Local Plan policy RE4 requires all development proposals to manage surface water through Sustainable Drainage Systems (SuDS) or techniques to limit run-off and reduce the existing rate of run-off on previously developed sites. Surface water runoff should be managed as close to its source as possible.
- 10.89. The submitted Drainage Strategy sets out that, surface water would be discharged utilising infiltration from cellular tanks and permeable paving. In the event that the volume of run-off exceeds the capacity of the infiltration systems, an over-flow system would redirect excess water to the existing surface water sewer at John Smith Drive. Foul water is proposed to be discharged into the existing foul sewer system located along the southwestern boundary of the site.

10.90. In light of the above, and subject to the conditions set out at section 13, it is considered that the proposal would comply with policies RE3 and RE4 of the Oxford Local Plan 2036.

m) Ecology

10.91. Local Plan policy G2 states that development that results in a net loss of sites and species of ecological value will not be permitted. On sites where there are species and habitats of importance for biodiversity that do not meet criteria for individual protection, development will only be granted where a) there is an exceptional need for the new development and the need cannot be met by development on an alternative site with less biodiversity interest; and b) adequate onsite mitigation measures to achieve a net gain of biodiversity are proposed; and c) offsite compensation can be secured via legal obligation. Compensation and mitigation measures must offset the loss and achieve an overall net gain for biodiversity of 5% or more from the existing situation and for major development this should be demonstrated using a biodiversity calculator.

10.92. No significant ecological constraints have been identified within the application site. Potential impacts on protected species are limited to impacts on nesting birds if any vegetation removal is undertaken during the nesting season. Suitable mitigation is proposed, in addition to enhancements in the form of 3 new bird boxes. Further habitat enhancements include 4 insect boxes and 2 hedgehog domes, all to be secured by condition.

10.93. Officers have calculated that the proposed development would result in an increase of 4.35 habitat units (+70.35%), therefore meeting the Local Plan requirement of a 5% Biodiversity Net Gain (BNG). This is acceptable given that the application was submitted prior to the national requirement to achieve 10% BNG coming into force (12th February 2024). The proposed net gain is driven by the proposed on and off-site tree planting and biodiverse roof and will be secured by legal agreement.

10.94. In light of the above, and subject to the imposition of the conditions set out below, it is considered that the proposed development would comply with policy G2 of the Oxford Local Plan 2036.

n) Utilities

10.95. Local Plan Policy V8 requires developers to explore existing capacity (and opportunities for extending it) with the appropriate utilities providers.

10.96. The applicant team is currently engaging with 'Power On' regarding wider power requirements for the Park, with future development in mind. A new sub-station and power supply would be provided at plot 4200, with power loads of 2147kVa being applied for. A 11kV high voltage supply would be provided to the boundary of plot 4200 by an approved district network operator with their high voltage ring main unit housed within an external GRP enclosure, annotated as 'sub-station' (no.13) on the proposed site plan.

- 10.97. There is no requirement for a gas supply to the development. On plot below ground infrastructure would be required to enable laboratory gases delivered to the site to be fed into the building.
- 10.98. The applicants are yet to enter into dialogue with Thames Water, however no objections have been made to the application with regards to network capacity, or surface and foul water drainage.
- 10.99. It is proposed that BT provision could be taken from the existing network off John Smith Drive. Provision would be required for incoming fibres and potentially phone lines for any tenants. It is proposed that cable ducts are put in place but the responsibility to source connections would lie with the tenants.
- 10.100. In light of the above, it is considered that the proposed development complies with policy V8 of the Oxford Local Plan 2036.

11. PLANNING OBLIGATIONS

11.1. It is considered that the following matters should be secured through a section 106 legal agreement:

- An agreement to enter into a S278 Agreement with the Highways Authority regarding the requirement to provide dropped-kerbs, bollards and double yellow lines at Boswell Road within the vicinity of the pedestrian/cycle route through to ARC, Oxford.
- An agreement to reduce car parking numbers by 36 spaces, from 166 to 130 bays within 3 months of the Cowley Branch Line operating a passenger service of 2 trains per hour at peak times between London Marylebone, Oxford City centre and Oxford Cowley.
- A requirement that tenancy agreements shall include the loss of parking spaces, with appropriate clauses inserted into lease agreements to secure their sacrifice.
- £114,142.00 towards the Eastern Arc bus service with agreement/qualification that the County Council will use all reasonable endeavours to procure bus service stops within the north and south of the Campus in locations to be marked on a plan.
- £3,110.00 towards Travel Plan monitoring.
- The provision and implementation of a Construction (excluding demolition, site clearance and remediation works) and End User Community Employment and Procurement Plans with the City Council.
- Agreement that the footpath between Boswell Road and ARC shall remain open 24 hours a day, 7 days a week in perpetuity upon completion of the footpath works

- Agreement to achieve 5% Biodiversity Net Gain within the wider ARC Oxford site (edged blue on the site location plan).

12. CONCLUSION

- 12.1. Officers consider that the proposed development would respond appropriately to the site context and Local Plan policies and Oxford Business Park site allocation.
- 12.2. Having regards to the matters discussed in the report, officers would make members aware that the starting point for the consideration of this application is in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which makes clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise.
- 12.3. The NPPF recognises the need to take decisions in accordance with Section 38 (6) but also makes clear that it is a material consideration in the determination of any planning application (paragraph 2). The main aim of the NPPF is to deliver sustainable development, with paragraph 11 the key principle for achieving this aim. The NPPF also goes on to state that development plan policies should be given due weight depending on their consistency with the aims and objectives of the Framework. The relevant development plan policies are considered to be consistent with the NPPF.
- 12.4. Therefore, it would be necessary to consider the degree to which the proposal complies with the policies of the development plan as a whole and whether there are any material considerations, such as the NPPF, which are inconsistent with the result of the application of the development plan as a whole.
- 12.5. Officers consider that the proposed development would respond appropriately to the site context, Local Plan policies and the Oxford Business Park site allocation. The proposal would provide enhanced pedestrian connectivity and improved wider transport infrastructure through financial contributions and it is considered that there would be no harm to the highway network as a result of traffic generation. The development would result in a net gain in tree canopy cover through new and retained soft landscaping.
- 12.6. There would be no harm to any identified protected species and the proposal would achieve a Biodiversity Net Gain of 5%. The development would be of a sustainable design and construction, achieving a 45.4% reduction in carbon emissions when set against the 2021 Part L Building Regulations. The reduction in car parking provision is considered acceptable in accordance with the objectives of the Oxford Local Plan 2036 and adequate cycle parking would be provided, with further details to be secured by condition. The scheme would result in a very low level of less than substantial harm to the setting of the Central Conservation Area due to its limited impact on views out to the rolling eastern hills. However, Officers consider that the public benefits that would derive from the proposed development would outweigh the harm caused. There would be no adverse land contamination, noise pollution, air quality or flood risk and drainage impact as a result of the proposal.

12.7. Subject to addressing comments made by the Environment Agency, the imposition of appropriately worded conditions and a section 106 legal agreement, the development would accord with all policies in the Oxford Local Plan 2036 and NPPF.

12.8. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the conditions set out at section 13 of this report and the satisfactory completion (under authority delegated to the Head of Planning Services) of a legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers.

13. CONDITIONS

Time limit

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

Approved plans

2. Subject to other conditions requiring updated or revised documents submitted with the application, the development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings in accordance with policies S1 and DH1 of the Oxford Local Plan 2016-2036.

Materials

3. Prior to installation, large scale sample panels of the following shall be erected on site and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The development shall be completed in accordance with the approved sample panels which, where feasible, shall remain on site for the duration of the development works:
 - a) All new reconstituted stone/ GRC, brick, terracotta tiles, metal cladding, spandrel panels and metalwork trims demonstrating the colour, texture, mortar, reflectivity and joints.
 - b) All new hard landscaping.
 - c) Boundary treatments
 - d) Street furniture.
 - e) Lighting.

Reason: To ensure high quality development and in the interests of the visual appearance in accordance with policies DH1 of the Oxford Local Plan 2016-2036.

Plant equipment

4. Prior to installation, large scale details (1:50) of the design, size and finished appearance of all visible mechanical plant shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details upon installation.

Reason: To ensure high quality development and in the interests of the visual appearance in accordance with policies DH1 of the Oxford Local Plan 2016-2036.

Signage

5. Prior to the installation of any external signage, large scale (1:20) details shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with approved details unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure high quality design in accordance with policy DH1 of the Oxford Local Plan 2036.

Solar panels

6. Prior to installation, large scale (1:20) drawn details and specifications of the proposed solar PV panels shall be submitted to and approved in writing by the Local Planning Authority. The Development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a sympathetic appearance of the proposed development in accordance with policy DH1 of the Oxford Local Plan 2036.

Biodiverse roof

7. Prior to installation, a detailed maintenance plan from the suppliers for the proposed biodiverse roof shall be submitted to and approved in writing by the Local Planning Authority. The Biodiverse roof shall be provided in accordance with the approved details prior to occupation and maintained thereafter.

Reason: To ensure the longevity of this new green infrastructure and design quality in accordance with policies G8 and DH1 of the Oxford Local Plan 2036.

Lighting strategy

8. Prior to the installation of external lighting, a comprehensive lighting strategy, including means to control light spillage and glare from both internal and external light sources, to meet the general standards of BS5489-1:2020, serving the entire scheme shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall also:

- a. Identify those areas/ features that are particularly sensitive for bats and that are likely to cause disturbance in or around breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b. Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

Only the approved details shall be carried out, and they shall be retained thereafter, unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure a sympathetic appearance of the proposed development and enhance the safety and amenity of residents in accordance with policies RE7 and DH1 of the Oxford Local Plan 2036 and to comply with the Conservation of Habitats Regulations 2017 (as amended) and The Wildlife and Countryside Act 1981 (as amended).

Phased contaminated land assessment

9. Prior to the commencement of the development, except for demolition, a phased risk assessment shall be carried out by a competent person in accordance with relevant British Standards and the Environment Agency's Land Contamination Risk Management (LCRM) procedures for managing land contamination. Each phase shall be submitted to and approved in writing by the Local Planning Authority.

Phase 1 desk study has been submitted and approved.

Phase 2 shall include a further element of intrusive investigation to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals in those areas of the site that have not yet been investigated.

Phase 3 requires that a remediation strategy, validation plan, and/or monitoring plan be submitted to and approved by the local planning authority to ensure the site will be suitable for its proposed use.

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the site is suitable for the proposed use in accordance with the requirements of policy RE9 of the Oxford Local Plan 2036.

Land quality – remedial works

10. The development shall not be occupied until any approved remedial works

have been carried out and a full validation report has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that any soil and water contamination is identified and adequately addressed to ensure the site is suitable for the proposed use in accordance with the requirements of policy RE9 of the Oxford Local Plan 2036.

Land quality – unexpected contamination

11. Throughout the course of the development, a watching brief for the identification of unexpected contamination shall be undertaken. Any unexpected contamination that is found during the course of construction of the approved development shall be reported immediately to the local planning authority. Development on that part of the site affected shall be suspended and a risk assessment carried out by a competent person and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development (or relevant phase of development) is resumed or continued. Proposed new landscaped areas must only include clean, pre-tested soils that are suitable for use.

Reason- To ensure that any soil and water contamination is identified and adequately addressed to ensure the site is suitable for the proposed use in accordance with the requirements of policy RE9 of the Oxford Local Plan 2036.

Noise levels

12. The noise emitted from the proposed installations located on site shall not exceed the existing background level at any noise sensitive premises when measures and corrected in accordance with BS4142:2014 +A1:2019 'Methods for rating and assessing industrial and commercial sound' with all machinery operating together at a maximum capacity.

Reason: To ensure that the amenities of future occupiers and neighbours are protected in accordance with policies RE7 and RE8 of the Oxford Local Plan 2036.

Anti-vibration isolators

13. Prior to first occupation, plant and equipment on site shall be mounted with proprietary anti-vibration isolators and fan motors shall be vibration isolated from the casing and adequately silenced and maintained as such.

Reason: To ensure that the amenities of future occupiers and neighbours are protected in accordance with policies RE7 and RE8 of the Oxford Local Plan 2036.

Construction works

14. Construction and demolition works and associated activities at the development, audible beyond the boundary of the site, shall not be carried out other than between the hours of 07:00-18:00 Monday to Friday daily, 08:00-13:00 on Saturdays and at no other times, including Sundays and Public/Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the amenities of neighbours are protected in accordance with policies RE7 and RE8 of the Oxford Local Plan 2036.

Notice of site works

15. At least 21 days prior to the commencement of any site works, all occupiers surrounding the site shall be notified in writing of the nature and duration of works to be undertaken. The name and contact details of a person responsible for the site works shall be made available for enquiries and complaints for the entire duration of the works and updates of work shall be provided regularly. Any complaints shall be properly assessed as quickly as possible.

No waste materials shall be burnt on site of the development hereby approved.

All waste materials and rubbish associated with demolition and/ or construction shall be contained on site in appropriate containers which, when full, shall be promptly removed to a licensed disposal site.

Reason: To ensure that the amenities of neighbours are protected in accordance with policies RE7 of the Oxford Local Plan 2036.

Piling Method Statement

16. No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority, in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact/ cause failure of local underground sewerage utility infrastructure.

Landscape surface design – tree roots

17. No development shall take place until details of the design of all new hard surfaces and edges, including sectional drawings and a method statement for their construction if within Root Protection Areas (BS.5837) shall first have

been submitted to and approved in writing by the Local Planning Authority. The hard surfaces shall be constructed in accordance with the approved details unless otherwise agreed in writing beforehand by the Local Planning Authority. Details shall take into account the need to avoid any excavation within the Root Protection Area of any retained tree and where appropriate the Local Planning Authority will expect "no-dig" techniques to be used, which require hard surfaces to be constructed on top of existing soil levels in accordance with the current British Standard 5837: "Trees in Relation to Design, Demolition and Construction - Recommendations".

Reason: To avoid damage to the roots of retained trees in accordance with policies G7 and G8 of the Oxford Local Plan 2036.

Landscape proposals – implementation

18. The landscaping proposals as approved by the Local Planning Authority shall be carried out no later than the first planting season after first occupation or first use of the development hereby approved unless otherwise agreed in writing beforehand by the Local Planning Authority.

Reason: In the interests of visual amenity in accordance with policies G7, G8 and DH1 of the Oxford Local Plan 2016-2036.

Travel Plan.

Landscape proposals – reinstatement

19. Any existing retained trees, or new trees or plants planted in accordance with the details of the approved landscape proposals that fail to establish, are removed, die or become seriously damaged or defective within a period of five years after first occupation or first use of the development hereby approved shall be replaced. They shall be replaced with others of a species, size and number as originally approved during the first available planting season unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity in accordance with policies G7, G8 and DH1 of the Oxford Local Plan 2036.

Landscape management plan

20. Prior to first occupation or first use of the development hereby approved a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules and timing for all landscape areas, shall be submitted to, and approved in writing by, the Local Planning Authority. The landscape management plan shall be carried out as approved by the Local Planning Authority.

Reason: In the interests of amenity and the appearance of the area in accordance with policies DH1, G7 and G8 of the Oxford Local Plan 2036.

Underground services – tree roots

21. No development shall take place until details of the location of all underground services and soakaways have been submitted to and approved in writing by the Local Planning Authority. The location of underground services and soakaways shall take account of the need to avoid excavation within the Root Protection Areas of retained trees as defined in the current British Standard 5837 "Trees in Relation to Design, Demolition and Construction - Recommendations". Works shall only be carried out in accordance with the approved details unless otherwise agreed in writing beforehand by the Local Planning Authority.

Reason: In the interests of visual amenity in accordance with policies G7, G8 and DH1 of the Oxford Local Plan 2016-2036.

Tree Protection Plan

The development hereby approved shall be carried out in strict accordance with the Tree Protection Plan (dwg. no. 05879 TPP Rev A 2.5.24 02/05/2024).

Reason: In the interests of visual amenity in accordance with policies G7, G8 and DH1 of the Oxford Local Plan 2016-2036.

Arboricultural Method Statement

22. The development hereby approved shall be carried out in strict accordance with the Arboricultural Method Statement (Plot 4200, ARC Oxford 05.12.2023) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect retained trees during construction in accordance with policies G7, G8 and DH1 of the Oxford Local Plan 2036.

Arboricultural Monitoring Programme

23. The development hereby approved shall be carried out in strict accordance with the Arboricultural Monitoring Programme (Macgregor Smith Rev T1, April 2024) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect retained trees during construction in accordance with policies G7, G8 and DH1 of the Oxford Local Plan 2016-2036.

Tree planting strategy

24. Prior to commencement of development, excluding demolition, an amended tree planting strategy shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure new trees will attain their intended potential sizes in compliance with TAN9 and policy G7 of the Oxford Local Plan 2036

BREEAM

25. Prior to first occupation of the development, the full BREEAM assessment, confirming the achievement of a level of Excellent shall be provided to and receipt thereof confirmed in writing by the Local Planning Authority.

Reason: To ensure the development incorporates sustainable construction and operational measures in compliance with policy RE1 of the Oxford Local Plan 2036.

Energy Statement

26. The development shall be implemented in strict accordance with the approved Energy Statement (Clancy Consulting 31.01.2024 Rev. P2). The development shall not be occupied until evidence (including where relevant Energy Performance Certificate(s) (EPC), Standard Assessment Procedure (SAP) and Building Regulations UK, Part L (BRUKL) documents) shall be submitted to the Local Planning Authority to confirm that the energy systems have been implemented according to details laid out in the approved Energy Statement and achieve the target performance as approved.

Reason: To ensure that the proposed development sufficiently incorporates sustainable design and construction principles in accordance with policies S1 and RE1 of the Oxford Local Plan 2036.

Construction Environmental Management Plan (CEMP)

27. Prior to the commencement of development an updated Construction Environmental Management Plan (CEMP), including the complete list of site specific dust mitigation measures and recommendations that are identified at Appendix C of the submitted Air Quality Assessment, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved CEMP unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the overall dust impacts during the construction phase of the proposed development will remain as “not significant”, in accordance with the results of the dust assessment, and with Policy RE6 of the Oxford Local Plan 2036.

EV Charging

28. Prior to installation, details of the Electric Vehicle charging infrastructure that is proposed to be installed on-site shall be submitted to, and approved in writing by, the Local Planning Authority. The details shall include the following:
- Location of EV charging points
 - Charging points to cover at least 25% of the total parking provision
 - Appropriate cable provision to prepare for increased demand in future years.

The electric vehicle infrastructure shall be formed and laid out in accordance with approved details before the development is first occupied and shall remain in place thereafter.

Reason: To contribute to improving local air quality in accordance with policies M4 and RE6 of the Oxford Local Plan 2036.

Construction Environmental Management Plan (Biodiversity)

29. Prior to the commencement of development (including demolition, ground works and vegetation clearance) a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include the following:
- a. Risk assessment of potentially damaging construction activities;
 - b. Identification of “biodiversity protection zones” in respect of protected and notable species and habitats;
 - c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts on biodiversity during construction (may be provided as a set of method statements) and biosecurity protocols;
 - d. The location and timing of sensitive works to avoid harm to biodiversity features;
 - e. Contingency/emergence measures for accidents and unexpected events, along with remedial measures;
 - f. Responsible persons and lines of communication;
 - g. The role and responsibilities on site of a qualified ecological clerk of works (ECoW) or similarly competent person if required, and times and activities during construction when they need to be present to oversee works; and
 - h. Use of protective fences, exclusion barriers and warning signs;

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent harm to species and habitats within and outside the site during construction in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended), The Wildlife and Countryside Act 1981 (as amended) and Policy G2 of the Oxford Local Plan 2036.

Landscape and Ecological Management Plan (LEMP)

30. Prior to first occupation, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall include the following:
- a. Description and evaluation of features to be managed, both on and off-site;
 - b. Ecological trends and constraints on site that might influence management;
 - c. Aims and objectives of management;

- d. Appropriate management options for achieving aims and objectives;
- e. Prescriptions for management actions;
- f. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- g. Details of the body or organization responsible for implementation of the plan; and
- h. Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To facilitate the delivery of biodiversity net gain in accordance with Policy G2: Protection of biodiversity and geo-diversity of the adopted Oxford Local Plan 2036 and to ensure compliance with the Wildlife and Countryside Act 1981.

Ecological Enhancements

31. Prior to first occupation, details of ecological enhancement measures including at least three bird nesting devices and two hedgehog domes shall be submitted to and approved in writing by the Local Planning Authority. Details must include the proposed specifications, locations, and arrangements for any required maintenance. The approved devices shall be fully constructed under the oversight of a suitably qualified ecologist prior to occupation of the approved development. Any new fencing will include holes suitable for the safe passage of hedgehogs. The approved devices and fencing holes shall be maintained and retained in perpetuity unless otherwise approved in writing by the local planning authority.

Reason: To enhance biodiversity in Oxford City in accordance with paragraph 174 of the National Planning Policy Framework.

Vision splays

32. The approved vision splays as shown in drg. no. 332610670-5500-001 P03 at appendix B of the Transport Assessment (Stantec, February 2024) shall be provided as an integral part of the construction of the accesses and shall not be obstructed at any time by any object, material or structure with a height exceeding 0.6 metres above the level of the access they are provided for.

Reason: To ensure highway safety in accordance with policy M2 of the Oxford Local Plan 2036.

Pedestrian/ cycle access

33. Prior to first occupation of the development hereby approved, details of the pedestrian and cycle link improvements between John Smith Drive and Boswell Road shall be submitted to and approved in writing by the Local Planning Authority. These improvements must include:
- Low level lighting throughout the footpath
 - CCTV
 - Removal of gates and cycle barriers at Boswell Road and John Smith Drive

The pedestrian and cycle link improvements must thereafter be constructed as approved and retained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority

Reason: To promote sustainable modes of transport in accordance with policy M1 of the Oxford Local Plan 2036.

Car park management plan

34. Prior to first occupation of the development hereby approved, a Car Park Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall stipulate the number of spaces and areas available on site for both staff and visitors and how parking will be allocated, monitored and enforced. It shall also include a plan showing the proposed layout including parking bay dimensions which shall be 5m by 2.5m with 6m aisles, in line with the Oxfordshire County Council Street Design Guide.

Reason: To ensure adequate car parking provision is made, but that does not cause an increase in the trip rate approved as part of the planning permission in accordance with policy M2 and M3 of the Oxford Local Plan 2036.

Cycle parking

35. Prior to first occupation of the development hereby approved, details of the cycle parking areas, including dimensions and means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the cycle parking areas and means of enclosure have been provided within the site in accordance with the approved details and thereafter the areas shall be retained solely for the purpose of the parking of cycles.

Reason: To encourage the use of sustainable modes of transport in accordance with policy M5 of the Oxford Local Plan 2036.

Construction Traffic Management Plan

36. Prior to commencement of the development hereby approved, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The CTMP shall identify;

- The CTMP must be appropriately titled, include the site and planning permission number.
- Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access into the site.
- Details of and approval of any road closures needed during construction.
- Details of and approval of any traffic management needed during construction.
- Details of wheel cleaning/wash facilities – to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway.
- Details of appropriate signing, to accord with the necessary standards/requirements, for pedestrians during construction works, including any footpath diversions.
- The erection and maintenance of security hoarding / scaffolding if required.
- A regime to inspect and maintain all signing, barriers etc.
- Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided.
- The use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc.
- No unnecessary parking of site related vehicles (worker transport etc) in the vicinity – details of where these will be parked and occupiers transported to/from site to be submitted for consideration and approval. Areas to be shown on a plan not less than 1:500.
- Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc.
- Local residents to be kept informed of significant deliveries and liaised with through the project. Contact details for person to whom issues should be raised with in first instance to be provided and a record kept of these and subsequent resolution.
- Any temporary access arrangements to be agreed with and approved by Highways Depot.
- Details of times for construction traffic and delivery vehicles, which must be outside network peak hours.

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding highway network, road infrastructure and local residents, particularly at morning and afternoon peak traffic times in accordance with policy M2 of the Oxford Local Plan 2036.

Travel Plan

37. Prior to first occupation of the development, a full Travel Plan shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To promote sustainable modes of transport in accordance with policy M2 of the Oxford Local Plan 2036.

SuDS

38. Prior to first occupation of the development hereby approved, the approved drainage system shall be implemented in strict accordance with the approved detailed design set out below:

- Flood Risk Assessment and Drainage Strategy (Baynham Meikle Rev 1.3, April 2024)

Reason: To ensure that the principles of sustainable drainage are incorporated into the scheme in accordance with policy RE4 of the Oxford Local Plan 2036.

Surface water drainage

39. Prior to the commencement of development, excluding demolition, a detailed surface water drainage scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details prior to substantial completion of the development and shall be retained thereafter. The scheme shall include:

- A compliance report to demonstrate how the scheme complies with the “Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire”;
- Full drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change;
- A Flood Exceedance Conveyance Plan;
- Comprehensive infiltration testing across the site to BRE DG 365 (if applicable)
- Detailed design drainage layout drawings of the SuDS proposals including cross-section details;
- Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element, and;
- Details of how water quality will be managed during construction and post development in perpetuity;
- Confirmation of any outfall details;
- Consent for any connections into third party drainage systems.

Reason: To ensure that the principles of sustainable drainage are incorporated into the scheme in accordance with policy RE4 of the Oxford Local Plan 2036.

SuDS as built and maintenance plan

40. Prior to first occupation, a record of the installed SuDS and site wide drainage scheme shall be submitted to and approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:

- a) As built plans in both .pdf and .shp file format;

- b) Photographs to document each key stage of the drainage system when installed on site;
- c) Photographs to document the completed installation of the drainage structures on site;
- d) The name and contact details of any appointed management company information.

Reason: To ensure that the principles of sustainable drainage are incorporated into the scheme in accordance with policy RE4 of the Oxford Local Plan 2036.

INFORMATIVES:

1. The site is liable for CIL £852,980.70.
2. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litres/ minute at the point where it leaves Thames Water pipes. The developer should take account of this minimum pressure in the design of the proposed development.
3. All species of bats and their roosts are protected under The Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (as amended). Please note that, among other activities, it is a criminal offence to deliberately kill, injure or capture a bat; to damage, destroy or obstruct access to a breeding or resting place; and to intentionally or recklessly disturb a bat while in a structure or place of shelter or protection. Occasionally bats can be found during the course of development even when the site appears unlikely to support them. In the event that this occurs, work should stop immediately and advice should be sought from a suitably qualified ecologist. A European Protected Species Mitigation Licence (EPSML) may be required before works can resume.
4. All wild birds, their nests and young are protected under The Wildlife and Countryside Act 1981 (as amended). Occasionally nesting birds can be found during the course of development even when the site appears unlikely to support them. If any nesting birds are present then the buildings works should stop immediately and advice should be sought from a suitably qualified ecologist.

14. APPENDICES

- **Appendix 1 – Site location plan**

15. HUMAN RIGHTS ACT 1998

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

16. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

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

Appendix 1 – Site Location Plan

24/00335/FUL
Plot 4200, ARC Oxford



1 Site Location Plan
1 : 2500

PROJECT
Nash Court, ARC Oxford

DESCRIPTION
E - Existing Site Location
Plan

DATE
Feb 2004

JOB NO
05.056

This page is intentionally left blank

Minutes of a meeting of the Planning - Oxford City Planning Committee on Tuesday 19 March 2024



Committee members present:

Councillor Clarkson (Chair)	Councillor Altaf-Khan
Councillor Chapman	Councillor Corais (for Councillor Hollingsworth)
Councillor Douglas (for Councillor Railton)	Councillor Fouweather
Councillor Malik	Councillor Mundy
Councillor Rehman	Councillor Upton

Officers present for all or part of the meeting:

Felicity Byrne, Principal Planning Officer
Sarah De La Coze, Principal Planning Officer
Andrew Murdoch, Development Management Service Manager
Sally Fleming, Planning Lawyer
Robert Fowler, Development Management Team Leader (West)
Mike Kemp, Principal Planning Officer
Emma Lund, Committee and Member Services Officer

Apologies:

Councillors Hollingsworth, Kerr and Railton sent apologies.

Substitutes are shown above.

68. Declarations of interest

General

Councillor Upton declared that as a member and trustee of the Oxford Preservation Trust she had taken no part in that organisation's discussions regarding any of the applications before the Committee. Councillor Upton stated that she was approaching the applications with an open mind, would listen to all the arguments and weigh up all the relevant facts before coming to a decision on them.

23/02114/FUL

Councillor Clarkson declared that she lived in the area close to the John Radcliffe Hospital. However, it was not sufficiently close as to be affected by the application, and she would approach the application with an open mind.

Councillor Malik declared that he also lived in the area close to the John Radcliffe Hospital. However, it was not sufficiently close as to be affected by the application and he would approach the application with an open mind.

Councillor Rehman declared that he also lived in the area close to the John Radcliffe Hospital. However, it was not sufficiently close as to be affected by the application, and he would approach the application with an open mind.

Councillor Chapman declared that the application site was within his ward; however, he had not had any conversations regarding the application and was approaching it with an open mind.

Councillor Douglas declared that he held an honorary contract as a Locum Consultant Physician with the Oxford University Hospitals NHS Foundation Trust. [Note: this did not constitute an interest as the contract was non-remunerated and Councillor Douglas would not be using the new building in the future]. Having arrived at the meeting after the start of the officer's presentation Councillor Douglas did not participate in the debate or vote on this application.

23/02506/CT3

Councillor Upton declared that she had been involved in various discussions relating to funding for the bridge. Although she believed that she would be able to approach the application with an open mind and assess it impartially against Local Plan policies, in order to avoid any perception of pre-determination Councillor Upton stated that she would leave the room whilst the application was considered and would not participate in determining it.

Councillor Chapman declared that he was a member of the Cabinet and also a member of the Shareholder and Joint Venture Group, which had a tangential interest in the application. Whilst he believed that he would be able to consider the application with an open mind, Councillor Chapman stated that due to the risk of the public perception of pre-determination he would leave the room whilst the application was considered and would not participate in determining it.

Councillor Mundy declared that he had been in contact with a member of the public with regard to the application; however, he had not formed an opinion and would be approaching the application with an open mind.

23/01198/FUL

Councillor Corais declared that he had made a representation on the application and would therefore not participate in determining it and would leave the room whilst it was considered.

Councillor Douglas declared that he had submitted an objection in respect of the application and would therefore not participate in determining it and would leave the room whilst the application was considered.

23/00516/FUL

Councillor Malik declared that he had been involved in fundraising following natural disasters and this had involved visiting Oxford's mosques. However, he was not a member of Madina Mosque and was approaching the application with an open mind.

69. 23/02114/FUL: John Radcliffe Hospital, Headley Way, Oxford OX3 9DU

The Committee considered an application (23/02114/FUL) for erection of a modular theatre building including associated infrastructure, landscaping and parking at John Radcliffe Hospital, Headley Way, Oxford.

The Planning Officer gave a presentation and highlighted the following:

- The proposal represented an extension to the hospital of approximately 14,000 sqm of floor space over five levels and would connect to the Childrens' Hospital and the Eye Wing via a link corridor. The building would be of a modular construction, providing 7 new operating theatres in order to meet current demand and provide future capacity.
- The proposal would help to meet the need for surgery in Oxford and Oxfordshire, as well as the wider South East Integrated Care System region. It would also provide approximately 174 new full-time jobs for staff.
- Officers advised that a late representation had been received from the Oxford Preservation Trust and the comments arising had already been covered in the report. Officers considered that there would be some additional harm to views arising from the increase to visual distraction, resulting in a high level of less than substantial harm to the Conservation Area. However, it was considered that the very significant benefits of the proposal in terms of providing much needed theatre accommodation outweighed the harm in this instance.
- 16 visitor car parking spaces would be retained on site and 121 visitor spaces would be re-provided within existing car parks. This would involve the displacement of existing staff car parking spaces, resulting in a reduction of staff car parking provision. The Trust was undertaking a Framework Transport Strategy for the whole site in recognition of the impact of the hospital on traffic generation and congestion in the wider Headington area; this would include measures to help reduce the need for staff to travel to the site by car and encourage a shift to more sustainable modes of transport.
- The Highways Authority had raised no objections to the proposal, subject to conditions securing the Framework Transport Strategy; a travel plan; a car park management plan; cycle parking securing the 35 spaces needed; and a contribution of approx. £170,000 towards the Eastern Arc bus route.
- A satisfactory Landscape Plan and tree canopy cover assessment had now been received. The latter had satisfactorily demonstrated that the tree canopy cover lost would be replaced over 25 years. A biodiversity net gain had also been demonstrated through a scheme of 11 trees to be provided elsewhere in the hospital grounds: this met the minimum of 5% required by the Local Plan policy and also the 10% required by the Environment Act 2021 (although that percentage was not legally required for this application) and this could be secured via a S106 agreement. As such, officers amended their recommendation so as to remove reference to these issues.
- The development would include a drainage strategy and sustainable drainage. This would include attenuation of the water from the car park, resulting in a betterment of the current situation. Officers were satisfied that there would be no increased flood risk elsewhere off-site.
- There would be no adverse impact on neighbouring residential amenity due to nature of the development, topography, and distance from other properties.

- The application was recommended for approval for the reasons set out in the report, subject to conditions and the satisfactory completion of a legal agreement. As a satisfactory Landscape Plan and tree canopy cover assessment had now been received and the biodiversity net gain had been demonstrated, references to these could now be removed from the recommendations.

Mark Pott of Headington Heritage spoke against the application.

Mr Colin Nnadi and Dr Ruth Webster of Oxford University Hospitals NHS Foundation Trust spoke in favour of the application.

The Committee asked questions about the details of the application which were responded to by officers and representatives of the applicant. The Committee's discussions included, but were not limited to:

- The hospital was a very valued facility, both for Oxford residents and those who travelled from other parts of the country to benefit from its facilities. However, Committee Members expressed the view that there was a need for an overarching masterplan to have oversight of broader issues such as transport and traffic congestion which were not addressed within individual planning applications.
- Whilst the proposal to encourage staff to use sustainable transport and the investment in the Eastern Arc bus route was welcome, there remained significant concern about traffic issues and congestion at the site.
- It was considered that the public benefit of the proposal would be significant in terms of reducing waiting lists and improving the quality of life for the patients who would benefit from the treatment provided. This outweighed the inconvenience which some people may face from potentially higher traffic levels and parking in the Controlled Parking Zone. The proposal was also fully compliant with planning policies.

On being proposed, seconded and put to the vote the Committee agreed with the officers' recommendation (as amended to remove reference to the Landscape Plan and tree canopy cover assessment and the demonstration of biodiversity net gain) to approve the application for the reasons set out in the report and subject to the conditions set out in the report and a legal agreement to secure the planning obligations set out in the report.

Note: Councillor Douglas had arrived at the meeting after the commencement of the officer's presentation and therefore did not participate in determining the application.

The Oxford City Planning Committee resolved to:

1. **approve the application** for the reasons given in the report subject to the required planning conditions set out in section 12 of the report and grant planning permission subject to:
 - the satisfactory completion of a legal agreement under section.106 of the Town and Country Planning Act 1990 and other enabling powers to secure the planning obligations set out in the recommended heads of terms which were set out in the report; and

2. **delegate authority** to the Head of Planning and Regulatory Services to:
- finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning and Regulatory Services considers reasonably necessary; and
 - finalise the recommended legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers as set out in this report, including refining, adding to, amending and/or deleting the obligations detailed in the heads of terms set out in this report (including to dovetail with and where appropriate, reinforce the final conditions and informatives to be attached to the planning permission) as the Head of Planning Regulatory Services considers reasonably necessary; and
 - complete the section 106 legal agreement referred to above and issue the planning permission.

70. 23/02506/CT3: South Side, Oxpens Road, Oxford OX1 1RX

Councillors Upton and Chapman left the room for this item and did not participate in determining the application.

The Committee considered an application (23/02506/CT3) for construction of a pedestrian / cycle bridge across the River Thames from Grandpont Nature Park to Oxpens Meadows at South Side, Oxpens Road, Oxford.

The Planning Officer gave a presentation, provided updates, and highlighted the following:

- Since publication of the report, three additional objections had been received. Most of the issues raised had already been addressed in the committee report; however, in relation to those not included in the report the Planning Officer responded as set out below.
- Officers had assessed the impact of the bridge on the local area and had found it to be acceptable. The bridge had been designed to minimise its impact on the site and this was set out in the report. Natural England had commented on the application and stated that the proposed development would not have a significant adverse impact.
- The report set out that the other bridges located close to the application site had been looked at but had not been deemed to fulfil the requirements of the proposed bridge for various reasons, including needing extensive works to allow them to be suitable for use by cyclists.
- The proposed upgrades to the tow path would be designed to enable it to be suitable for use as a cycle route. The County Council would be the lead authority in determining whether it would be designated as a main cycle way.
- The issue of bottlenecks under the Railway Bridge had been considered in the committee report, which set out that research showed that cyclists adjusted their speed depending on the density of pedestrians. The County Council had been consulted on the application and had raised no objection to the shared use of the path or bridge.

- Officers had screened the development and did not consider it to be EIA development.
- Officers agreed with the sequential and exception test set out in the submitted Flood Risk Assessment.
- Officers considered the development as essential infrastructure. This type of development was acceptable in flood zone 3b. Notwithstanding this, the sequential and the exception test would still need to be met.
- Policy SP1 and SP2 set out that a new cycle and pedestrian bridge over the river should be delivered in this location to link and enhance routes to the city centre. The aspiration for a new bridge over a watercourse would in itself be required to cross an area of high risk to flooding. The Local Plan and West End SPD set out that this area should be the location for the bridge. Officers therefore considered the sequential test had been met.
- Paragraph 170 of the NPPF set out that “To pass the exception test it should be demonstrated that: a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. Both elements of the exception test should be satisfied for development to be allocated or permitted.”

The application set out that the application would bring with it wider sustainability benefits by providing a route which improved cycle and pedestrian connectivity to the city centre as well as surrounding allocated sites. In addition, the application was supported with an FRA that demonstrated that the development would not increase flood risk. Officers therefore considered that the exception test had been met.

- Site notices had been put up surrounding the development site in November. An advert also had also been placed in a newspaper in November advertising the development.
- Officers had been aware of recent tree removal works; however, these did not require consent from the Council as the trees were not located in a Conservation Area nor were they subject to a Tree Preservation Order.
- Two further SUDs conditions as suggested by the County Council would be added to the list of conditions listed in the report. These would require details to be submitted relating to surface water drainage.
- The application sought permission for a new cycle and pedestrian bridge over the Thames from Grandpont to Oxpens Meadow. The bridge would have a steel structure and a span of 98.90m with a river span of 23.39m. The bridge would have a deck width of 3.5m.

- In addition, the proposal sought to improve the adjoining footpath. On the north side the bridge would link to the existing footpath leading up to Oxpens Road. On the south side the pathworks would seek to improve the gradient of the path inside of the application boundary. The footpaths would also be widened.
- The bridge had been designed to respond to its setting. It would feature a slender deck and curved soffits to maximise the transparency of the bridge on the site. Asymmetrical structural waves in the design had been designed to direct and guide views. The bridge would be constructed of steel, with concrete piers. Officers considered that the bridge responded positively to the character and topography of the site and context.
- With regard to impact on neighbouring amenity, the development was not considered to have an unacceptable impact due to the separation distance between the site and neighbouring properties.
- The bridge has been designed to comply with the National Guidance on design infrastructure CD 353 Design Criteria for Bridges.
- No technical objections have been received to the application.
- Officers considered the application to be acceptable in terms of principle, design, impact on neighbouring amenity, highways, trees, biodiversity and the other issues set out in the report and recommended approval subject to conditions and a section 106 agreement to secure Biodiversity Net Gain offsetting.

Dan Glazebrook, Deborah Glass Woodin, Jo Newson and Councillor Lois Muddiman spoke against the application.

Paul Comerford (agent) and Councillor Anna Railton spoke in favour of the application.

The Committee asked questions about the details of the application which were responded to by officers. The Committee's discussions and comments included, but were not limited to:

- The need for the bridge was not evident. Another bridge existed in close proximity to the development site which could be improved, albeit with associated financial cost.
- The availability of funding from the Oxfordshire Growth Deal did not justify the impact which the proposal would have on the natural environment and views in the area.
- Trees had been removed at the site before planning permission had been received. Officers clarified that consent from the Council had not been required for the tree removal and this was not a planning matter. The Forestry Commission would be responsible for taking enforcement action for any work which had been carried out without an appropriate licence.
- The principle of a bridge crossing at the site in order to provide a crossing which improved pedestrian and cycle links to support active and sustainable travel was an aspiration which had been included in the Local Plan for some time and was

underpinned by Local Plan policies. The Local Plan was a document which had been approved by Full Council and had undergone an examination in public.

- Funding considerations were not material to the application, as the principle of development was set out in the Local Plan.

A proposal was moved and seconded to refuse the application on the grounds that it did not comply with Policy RE2 as it was not an efficient use of resources to deliver sustainable growth because a nearby bridge already existed which could be used to fulfil the same function. On being put to the vote the proposal fell.

A proposal to approve the application was moved and seconded. On being put to the vote the Committee agreed with the officers' recommendation to approve the application subject to the required planning conditions set out in the report and a legal agreement to secure the planning obligations set out in the report.

The Oxford City Planning Committee resolved to:

1. **approve the application** for the reasons given in the report subject to the required planning conditions set out in section 12 of the report and the two additional SUDs conditions suggested by the County Council and grant planning permission subject to:
 - the satisfactory completion of a legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers to secure the planning obligations set out in the recommended heads of terms which were set out in the report; and
2. **delegate authority** to the Head of Planning and Regulatory Services to:
 - finalise the recommended conditions as set out in the report and the two additional SUDs conditions including such refinements, amendments, additions and/or deletions as the Head of Planning and Regulatory Services considers reasonably necessary; and
 - finalise the recommended legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers as set out in the report, including refining, adding to, amending and/or deleting the obligations detailed in the heads of terms (including to dovetail with and where appropriate, reinforce the final conditions and informatives to be attached to the planning permission) as the Head of Planning and Regulatory Services considers reasonably necessary; and
 - complete the section 106 legal agreement referred to above and issue the planning permission.

71. 23/01198/FUL: Unit 1, Ozone Leisure Park, Grenoble Road, Oxford

Councillors Douglas and Corais left the room for this item and did not participate in determining the application.

The Committee considered an application (23/01198/FUL) for the demolition of existing Bingo Unit (Sui Generis, Classes E (b), (d), (e), (f), and (g) (i, ii or iii)); development of a new part-four/part-five storey (plus roof plant) building comprising laboratory and office space (Use Class E(g)) and a ground floor level commercial unit (Use Class E(a) or

E(b)) with associated access road, public realm, hard and soft landscaping, cycle parking, EV charging, service yard, site infrastructure and associated works at Unit 1, Ozone Leisure Park, Grenoble Road, Oxford.

The Planning Officer gave a presentation and highlighted the following:

- Since publication of the report the Environment Agency had formally lifted their objection to the development, subject to three recommended conditions. These were (i) that the development was carried out in accordance with the revised Flood Risk Assessment; (ii) there was no raising of the ground levels within the 1% annual exceedance probability flood extent and (iii) a requirement that no development took place within a 10m buffer zone of the Littlemore Brook. Officers had agreed these and advised that these conditions should be attached to any permission in the event that Members were minded to approve the application.
- A correction was required to the CIL payment figure in the report, to reflect that the building had not been in continuous occupation for at least 6 of the last 36 months. The revised CIL liability would be £345,247.11.
- The proposal involved the demolition of a unit previously occupied by a bingo hall attached to the Ozone leisure complex located at the Kassam Stadium site, and construction of a new five storey building housing 10,929 sqm of lab and office space. The new building would be detached from the adjacent buildings in the Ozone leisure complex: the service road to the north would be removed and replaced by a new pedestrian and cycle access route between Minchery Lane and the Kassam Stadium, opening up a new route through the site and improving connectivity and permeability of movement. Service access would be provided to the eastern side of the building where it adjoined the retained Ozone buildings.
- Significant weight had been given to the fact that the existing building could be re-used for the proposed use under previously granted planning permission. Therefore, the community use of the site as a bingo hall could not be afforded significant protection. Officers considered that this was a significant fallback position which represented a material justification to depart from Policy V7 of the Local Plan.
- The site was not currently allocated for employment use in the Local Plan; however, it did adjoin the Oxford Science Park which was allocated, and the site lay within the Cowley Branch Line area of change. Policy AOC7 promoted the development of high density employment uses within the Cowley Branch Line area of change.
- The Ozone leisure complex had been allocated in the emerging Local Plan and the site policy allowed for commercial uses, albeit that that policy was afforded limited weight at the current time.
- There was significant demand for additional life sciences use in the city, and the proposal would assist in meeting this demand by providing an expected 438 jobs as well as significant economic benefits. The applicant had agreed to produce a community employment and procurement plan which would secure local employment and local services and supplies during the operational and construction phases of the development. This would be secured via a S106 agreement.

- The landscaping plan included new permeable paving to replace the service road; new areas of public realm; new planting; and biodiversity net gain which significantly exceeded the Council's 5% policy (15.72% in terms of habitat units, 9.6% in terms of river units).
- No increase in parking was proposed: a car park management would be needed in order to ensure that staff did not park within the existing wider parking associated with the Kassam Stadium. A financial contribution was sought towards the Eastern Arc bus service and the Cowley Branch Line in order to promote sustainable travel to the site.
- The proposed materials for the building were a mix of limestone with bronze-coloured aluminium cladding which were considered to be appropriate and of a high standard. The building would exceed the 40% carbon reduction requirements outlined in the Local Plan.
- It was considered that the proposals would involve a moderate level of less than substantial harm to the setting of the adjacent Grade II* listed Priory by virtue of the introduction of a building of a substantial scale which would further detract, alongside the existing buildings, from the setting of the Priory. It had also been identified that there would be a low level of less than substantial harm to the setting of the Central Conservation Area by reason of the slight encroachment of the building and visual impact on views from St Mary's Tower across the city. However, in both instances whilst great weight had been given to the conservation of these designated heritage assets it was considered that the levels of harm caused would be outweighed by the very significant public benefits of the development as outlined in the report.
- Officers recommended approval of the application for the reasons set out in the report, subject to the relevant conditions and the matters to be secured by legal agreement.

Raoul Veevers (agent) spoke in favour of the application.

The Committee asked questions about the details of the application which were responded to by officers. The Committee's discussions included, but were not limited to:

- A Committee Member highlighted concern about the loss of the leisure facility, the potential effect on the leisure complex of the incremental loss of Class E facilities, and noted that the Kassam Stadium site was likely to involve re-development for housing in the future. Whilst there was currently a shortage of lab and research space, other developments were coming forward to meet this need.
- Another Committee Member commented that Oxford was one of few cities making a net positive contribution to the life sciences economy. The location of the building near to the Science Park was appropriate.
- The building was well-designed in terms of appearance, construction and efficiency.

On being proposed, seconded and put to the vote the Committee agreed with the officers' recommendation to approve the planning application for the reasons set out in the report, subject to the conditions set out in the report and the three conditions

required by the Environment Agency and a legal agreement to secure the planning obligations set out in the report.

The Oxford City Planning Committee resolved to:

1. **approve the application** for the reasons given in the report subject to the required planning conditions set out in section 12 of the report and the three conditions required by the Environment Agency and grant planning permission subject to:
 - the satisfactory completion of a legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers to secure the planning obligations set out in the recommended heads of terms which were set out in the report; and
2. **delegate authority** to the Head of Planning and Regulatory Services to:
 - finalise the recommended conditions as set out in the report including such refinements, amendments, additions and/or deletions as the Head of Planning and Regulatory Services considers reasonably necessary; and
 - finalise the recommended legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers as set out in the report, including refining, adding to, amending and/or deleting the obligations detailed in the heads of terms set out in the report (including to dovetail with and where appropriate, reinforce the final conditions and informatives to be attached to the planning permission) as the Head of Planning and Regulatory Services considers reasonably necessary; and
 - complete the section 106 legal agreement referred to above and issue the planning permission.

72. 23/00516/FUL: The Annexe, Madina Mosque, 2 Stanley Road, Oxford OX4 1QZ

The Committee considered an application (23/00516/FUL) for demolition of existing building; erection of a three storey building to create a community hall (Use Class F2(b)) and 2 x 2 bed flats (Use Class C3); and provision of bin and bike store at The Annexe, Madina Mosque, 2 Stanley Road, Oxford.

The Planning Officer gave a presentation and highlighted the following:

- The proposal sought the demolition of the existing annexe and replacement with a three storey building adjoining the rear of the mosque. It would be constructed from red brick to match the existing and would incorporate an asymmetrical pitched roof with rooflights so that the upper floor was partially set within the roof space.
- The proposed replacement annexe would provide a new community hall at ground floor level and 2 x two-bedroomed flats at the first and second floor levels, accessed externally from a replacement metal staircase which would also continue to provide a fire escape from the main mosque building at the rear.
- A number of late objections to the proposal had been received. These had mainly related to amenity, parking and highway safety considerations which were covered in the officer report.

- The officer recommendation was to grant planning permission for the reasons set out in the report and subject to the conditions set out in the report.

Michael Scholar of the Iffley Road Residents' Association spoke against the application.

The Committee asked questions about the details of the application which were responded to by officers and the applicant. The Committee's discussions included, but were not limited to:

- The first floor and second floor windows would be a distance of approximately 12m from the boundary with no. 4 Stanley Road which is considered acceptable in planning terms, compared with a current distance of approximately 14m. The ground floor would have a shorter distance to the boundary (approximately 10m) as the building was larger at the ground floor than at the first and second floors. However, as the ground floor looked towards the existing boundary treatments there was not considered to be any issue with overlooking.
- The main mosque building contained existing flats at the upper floors which were used as houses in multiple occupancy (HMOs). The proposal for the additional two flats which formed part of this application were not considered to comprise over-occupation of the premises, as they related to two different parts of the application site.
- In terms of cycle storage, the application would include six Sheffield stands for the dwellings, and a further six for the community hall; this would require clarification within conditions 8 and 9.
- A Committee Member commented that the existing situation appeared to be having a serious impact on neighbours arising from parking issues and questioned whether the new community hall would result in an increase in parking on the surrounding roads. The applicant responded that it was not expected that this would be the case as the majority of users would be from the immediate community who lived within a walking distance of 20 minutes from the mosque. Officers clarified that the Highway Authority had raised no objection to the proposal, subject to conditions.
- Whilst the application was considered to be acceptable on planning grounds, a Committee Member commented that the applicant had a social responsibility to ensure that expansion of the facilities at the mosque did not give rise to a deterioration in community relationships arising from issues relating to road use in the surrounding narrow streets.

On being proposed, seconded and put to the vote the Committee agreed with the officers' recommendation to approve the application subject to the conditions set out in the report.

The Oxford City Planning Committee resolved to:

1. **approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 12 of the report and grant planning permission; and
2. **delegate authority** to the Head of Planning and Regulatory Services to finalise the recommended conditions as set out in the report including such

refinements, amendments, additions and/or deletions as the Head of Planning and Regulatory Services considers reasonably necessary.

73. Minutes

The Committee resolved to approve the minutes of the meeting held on 23 January 2024 as a true and accurate record.

74. Forthcoming applications

The Committee noted the list of forthcoming applications.

75. Dates of future meetings

The Committee noted the dates of future meetings.

The meeting started at 6.00 pm and ended at 9.48 pm

Chair

Date: Tuesday 21 May 2024

When decisions take effect:

Cabinet: after the call-in and review period has expired

Planning Committees: after the call-in and review period has expired and the formal decision notice is issued

All other committees: immediately.

Details are in the Council's Constitution.

This page is intentionally left blank