

Application number:	20/03034/FUL		
Decision due by	12 th March 2021		
Extension of time	TBC		
Proposal	Demolition of Existing Buildings and construction of 159 dwellings , associated roads and infrastructure, drainage and landscaping		
Site address	Hill View Farm, Mill Lane, Marston, Oxford – see Appendix 1 for site plan		
Ward	Marston Ward		
Case officer	Michael Kemp		
Agent:	Mr Christopher Moore	Applicant:	Mr Mazhar Dogar
Reason at Committee	This is a major planning application		

1. RECOMMENDATION

1.1. The 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 12 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. **agree to delegate authority** to the Head of Planning 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 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 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 a planning application relating to a residential development comprising 159 dwellings, alongside the provision of associated access and areas of public open space. The application site at Hill View Farm, located to the north of Old Marston, is allocated within the Council's adopted Local Plan for residential development to consist of a minimum of 110 dwellings and 10% of the site to be provided as public open space. Following adoption of the Oxford Local Plan in June 2020, the application site was released from the Oxford Green Belt. The principle of residential development on the site is therefore accepted under Policy SP25 of the Oxford Local Plan.
- 2.2. 50% of the 159 dwellings provided would be available as affordable homes, of which 80% of these affordable homes would be socially rented accommodation, this aligns with Policy H2 of the Oxford Local Plan. The proposals would also provide an appropriate mix of dwellings sizes for the affordable element of the scheme, which would align with Policy H4 of the Oxford Local Plan.
- 2.3. As former Green Belt land located on the urban periphery of Old Marston, there are obvious visual sensitivities associated with development on the site, though the principle of a residential development of significant scale has been accepted following allocation of the site in the Oxford Local Plan. A section of the application site contains land which lies within the Oxford Green Belt. This section of the site would not include any forms of development, which would be considered inappropriate under Paragraph 145 of the NPPF and would be limited to the formation of public open space for recreation purposes, in addition to the formation of drainage features and spaces used for ecological purposes. This would fall under the definition of development which would not be deemed inappropriate within the Green Belt under Paragraph 146 of the NPPF.
- 2.4. The proposed development would principally be low in height and limited to two storey houses in the most visually sensitive areas of the site to the south and west. The larger buildings, including the three and four storey flats would be concentrated along the northern edge of the site, which is less sensitive in visual terms. The development by its nature would have a transformative and urbanising impact on the immediate landscape setting. Notwithstanding the siting of the three and four storey flats on the site it is considered that the overall visual impact is acceptable in the context of the surrounding area. In design terms the architectural appearance of the proposed housing is reflective of the characteristics of existing development found within the nearby Old Marston Conservation Area in terms of elevational treatment and the proposed materials palette, which would consist of an appropriate mix of stone, buff brick and weatherboarding. The site layout includes the provision of useable and well-designed public open space above the 10% provision required under site Policy SP25. The general design approach proposed is considered to be acceptable and would align with Policy DH1 of the Oxford Local Plan.

- 2.5. The relevant section of this report relating to heritage matters identifies harm to the setting of the Old Marston Conservation Area. The harm to the setting of the Conservation Area, arising from the urbanisation of what is presently a predominantly open space, alongside the impact of additional traffic generated as a result of the development would be less than substantial. In accordance with Paragraph 196 of the NPPF, the report balances this identified less than substantial harm against the public benefits of the proposed development, giving great weight to the significance of the Conservation Area in accordance with Paragraph 193 of the NPPF. The report also assesses that substantial harm would be caused to a building which could be considered a local heritage asset, namely a traditional stone barn located on the site which would be demolished. In accordance with Paragraph 197 of the NPPF the report provides a balanced judgement regarding the loss of the building against the public benefits of the development. In both instances it is considered that the public benefits, also outlined in the report, principally the provision of 159 dwellings, 79 of which would be affordable homes would outweigh the relative harm to both heritage assets.
- 2.6. Vehicular access to the site would be provided via an existing point of access leading from Mill Lane, through Old Marston Village. The site's peripheral location and relative distance from existing bus stops and existing local services and shops and a lack of existing parking controls within the vicinity of the site means that a level of parking close to the maximum parking standards outlined under Policy M3 of the Oxford Local Plan would be necessary. The proposed parking provision equating to a maximum of 1 space per dwelling would align with the minimum parking standards outlined in the Oxford Local Plan. The overall quantum of development and relative parking provision means that the development would generate a significant volume of traffic which in turn would put pressure on the adjacent road network surrounding the site which in places is constrained. Notwithstanding this, the County Council are satisfied that the overall transport impact of the development as outlined within the Transport Assessment would not have a severe residual cumulative impact on the local road network. The County Council have advised that the additional impact of construction traffic can be appropriately mitigated through measures which would be sought through a Construction Traffic Management Plan, which would be secured by condition. The development would not therefore conflict with Paragraph 109 of the NPPF and Policy M2 of the Oxford Local Plan.
- 2.7. The proposals also give priority to cycle access through the site and across the surrounding area. This includes the provision of a new pedestrian/cycle 'greenway' through the centre of the site and enhanced connections to the A40 cycle route to the north and along Mill Lane through the creation of a new cycle street. Financial contributions would also be sought at the request of the County Council towards the upgrade of Back Lane, a local pedestrian route and towards improving local bus services through Old Marston which would be secured through a Section 106 agreement to accord with Policy M1 of the Oxford Local Plan.
- 2.8. The ecology report confirms that the development would achieve a biodiversity net gain of 6.81% which would accord with the requirements of Policy G2 of the Oxford Local Plan. The impact of additional recreational pressure on the New

Marston Meadows SSSI and the Almonds Farm and Burnt Mill Local Wildlife Site (LWS) has been properly assessed within the ecology report and subsequent addendum prepared by ACD Environmental. Subject to appropriate conditions to manage the impact of the development on the SSSI and mitigation measures to manage the increased recreational pressure on the LWS, officers consider the development would not have a significantly adverse impact on ecology. It should be noted that following the provision of additional details relating to the impact on the SSSI, Natural England do not object to the application. The development is therefore considered to comply with Policy G2 of the Oxford Local Plan.

2.9. The development, with regards to noise and contamination, has been assessed as acceptable subject to the provision of appropriate conditions. Adequate surface water drainage measures are proposed across the site in the form of various SuDS features in accordance with Policies RE3 and RE4 of the Oxford Local Plan.

2.10. For the reasons outlined within the report officers recommend approval of the planning application subject to a legal agreement covering the matters listed in the section below.

3. LEGAL AGREEMENT

3.1. This application will be subject to a legal agreement to cover the following matters:

- The provision of 50% of the total number of units as affordable homes (80%) of which would be socially rented.
- The provision of public open space, location of this space and future management of the public open space.
- Financial contribution of £195,183 towards improvement of bus services in Old Marston to provide an enhanced evening and Sunday service.
- Financial contribution of £13,368 towards installation of premium route pole and timetable case at bus stops in Elsfield Road with Real Time Passenger Information screens.
- Travel Plan monitoring fee of £1,426.
- Highway Infrastructure Improvement contribution of £250,550 towards implementation of Mill Lane cycle street.
- Contribution of £57,756.75 towards improvements to Back Lane bridleway (294/8).
- Contribution of £1850 towards installation of bins and information board at Almonds Farm and Burnt Mill Field as part of ecological management measures.

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. The proposal is liable for a CIL contribution of £2,017,177.09

5. SITE AND SURROUNDINGS

5.1. The application site measures 3.67 hectares in total area and consists of an open agricultural field and light industrial units. The site is located on the urban

periphery of Oxford to the north west of Old Marston and formerly fell within the Oxford Green Belt. The site is allocated in the Oxford Local Plan under Policy SP25 for residential development consisting of a minimum of 110 dwellings. Following the adoption of the Oxford Local Plan and the sites subsequent allocation for residential development, the land at Hill View Farm was released from the Oxford Green Belt. A section of the red line of the application site to the west and north west of the light industrial buildings still falls within the Oxford Green Belt, this area of the site is shown on the proposed site plan to contain landscaping, drainage/SuDS features, access paths and public open space.

- 5.2. A section of the site would be classed as previously developed land and contains a range of low level buildings used for light industrial uses, areas of hardstanding and open air storage. The majority of the buildings are modern pre-fabricated and steel frame former agricultural buildings. There is a traditional stone agricultural barn located on the site. The submitted heritage assessment and historic mapping estimates that this building was constructed between 1843 and 1877.
- 5.3. The site is surrounded on three sides by mature, well established hedgerows which form the north, north west and southern boundaries of the site. The hedgerow to the west of the industrial buildings is in a poor condition. There are a number of trees on the site, the majority of which are concentrated around the site boundaries, though notably there are a cluster of trees concentrated around the light industrial buildings. This includes a large veteran oak tree, which is the subject of a provisional Tree Preservation Order. The TPO also covers a mature oak along the north west of the site boundary.
- 5.4. The site is accessed via a gravel track leading from Mill Lane to the east. There is also a single storey mobile home located on the eastern edge of the site and a small area of garden space associated with this structure which has lawful use as a dwelling.
- 5.5. There is a residential dwelling to the east of the site (Hill View Farm), this is a single storey bungalow and lies outside of the development site. To the north of this house is a small range of equestrian buildings. A dual carriageway section of the A40 is located to the north of the application site beyond the existing boundary hedgerow, beyond this is open countryside which falls within the Oxford Green Belt.
- 5.6. The land to the west and south west of the site consists of open agricultural land falling within the Oxford Green Belt. This forms part of an undeveloped gap of land between Marston and the eastern edge of Summertown. The land falls away to the west of the site towards the River Cherwell. The field to the south east of the application site is allocated within the Oxford Local Plan for residential development of at least 75 dwellings (Land West of Mill Lane, site allocation SP26). This land, similar to the application site was released from the Oxford Green Belt) following the adoption of the Local Plan in June 2020.
- 5.7. A planning application for a development of 80 residential dwellings at the Land West of Mill Lane site (21/01217/FUL) has recently been submitted in May 2021 and is currently the subject of public consultation and consideration by officers.

- 5.8. The urban edge of Old Marston is located 130 metres to the south east of the application site. Old Marston was historically a rural settlement and the central and southern parts of Old Marston are particularly reflective of its historic village character, which is reflected in the local architectural character and historic lanes. The historic core of Old Marston Village is designated as a Conservation Area and contains several listed buildings. The Conservation Area extends up to a point just to the south of the access road serving the Victoria Arms Public House, around 340 metres from the entrance to the application site.
- 5.9. The built form to the north of the Conservation Area consists mainly of mid to late 20th Century residential dwellings. The development nearest the site fronting Mill Lane consists of a linear arrangement of white rendered semi-detached and terraced houses with deep front and rear gardens. There is a large care accommodation development (Bradlands) on the eastern side of Mill Lane, which is three storeys in height. To the north of this building is an allotment area.
- 5.10. Vehicular access to the site is obtained via Mill Lane. Mill Lane extends up to the A40, though there is no vehicular access to the A40 via this point as the road terminates with a T shaped turning head just beyond the site entrance. There is cycle and pedestrian access to the adjacent A40 cycle and footpath from this point.

6. PROPOSAL

- 6.1. Full planning permission is sought for a residential development of 159 dwellings alongside a new means of vehicular access, provision of public open space, associated drainage and SuDS features.
- 6.2. The development on the site would consist of a mix of houses and apartment blocks. The proposed houses would be between two and three storeys and would measure between 8.1 and 9.7 metres in terms of the total height of the buildings measured to the roof ridge. There is also a pair of maisonettes (Units 81 to 92) which are also two storeys in height and are located adjacent to the eastern boundary of the site.
- 6.3. A set of four interlinked blocks of flats are proposed along the northern boundary of the site adjacent to the A40. These buildings would be the largest of the buildings proposed on the site in terms of scale, massing and height. Blocks 2, 3 and 4 would be three storeys and would feature a series of pitched roof gables. The height of these flats would measure 11.9 metres to the roof ridge of the gables and 8.6 metres to the eaves of the second floor. Block 1 would be the largest building on the site in terms of scale. This would be a four storey building of a similar design to Blocks 2, 3 and 4. The building would measure 14.4 metres to the roof ridge and 11 metres to the eaves of the third floor.
- 6.4. The general design approach takes cues from the traditional forms of architecture found in the Old Marston Conservation Area in terms of the building forms and general palette of materials. The materials palette would principally consist of a mix of buff brick and stone with timber boarding commonly used as a secondary material.

- 6.5. A new access to the site would be provided from Mill Lane, in the position of the existing access road serving the site. Further access roads would be provided through the site to adoptable standards. A total of 148 car parking spaces would be provided for the 159 dwellings, this would include 2 car club spaces. Parking would consist of allocated and unallocated spaces comprising a mix of on plot spaces, car ports and on street parking courts.
- 6.6. The site includes a 'greenway', which would be a restricted access track for cyclists and pedestrians. Vehicle access to the greenway would only be permitted for emergency vehicles. This route would pass through the centre of the site, adjacent to the front of the proposed blocks of flats and would link to a further access across the western edge of the site and would eventually connect with the existing A40 cycle path to the north west. Pedestrian and cycle access links are also proposed to the south of the site, which would interconnect with future development on the adjacent land to the south (Land West of Mill Lane).
- 6.7. The application site includes areas of public open space within the centre of the site to the north of units 30 and 31 and to the south of blocks 2 and 3. The area of adjoining land to the west of the site, within the red line site boundary but outside of the land allocated for development under site allocation SP25, would also be provided as an area of public open space. This would also include a number of SUDs features including swales, an attenuation pond and a pumping station. The pumping station would consist principally of below ground installations, with the exception of a small 1.2 metre high green cabinet and a perimeter fence. An agricultural access would be retained to the remainder of the land to the west of the site.

7. RELEVANT PLANNING HISTORY

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

59/00827/M_H - Site for 61 caravans. Refused 14th July 1960.
60/00767/M_H - To continue use of the land as a site for caravan. Refused 11th July 1960.
63/00552/M_H - Bungalow and garage. Permitted 25th September 1963.
67/00299/M_H - Land to be used for siting of one caravan. Refused 14th July 1967.
68/00379/M_H - Site for one caravan. Refused 30th August 1968.
69/00088/M_H - Site for one caravan. Refused 11th April 1969.
69/00225/M_H - Site for one caravan. Refused 30th May 1969.
71/00566/M_H - The stationing of one caravan. Refused 15th October 1971.
72/01258/M_H - Site for one caravan for agricultural worker. Refused 24th

November 1972.

76/00307/SON_H - Residential development and accesses. Refused 29th September 1976.

77/00536/SON_H - Retention of site for one caravan. Temporary approval 30th December 1977.

84/00765/SON - Stationing of a mobile home. Temporary approval 19th June 1985.

88/00545/PN - Change of use from agriculture to storing of scaffolding (retrospective). Refused 22nd February 1989.

90/00572/PN - Siting of mobile home for occupation of security person for stud farm operations. (Retrospective application). Refused 14th November 1990.

99/00470/U - Application to certify that existing use of Caravan A as living accommodation is lawful. Permitted 19th May 1999.

99/00471/U - Application to certify that existing use of caravan B as living accommodation is lawful. Permitted 19th May 1999.

69/00725/M_H - Bungalow. Refused 29th May 1970.

09/02469/VAR - Variation of condition 2 of planning permission 63/00552/M_H to allow occupation of the dwelling by persons not employed in agriculture. Permitted 6th January 2010.

13/02011/CPU - Application to certify that change of use of barn and stables from agricultural use to multi-purpose hall (use class D2) is lawful. Refused 13th September 2013.

15/02093/PRA - Application for prior approval for the erection of an agricultural building. Approved 31st August 2015.

16/00845/FUL - Change of use of agricultural land to use for processing of timber. Withdrawn 10th May 2016.

19/01885/CEU - Application to certify that the existing storage containers is lawful development. Withdrawn 17th September 2019.

19/02159/FUL - Retention of 16no. storage containers. Permitted 14th February 2020.

8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Oxford Local Plan 2016-2036
Design	117-123, 124-132	DH1
Conservation/Heritage	184-202	DH2, DH3, DH4
Housing	59-76	H1, H2, H4, H7, H10, H14, H15, H16
Commercial	170-183	E1
Natural environment	91-101	G1, G2, G3, G7, G8
Social and community	102-111	V8
Transport	117-123	M1, M2, M3, M4, M5
Environmental	117-121, 148-165, 170-183	RE1, RE2, RE3, RE4, RE5, RE6, RE7, RE8, RE9
Miscellaneous	7-12	SP25, S1, S2

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 17th December 2020 and an advertisement was also published in the Oxford Times newspaper on 17th December 2020.

9.2. The application was re-advertised on 4th March 2021 by site notice and an advertisement was also published in the Oxford Times newspaper on 3rd March 2021.

Statutory and non-statutory consultees

Oxfordshire County Council (Highways)

9.3. Initial response received 21st January raised objections in relation to the proposed access arrangements for cyclists and pedestrians. Following receipt of further details submitted in March 2021, including a revised Transport Assessment, this objection was removed.

9.4. A revised consultation response was submitted on 26th March 2021 raising no objection to the development. The key points from the consultation response are summarised below:

- Going by the S25 Policy requirement for the need to demonstrate that two vehicles can pass each other, it has been proposed and agreed that localised improvements to widen the carriageway around the S-bend shall suffice. More importantly, this would be required to ensure that construction traffic could be accommodated through this pinch point. The arrangement is illustrated by Drawing no: 7375/213 and I consider this matter to be appropriately addressed.
- Cycle Street – An updated plan of the Mill Lane cycle street scheme which now includes double yellow lines has been presented. Although it was earlier presumed that the development shall contribute towards an area wide CPZ scheme covering Old Marston, this is no longer the case. Therefore, a proportional contribution shall be sought towards the cycle street scheme only which will be delivered by the County Council.
- Discussions have been held between the County Council and the applicant's transport consultant on off-site improvements to the walking/cycle route between the development and Marston Ferry Road. This is in recognition that beyond the extent of the proposed cycle street, cyclists would then have to continue along Mill Lane across the s-bend to join Oxford Road en-route to Marston Ferry Road. Oxford Road is notable for "rat runners" from the A40 via Elsfeld Road and a combination of street parking along narrow carriageways would make an uncomfortable environment for active travel especially during peak periods.
- Access to facilities on the other side of Marston Ferry Road is considered to be very important, particularly as they are where the nearest schools and leisure facilities are located. It is recommended that improvements to the Back Lane bridleway (294/8) is a viable option that needs to be delivered jointly by both the allocated SP25 and SP26 developments. Proportional contributions from these sites shall be secured via a s106 obligation towards a scheme that will improve the existing route. This would be of great benefit to residents of the site by increasing accessibility and reducing walking and cycling journey distances and time along a route considered to be relatively safer.
- No specific cycle dedicated infrastructure shall be provided along the primary road, considering that within the site traffic shall be light and speeds low. Cyclists will therefore be accommodated along the carriageway rather than on a shared provision alongside the primary street. This is compliant with the County's guidance.
- Amendments relating to the reallocation of parking spaces within the development have been addressed accordingly.
- Traffic calming along the primary street has taken the preference of chicanes rather than speed cushions to maintain a 20mph design speed.

- Agreement was reached that a 9.2m long refuse vehicle is acceptable as was tracked on site rather than an 11.6m long vehicle. It was confirmed by the City that given the width constraints on roads within the city, it is unlikely that a larger 11.6m vehicle would be used.
- The swept path analysis earlier submitted for a 9.2m long vehicle demonstrates that refuse vehicles would be able to safely enter, turn and exit the site in a forward gear and are able to access a point in close proximity to the refuse storage points.
- The Transport Technical Note acknowledges the requirement of electric charging provision for all allocated spaces and at least 25% of the non-allocated in compliance with Policy M4.
- There remains a deficiency in the level of cycle storage provision within flats Blocks 1 and Block 4. It is not convenient to propose cycle parking on above ground level storeys on flats and alternative provision must be given around each respective block.
- The model parameters for assessing traffic impacts have been concluded to have been satisfactorily carried out.

9.5. An addendum to the consultation response was submitted on 4th May 2021. This provided further clarification on matters relating to the S bend section of Mill Lane and the requirement for widening the road including the removal of the adjoining grass verge and proposals relating to Back Lane.

9.6. The addendum confirms that removal of the grass verge adjoining the S bend would not be required to facilitate access during the operational and construction phases of the development. It is confirmed that this could be appropriately managed through appropriate construction management measures.

9.7. The addendum also confirms that the works to the Back Lane footpath would consist of a surfacing treatment which aims to respond appropriately to the Conservation Area setting and the scheme would not include the provision of artificial lighting.

Environment Agency

9.8. The site contains former motor repair facilities which can indicate petroleum product contamination issues. According to the geological map the site is gravels over Oxford Clay, however the old buildings are shown to lie directly on the clay. According to the Flood Risk Assessment percolation did not show any soakage so infiltration drainage is not proposed. Given all these factors we consider there is a low enough risk to groundwater to adopt a watching brief. The development is considered acceptable in other respects.

Thames Water Utilities Limited

9.9. Require that conditions be attached to any permission to requiring confirmation that sufficient capacity exists to accommodate the disposal of wastewater.

Conditions are also requested to prevent construction within 5 metres of the adjacent water main and requiring that no piling shall take place until a piling method statement is submitted.

Historic England

9.10. Do not wish to comment.

Natural England

9.11. Letter dated 6th January raised an objection on the basis that additional information is required in order to determine impact of the development on the New Marston Meadows SSSI.

9.12. Following receipt of further information and after re-consultation Natural England withdrew their objection and have advised that the identified impact on the New Marston Meadows SSSI can be adequately mitigated through the submission of a Construction Management Plan and a Management Plan for the SuDS.

Thames Valley Police

9.13. The initial consultation response received 27 January 2021 raised concerns around several aspects of the site layout including lighting, location and position of car parking and surveillance over parking areas and excessive permeability.

9.14. Following dialogue with the applicants and revisions to the plans the objection to the development from the police has been withdrawn.

Berkshire Buckinghamshire Oxfordshire Wildlife Trust (BBOWT)

9.15. Objected to the application for the following reasons:

- Concern regarding proximity to Almonds Farm and Burnt Mill Meadows LWS and New Marston Meadows SSSI and hydrological impact from changes to water quantity and quality.
- Details of mitigation measures to decrease the risk of deterioration of important habitats in the SSSI and LWS will be required including maintenance and management measures.
- Concern regarding increased recreational impact on LWS and SSSI including trampling of vegetation and increased dog walking.
- Loss of grassland habitat on the application site.
- Insufficient evidence has been provided to demonstrate a net gain in biodiversity.
- Concern regarding possible proximity to compensatory habitat creation for loss of nationally rare MG4 grassland resulting from the Barton Park development. If located close to the site the development could have a detrimental impact on the MG4 grassland.

South Oxfordshire District Council (SODC)

9.16. Landscape officer has raised a concern regarding the scale of the three and four storey blocks along the northern edge of the development site and the potential impact on wider views.

9.17. Heritage officer considers that there would be no impact on the Grade II listed Hill Farmhouse located on the opposite side of the A40 to the north.

9.18. The Council's Ecologist is not minded to raise an objection to this application on the ground of impact on the Sydlings Copse and College Pond SSSI located in South Oxfordshire.

Old Marston Parish Council

9.19. Objected to the development during the first phase of public consultation. Following re-consultation the Parish Council indicated that their key points of objection remained. These were:

- The access strategy is unworkable
- The proposed cycle route is incomplete and lacks connections to other cycle routes. A cycle route along Back Lane would be fiercely opposed.
- Improvements to public transport are required including provision of a bus service along Mill Lane.
- Impact on the Conservation Area needs to be carefully considered.

9.20. Further comments were submitted regarding the proposed upgrading of Back Lane to form a cycle street and potential impact on the character of the Conservation Area resulting from resurfacing as well as the impact on biodiversity through the works. Preference was expressed for an upgrading of the route between the Victoria Arms and Marston Ferry Road or measures to prevent traffic and cars using Oxford and Elsfield Road.

Public representations

Oxford Architectural and Historical Society (OAHS)

9.21. OAHS object to demolition of the pre-20th Century barn on the site. It is considered that the archaeological assessment submitted by the applicant minimises the degree of harm that the development will entail.

9.22. It is requested that the building be added to the Oxford Heritage Asset Register (OHAR) and retained within the development and conserved for future use.

9.23. OAHS provided a further response in relation to the further details submitted on 26th February 2021. This expressed concern regarding the quality of the Heritage Statement and the overall impact of the proposals.

9.24. Specific concerns were also raised with regard to archaeological matters and the widening of Mill Lane.

Oxford Preservation Trust (OPT)

9.25. Letter dated 13th January submitted in relation to the originally submitted plans raises objections for the following reasons:

- Development is very urban in appearance and there are concerns about the height of some of the buildings, particularly the 4 storey flats.
- The stone barn should be retained as this would add to the character of the site.
- Concerns regarding the visual impact of the development and impact on views from the public rights of way to the south and west.
- Concerns that the maintenance of an access onto the land to the west hints at future development of this site. Also a concern that the design of this road could be an urbanising feature.
- Would encourage that the land to the west and south west of this site is made open and accessible for the public to use.
- Cycle and pedestrian links to the site should be improved.

9.26. Following receipt of amended plans a further letter of objection was received that expresses concerns about the impact of the development on the openness or the Cherwell Valley and the character of the Conservation Area and the loss of the stone barn.

Friends of Old Marston

9.27. Submitted the following summarised comments in objection to the application:

- The encroachment of public open space into the greenbelt allows additional dwellings to be located on the site.
- The application should be modified to include access from the A40. If the application is approved a temporary access onto the A40 for construction vehicles should be provided.
- The development will increase traffic along Mill Lane and the conversion of Mill Lane into a cycle street will not resolve issues arising from additional traffic generation. The development will present a danger to cyclists.
- Detail on parking controls is not provided and there is a concern about overspill parking.
- Extending public transport links including the bus service is required.
- A Heritage Statement should be provided alongside the planning application.
- The application should not be acceptable until details requested by Natural England assessing the environmental impact on the New Marston Meadows SSSI have been provided.
- Concern that the development would impact on the human rights of residents of Old Marston under the Human Rights Act.
- Thames Water has raised concerns which need to be addressed.
- More details required with respect to the private management company responsible for management of public spaces on the site.
- The application should have been subject to an Environmental Impact Assessment (EIA).
- Suggest that a shop be provided to improve access to local amenities.

- Concern regarding the visual impact of the development.
- Developer should aim for higher standards of sustainable design exceeding local plan requirements.
- Concern that sufficient consultation has not been carried out by the applicant before the application was submitted.

Oxford Civic Society

9.28. Concerns raised regarding transport issues. The provision of a slip road onto the A40 would be preferable. Doubts regarding public transport access and advise that the road layout accommodates a turning point for buses.

9.29. Sensitivity is required in terms of the use of materials, there should be a greater variety in terms of built form. Overall concerns about the design approach and rationale.

9.30. The development will have an impact of local services and facilities, this is not addressed.

Elsfield and Oxford Road Residents Association

9.31. Objected to the planning application for the following reasons.

- Cumulative impact of both developments [Hill View Farm and Land at Mill Lane] should be considered and applications on both sites considered at the same time.
- Concern regarding the impact of construction traffic.
- Concern regarding the adequacy of the submitted Transport Assessment and overall traffic generation.
- Request implementation of a CPZ in the area.
- Provision should be made for a bus route through the development.
- Concerns regarding safety for cyclists particularly in relation to the S bend on Mill Lane.

Oxford Green Belt Network

9.32. Concern that the number of dwellings would be above the minimum of 110 dwellings allocated and this would have an adverse visual impact on the openness of the Green Belt. A reduction in the density and profile of the three storey blocks should be sought.

9.33. Inadequate private and public open space is provided within the site and should not be provided on agricultural land outside of the site.

Wider Public Comments

9.34. A total of 103 local residents commented in objection to this planning application following the first period of consultation. The main points of objection are summarised below under the following broad categories:

Highways and Access Arrangements

- The impact of development on both sites (Hill View Farm) and (Land West of Mill Lane) must be taken into account when considering highways impacts.
- Concerns with respect to additional traffic generation through Old Marston Village.
- Access should be provided directly onto the A40 with a new junction proposed from Mill Lane.
- There are pre-existing issues of parking along Mill Lane.
- Existing parking on Mill Lane and Oxford Road should have been taken into account when considering the impact of the development on the junction of Mill Lane and Oxford Road.
- The photographs in the Transport Assessment are unrepresentative of the situation in Oxford Road and Mill Lane as they do not show a true representation of parking.
- There is already pressure on the junction of Mill Lane and Oxford Road.
- The traffic survey does not take into account the additional traffic generation associated with the Swan School.
- There are also concerns that the opening of the Swan School in conjunction with the construction and operational phases of the development will worsen the impact of traffic generation.
- The route from Oxford Road to Cherwell Drive should become a cycle street in addition to Mill Lane.
- Termination of the cycle street at the end of Mill Lane would present a safety risk to cyclists.
- The traffic generation assessment appears low and should consider a wider range of roads which may be affected by traffic generation.
- Concern with regards to the impact on the safety of pedestrians and cyclists as a result of increased traffic generation.
- Concerns regarding the impact of construction traffic and large vehicles accessing the site.
- A temporary access should be provided for construction vehicles from the A40 to avoid HGV's using the roads through Old Marston Village.
- Concerns regarding the impact of traffic generation on the S bend adjacent to Ponds Lane and Cromwell House.
- The development would not address the lack of public transport along Mill Lane and through the village in general, particularly in the evenings.
- Not enough off street parking is provided in the development and internal roads are too narrow.
- The site is distant from community facilities and residents would be dependent on private cars.
- The design of the cycle street would not be in character with the village.
- The existing bus service through the village should be extended along Mill Lane.
- A new road could be built across the meadows linking with Marston Ferry Road.
- The increase in traffic will result in an increased amount of noise disturbance for future residents.
- There would be an under provision of parking spaces.

- Planning permission was previously refused by South Oxfordshire District Council in 1997 on the allotment site due to the impact on local roads.
- Further developments proposed in the area will put additional pressure on local roads.
- Speed reduction should be encouraged along the Northern Bypass Road and developments should be planned around changes to the design of the A40.
- Improvements should be made to the cycle path adjacent to the bypass, including the addition of a barrier between the path and the road.
- The assertion in the Transport Statement that two cars can pass each other along Mill Lane is inaccurate.
- Concern that the cycle street layout and principles would not work in practice along Mill Lane.
- The addition of road markings and upgrading of road infrastructure along Mill Lane would have a negative impact on the setting of the Conservation Area.
- The development should be car free which would greatly limit vehicle movements.
- S106 money should be used to improve cycle access between the Victoria Arms and Marston Ferry Road.
- Concern about impact of the development and additional traffic generation on elderly residents of the Bradlands Development.
- Concern about enforceability of parking on site.
- An upgrade of existing cycle and pedestrian routes and infrastructure in the area is required.

Heritage and Design

- Concern that the development could have a negative impact on the Grade II listed Cromwell's House.
- The development would have a harmful impact on the Conservation Area in terms of the wider setting and as a result of increased traffic generation.
- The development would affect the village character of Old Marston.
- The proposals would result in the loss of an area of important green space.
- The proposals are an overdevelopment of the site and the height of the 4 storey blocks is at odds with the rural heritage and character of the village.
- Concern regarding the loss of the barn on the site.
- The development will impact negatively on views and the setting of the Cherwell Valley.
- The number of units proposed would be an overdevelopment of the site.
- The development will fail to comply with Secured by Design standards as areas of the site would not benefit from natural surveillance.
- Concern that the development will lead to an increase in crime and anti-social behaviour.
- The development of three and four storey dwellings on the site would not be appropriate given the landscape sensitivities of the site.
- Additional planting should be provided on site including creeper and tall hedges to soften harder edges of the site.

Ecology

- Concern about the impact on wildlife and loss of wildlife habitats.
- Concern about the ecological impact of removing hedgerows.
- Concern that the development could impact on bats which could be present in the buildings on site. The proposed arrangements for rainwater are unsuitable for the site.
- The off-site negative impacts on wildlife will be large, permanent and conflict with Plan policy G2
- The biodiversity net gain proposed would not be adequate.
- There is inadequate provision for the new and increased sewage which this development will generate. Overspill incidents are not uncommon in the area. They are highly detrimental to the New Marston Meadows SSSI.
- There will be an adverse effect on the Almonds Farm Bank tufa springs.
- The Biodiversity enhancements to Burnt Mill meadow and the Local Wildlife Site (LWS) tributary to the Cherwell carried out in conjunction with the Freshwater Habitats Trust, will effectively be wiped out by the effects of this development.
- The desk-based study by ACD Environmental, failed to note the 14 plant species with local or national conservation status designations in the Local Wildlife Site likely to be affected by this development.
- Concern regarding impact on local wildlife sites at Almonds Farm Meadow and Burnt Mill Meadow through increased recreational pressure and the impact of the development through removal of trees, hedgerows and increased predation by pet cats.
- The development should aspire to higher standards of biodiversity net gain (10%).
- Un-assessed potential negative impact on wildlife of hydrological connection via ground water of the development site (and two additional development sites coming) on the groundwater- dependent ecosystem with rare plant species on the spring/seepage wet bank in adjacent in Almonds Farm Fields and Burnt Mill Meadow Local Wildlife Site (LWS). Ground water flow reduction/pollution risk
- Un-assessed potential negative effect on rare species in the above LWS adjacent of directed run-off overflow from proposed SUDS swale system.
- Increase in demand for public recreational access to nearby Cherwell Meadows.
- Biodiversity net gain of 6.81% quoted for the development is unrealistic.
- The potential impact of total sewage has not been properly assessed.
- The loss of farmland area/farm buildings under this and other developments - potential to make farming in rest of area of remaining green belt meadows completely unviable which would have a negative impact on Local Wildlife Sites. The closure of farm access from the ring road would have a negative impact on the Local Wildlife Sites.

Flooding and Hydrological Impacts

- Concern that the development would cause contaminated water run-off into the water meadows and River Cherwell.
- Concern that the proposals would worsen flooding to the west adjacent to the River Cherwell.

- There is no mention of the ditch which runs from the A40 and filters water into the nearby stream. There has been an increase in water levels since the development at Barton Park and there is a concern that an increase in the water table will lead to flooding.
- The applicant should demonstrate that there is existing capacity in the area to accommodate water requirements in line with Thames Water's request.

Environmental Impacts

- The increase in traffic through the village would have an adverse impact on air quality.
- Reassurance needed that removal of the buildings will not release asbestos into the air causing environmental harm.

Health Impacts

- Concern that the development would have an adverse impact on health and well-being for residents. Concern that the Health Impact Assessment provided does not provide an objective assessment of health outcomes.
- Limited engagement was carried out with surrounding residents, concerns that assessment of the impact on public health has not been fully assessed.
- Concern that the development would be high density and distant from neighbouring facilities as well as the local community. This would fail to promote community cohesion.
- The development fails to include adequate facilities for sport and physical activity and the nearest accessible facilities are distant from the site.

Other

- The development would have an adverse impact on surrounding properties through a loss of privacy.
- The proposals would put increased pressure on community facilities.
- Concern that the development facilitates access to the neighbouring fields on the assumption that this adjacent land would also be developed.
- The Covid pandemic highlights the need for more publically accessible green open space and an additional need to protect against the loss of greenfield sites for development.
- Limited information is provided in terms of servicing including how gas and electricity services would reach the development.
- There would be no shops provided on site and the site is distant from existing shops.
- Guarantees are needed the affordable housing provided will be available and will remain available to those in need.
- The land subject of the planning application extends into the greenbelt. The use of greenbelt land to facilitate the development and provide public open space should not be supported.
- The cumulative impact of development on the application site and the adjacent site (Land West of Mill Lane) needs to be considered and both planning applications should be considered jointly.

- Sufficient details have not been provided with respect to the role of the private management company and their responsibilities.
- Inadequate separation distances are afforded between the proposed dwellings, which would not allow for adequate privacy for future occupiers.
- The proposed housing mix, notably the provision of flats does not reflect local housing need.

Comments received following re-consultation

9.35. Following re-consultation carried out in February 2021 a further 39 letters of objection were received, the main points of objection largely replicate those received during the initial phase of consultation and are broadly summarised below:

- Concern regarding increased traffic and safety of Mill Lane to accommodate traffic from the development site.
- A connection should be provided between the development site and the A40.
- Increase in traffic would worsen air quality in Old Marston.
- The increase in traffic will be of detriment to the character of the Conservation Area.
- Concern regarding the impact of construction traffic and damage to listed buildings in the Conservation Area.
- A low traffic neighbourhood for Old Marston should be sought as part of the development.
- Concern regarding the removal of grass verges along Mill Lane.
- The proposed density of development would not be acceptable.
- The development would put pressure on local amenities.
- Concern that the site layout would facilitate the development of adjacent land within the green belt.
- The development will result in a loss of light to neighbouring properties.
- The development would result in the loss of an area of green space which contributes positively to the character of the area.
- The loss of green space would be detrimental for biodiversity reasons.
- The design of the development would be out of keeping with the character of the Conservation Area.
- Concern regarding contamination of stream/ditch at top of Hill View Farm feeding into the River Cherwell.
- An EIA has not been provided.
- The development would result in an increased risk of flooding on land adjacent to the River Cherwell.
- No bus service would serve the proposed houses.
- Concern regarding the usefulness of the cycle street. Suggestion that Back Lane could be used as a cycle through route.
- Access for bin lorries has implications for road widths and splay design.
- Improvements required on A40 cycle path, including resurfacing and shielding to prevent glare from oncoming headlights.
- Concerns regarding design of buildings particularly the scale of the proposed flats.

- Greater co-ordination is required with the adjacent scheme (Land West of Mill Lane).
- Additional tree and vegetation cover is required on site.
- Greater public consultation should have been carried out by the applicants.
- Concern regarding ecological impact of the development on the local wildlife site through increased recreational use and dog walking. Also concern about impact on New Marston Meadows SSSI and the LWS adjacent to the Victoria Arms.
- Concern regarding viability of agricultural access.
- Increased risk of predation from pet cats in LWS.
- Concern regarding impact of artificial lighting.
- Concern regarding mitigation for loss of semi-improved grassland and proposed landscaping strategy.
- Concern regarding hydrological impact of development and impact on local ecosystem.

9.36. A detailed letter of objection was submitted by BDP Pitmans on behalf of the residents of No.13 Mill Lane in relation to the proposals as originally submitted and a further letter was received in relation to the revised plans. This letter of objection is further supported by a letter prepared by an independent transport consultant (Carl Tonks Consulting) a heritage assessment (Worledge Associates) and a Vehicle Vibration Assessment. In summary the objections to the application raised within the submitted letters relate to the following matters.

- Transport impacts of the development.
- Widening of Mill Lane and requirement for highway improvement works.
- Negative heritage impacts in relation to the Conservation Area through the works to widen Mill Lane, introduction of a CPZ and increased construction traffic.
- Concerns regarding the upgrading of Back Lane and the impact of this on the Conservation Area.
- Encroachment of development into Green Belt land.
- Impact on air quality for existing residents in Old Marston.
- Concern regarding vehicle vibration on Alan Court, a Grade II listed property in the Conservation Area.

Officer response to above matters

Each of the above matters is addressed in detail in the relevant sections of the officer's report below, this includes a detailed explanation regarding the various considerations relating to the access strategy sought in relation to this site and considerations relating to impact of the development on heritage assets and matters relating to the principle of development taking place within green belt land.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- Principle of development
- Design, landscape and visual impact
- Heritage

- Neighbouring amenity
- Transport
- Sustainability
- Air Quality
- Biodiversity
- Trees
- Flooding and drainage
- Land Contamination
- Noise

Principle of development

Residential Development and Quantum of Units

- 10.2. Paragraph 59 of the NPPF requires that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed; that the needs of groups with specific housing requirements are addressed; and that land with permission is developed without unnecessary delay.
- 10.3. NPPF Paragraph 11 outlines the overarching requirement that in applying a presumption in favour of sustainable development Local Authorities should be approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 10.4. Policy H1 of the Oxford Local Plan outlines that the majority of the Council's housing need would be met through sites allocated in the Oxford Local Plan. The application site at Hill View Farm has been allocated for residential development under site allocation Policy SP25. The policy requires that the minimum number of homes to be delivered at Hill View Farm shall be 110 dwellings. In relation to this figure it must be emphasised that this is a minimum number of homes, not a maximum figure.
- 10.5. Policy RE2 of the Oxford Local Plan, requires that all developments should make effective use of land and best use of site capacity. Opportunities for developing at the maximum appropriate density must be fully explored. Similarly Policy H1 of the Oxford Local Plan outlines that promoting the efficient use and development of land/sites, including higher densities and building heights in appropriate locations is key to meeting Oxford's housing needs. If a higher number of dwellings can be delivered on an allocated site in a sustainable

manner, which complies with all relevant policy provisions of the Local Plan, this should be encouraged as this will enable further delivery of affordable and market homes on sites specifically allocated for residential development. This approach is reflected within Paragraph 123 of the NPPF, which states that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. The applicant has proposed a total of 159 homes, which exceeds the minimum number of units required (110 dwellings).

10.6. The acceptability of the overall quantum of development must be considered in relation to a number of factors including the wider transport impacts, including traffic generation and whether development can be achieved in a manner which is acceptable in visual and design terms. These matters are addressed in the relevant sections of this report. The application site, excluding the land within the Oxford Green Belt (0.72ha) is described within the Oxford Local Plan as being 3.52ha in total area, though this is described within the applicant’s Planning Statement as 3.67 hectares. With regards to the proposed number of dwellings on the site (159 dwellings), where applying the Local Plan site area (3.52ha) this equates to a development density of 45 dwellings per hectare. The minimum number of dwellings permissible on the site (110 units) would equate to 31 dwellings per hectare. The Oxford HELAA, which informed the minimum densities applied to allocated sites in the local plan, includes the following density per hectare bandings:

Development typology	Proposed density banding (units per ha.)
District centre	100-120
Gateway site	60-70
Suburban site	50-60
Conservation area	35-55

10.7. Whilst as noted above, appropriate densities are dependent on site specific contextual factors, where applying the HEELA methodology the proposed development density of 45dpa would align with densities typically considered permissible on allocated sites within Conservation Areas, which would be among the most sensitive contexts in planning terms. The site, whilst within the wider setting of the Old Marston Conservation Area is not within a Conservation Area and it could be considered that the immediate site context is more suburban in character accounting for the more modern development to the north of the Old Marston Conservation Area. It is also outlined within the HELAA that minimum densities apply a conservative approach to estimating development potential of a site.

10.8. The minimum number of 110 dwellings on this site required under Policy SP25 of the Oxford Local Plan could therefore be interpreted as an uncharacteristically low number of units for a site of this size, which does not fall within a Conservation Area and is reflective more of the landscape sensitivities of

the site and access constraints. The site layout is discussed in greater depth in the design section of this report, however officers consider that in principle the density of development and number of units is not unacceptable. Subject to there being no adverse wider planning implications the principle of providing further housing above the minimum of 110 dwellings on this allocated site should be supported in line with Policies H1, RE2 and SP25 of the Oxford Local Plan as this makes effective use of the site. In relation to Paragraph 123 of the NPPF, Oxford has a shortage of available land on which to provide housing and the opportunity should be taken, where a site is allocated, to make optimum use of the site, thereby reducing future pressure for housing development elsewhere in the city.

Relationship with Adjoining Allocated Site

10.9. As the adjacent parcel of land to the south east of the site is also allocated within the Oxford Local Plan under Policy SP26 (Land West of Mill Lane) due consideration must be given to whether the proposals relate appropriately to this adjoining site and do not inhibit the ability to effectively develop this adjoining parcel of land. A planning application (21/01217/FUL) has very recently been submitted for Land West of Mill Lane. It is important to note that this is currently the subject of public consultation. The site layout may also be the subject of amendments and the acceptability of the proposals will be the subject of review by officers and members of the planning committee at a later date. It cannot therefore be assumed that the proposed layout for application 21/01217/FUL is either fixed, or acceptable in planning terms.

10.10. Notwithstanding this, the site layout at Hill View Farm has been developed in consultation with Oxford City Council, who are the adjoining land owner. The site layout on Hill View Farm facilitates pedestrian/cycle connections with the adjoining site at two points along the south eastern boundary of the site. This would ensure permeability of access allowing future residents of the adjoining site to pass through the Hill View Farm site to access the pedestrian/cycle paths along the A40 and areas of public open space on the Hill View Farm site. Likewise, future residents of Hill View Farm will be able to potentially benefit from connections through the adjoining site, which is shown in the layout for the plans submitted under planning application 21/01217/FUL.

10.11. The siting and orientation of development on the Hill View Farm site, including those plots closest to the site boundary (Plots 1 and 6) would not constrain the ability to effectively develop the adjoining site. This is reflected within the layouts presented within the plans for planning application 21/01217/FUL. The development would not therefore inhibit the effective delivery of site SP26.

Greenbelt Development

10.12. Policy G3 of the Oxford Local Plan requires that proposals for development in the Green Belt will be determined in accordance with national policy.

10.13. The NPPF (Paragraphs 144-145) draws a distinction between appropriate and inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very

special circumstances, this precludes the construction of new buildings other than those listed under Paragraph 145 of the NPPF; or specific types of development listed under Paragraph 146 of the NPPF.

- 10.14. Hill View Farm, alongside the adjacent site to the south east (Land West of Mill Lane) was released from the Oxford Green Belt at the time that the Local Plan was adopted in June 2020.
- 10.15. The red line site plan includes a section of land to the west which falls within the green belt. Consequently the proposals involve some limited development which falls within the Green Belt, this includes an attenuation pond, SuDS, access paths, biodiversity enhancement measures, public open space and a small pumping station. This section of the site lies to the west of the existing western boundary hedgerow and range of light industrial buildings, and consists of an agricultural field, which is also under the ownership of the applicant.
- 10.16. The development proposed within the parameters of the Green Belt would not consist of any new buildings. The only above ground 'structures' on the green belt land are those associated with the pumping station, which would consist of a 1.2 metre high equipment cabin and metal fencing associated with the pumping station, the majority of the pumping station would be below ground infrastructure. In terms of the use, officers consider that this would constitute an engineering operation, along with the associated SUD's works, which would be considered to be not inappropriate development within the context of green belt land. The fencing and single equipment cabin associated with the pumping station would be minimal in scale and height and would be screened by adjacent landscaping and planting and would not affect the openness of the green belt. The pumping station would therefore align with the provisions of Paragraph 146 of the NPPF.
- 10.17. The proposals within the Green Belt also include the provision of access pathways, including a new pedestrian and cycle link connecting to the A40 cycle path and connections from the development site into this adjacent space allowing access for residents of the new development and other members of the public. This space has a recreational function as an area of public open space, whilst also providing biodiversity enhancements in conjunction with providing SuDS for the development site. It should be noted that the extent of public open space proposed within the development masterplan located outside of the green belt exceeds the 10% requirement outlined under site allocation Policy SP25. The provision of public open space within the green belt is not therefore being used to make up the 10% public open space requirement which would need to be provided within the application site, moreover the land provided within the Green Belt would provide additional public open space above and beyond the policy requirements. This would bring into public use what is currently an agricultural field that does not benefit from public access which would provide recreational benefits to future residents and wider members of the public.
- 10.18. Officers consider that the development proposed within the parameters of the Green Belt would be 'appropriate development' in line with the provisions of Paragraphs 14 and 146 of the NPPF. Namely the development would fall under either the definition of engineering operations or a change of use from agricultural to recreational land, both of which are listed as appropriate forms of

development. Officers therefore consider that the development would be acceptable in line with Paragraph 145 and 146 of the NPPF and Policy G3 of the Oxford Local Plan.

10.19. The impact of development on the site with regards to the design, scale and quantum of development and corresponding impact on the landscape character and therefore the openness of the Green Belt is assessed in further depth in the landscape and design section of this report.

10.20. Paragraph 138 of the NPPF states that where it has been concluded that it is necessary to release Green Belt land for development compensatory measures should be put in place to off-set the removal of land from the green belt. NPPG Paragraph 002 provides further guidance on appropriate compensatory measures which may be informed by landscape, access, recreational or biodiversity needs. In relation to this requirement, the proposals would enable public access to additional, currently inaccessible Green Belt agricultural land as noted above. A financial contribution would also be sought towards the improvement of local pedestrian links in Old Marston, which are described in greater detail in the later sections of this report. The proposals also make provision for biodiversity net gain, which is addressed in further depth in the ecology section of this report.

Environmental Impact Assessment (EIA) Requirement

10.21. A number of representations have suggested that the applicants are required by law to prepare an EIA in support of the planning application. A number of objectors reference a specific aspect of case law namely *Berkeley v Secretary of State for the Environment, Transport and the Regions (No.1) [2001] 2 A.C. 603*. Officers would contend that the references to this case law are not relevant within the context of this planning application. This particular case concerned a specific development where an environmental statement did not accompany a planning application and an opinion was not expressed by the Local Planning Authority on whether an Environmental Statement (ES) would be required. The application was called in by the Secretary of State for determination. The planning inspector failed to consider whether there should have been an environmental impact assessment which constituted a procedural error. For this application under consideration, the Council have clearly provided a screening opinion, published alongside this application, which outlines the Council's reasoning for not requesting the preparation of an Environmental Statement.

10.22. The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 prescribes the basis under which decision makers are required to assess whether an Environmental Statement is required in support of a planning application and therefore whether proposals constitute EIA development.

10.23. The development proposed within the planning application is classed as an 'urban development project' under paragraph 10(b) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The development exceeds one of the thresholds for urban development projects as set out in column 2 of the table in Schedule 2 as more than 150 dwellings are

proposed. This means that it is a requirement that the Local Authority provide a screening assessment to determine whether significant effects on the environment are likely and hence whether an Environmental Impact Assessment (EIA) is required. There was therefore a requirement in this case to assess whether the development would be likely to have significant effects on the environment by virtue of the specific nature and scale of the development proposed.

10.24. A screening opinion under Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 was sought from Oxford City Council by the applicants prior to the submission of the planning application. It should be noted that the screening assessment was issued on the basis that the development would comprise 153 dwellings. The current planning application comprises 159 dwellings, 6 dwellings above the figure previously screened by the Council, however, this is a very minor increase in the number of units proposed and was considered not to alter the screening opinion that was issued.

10.25. With regard to the development site, this does not fall within, or immediately adjacent to a 'sensitive area' as defined in regulation 2 of the EIA regulations. With regards to the overall quantum of development, both originally screened (153 units) and as submitted under this planning application (159), Paragraph 018 of the NPPG notes that only a very small proportion of Schedule 2 development will constitute EIA development. The NPPG provides a table of indicative thresholds and criteria in the guidance to assist Local Planning Authorities in coming to a view on whether EIA is required. With regard to sites which have not previously been intensively developed, as is the case here, the guidance indicates that if the site is less than 5 hectares (which is the case in this instance) an EIA would only be warranted in the case of proposed residential development where the development would have significant urbanising effects in a previously non-urbanised area. The example provided being development of more than 1000 dwellings. The scale of development proposed within this application is significantly below this quantum of development.

10.26. The Local Authority screening opinion prepared by officers was published alongside this planning application. The screening opinion provides a summary of the various environmental impacts of the development, both in relation to the application site and in relation to the adjacent site (Land West of Mill Lane). The Local Planning Authority's (LPA) conclusion was that any environmental impacts relating to the scale of development, to waste, sustainability and climate change, to ecology and biodiversity, and to any increase in traffic, emissions, air quality and noise would not require the preparation of an Environmental Statement. Officers consider that the screening opinion which was prepared correctly took account of the criteria outlined within Schedule 3 of the EIA regulations and that sufficient detail was provided in order to reach the conclusion issued within the LPA's Screening Opinion letter that an EIA would not be required in respect of a planning application for a development of up to 153 dwellings.

10.27. Regina (on the application of) Jones v Mansfield DC [2003] EWHC 7 (Admin) held that, in general, a lesser degree of information is needed at the first stage of deciding whether EIA is required at all than at the second stage where it is necessary to provide the information. Richards J commented that: "it is for the

authority to judge whether a development would be likely to have significant effects. The authority must make an informed judgment, on the basis of the information available and to any gaps in that information and to any uncertainties that may exist, as to the likelihood of significant effects. The gaps and uncertainties may or may not make it impossible reasonably to conclude that there is no likelihood of significant environmental effects. Everything depends upon the circumstances of the individual case.” An appeal to the Court of Appeal against Richards J’s decision was dismissed ([2003] EWCA Civ 1408). The Court of Appeal confirmed that the question of whether there were likely to be significant effects or not is a matter of judgment for the decision maker.

10.28. The LPA is entitled to come to the view in issuing a screening opinion that an EIA would not be required in support of a planning application. As noted above, the submitted planning application proposes development of 6 additional dwellings above the number of units screened by the LPA. With reference to the proposed threshold of 159 dwellings, officers are of the view that when assessed in relation to the selection criteria in Schedule 3 for screening Schedule 2 development and when taking in account the table of indicative thresholds and criteria in the NPPG, a development of 159 dwellings would also not constitute EIA development. This is also the case when the development is assessed cumulatively in relation to the proposed development on the adjoining site (Land West of Mill Lane). The information provided at the time that the initial screening opinion for 153 dwellings was given, is supplemented by further detail provided within this planning application through the submission of various technical reports including an Ecological Assessment, Transport Assessment, Land Contamination Report and Flood Risk Assessment, each of which are addressed in the relevant sections of this report. The submitted reports provide adequate assessment as to the environmental effects of the proposed development and provide a further evidence base to suggest that significant environmental effects arising from the development would be unlikely. The assessment of the impact of the development on the New Marston Meadows concludes that there would be no significant effects on the SSSI, the nearest sensitive site, which is located 1.3km away from the application site.

10.29. Officers would reiterate the conclusion issued within the screening opinion for the marginally lower quantum of development, that the scope of any environmental effects can be reasonably mitigated. These conclusions are not altered by the minor addition of a further six dwellings. It should be further noted following the submission of supplementary supporting details that no statutory consultees object to the development, or have raised concerns in relation to the adequacy of the details provided in support of the proposals.

10.30. The risks associated with the development of 159 dwellings proposed are not considered to be significant or out of the ordinary for a development that is of a relatively limited scale in the context of Schedule 2 development. Paragraph 018 of the NPPG states that the majority of Schedule 2 development will not require an EIA. The development of 159 dwellings falls just above the Schedule 2 threshold and in officers’ view the scope of environmental impacts can be and have been appropriately assessed. Further to the initially issued screening opinion, officers consider that when taking account of the selection criteria in Schedule 3 of the Town and Country Planning (Environmental Impact

Assessment) Regulations 2017 and associated guidance, the proposed development would not give rise to any unusually complex or potentially hazardous environmental effects and would not constitute EIA development.

Loss of Employment Uses

10.31. The site is classed as a Category 3 (lowest category) employment site in line with Policy E1 of the Oxford Local Plan. This designation covers all employment sites in the city, which are not specifically designated or afforded protection for the purposes of retaining employment use on site, or other uses directly related to the employment use of the site. Proposals for residential development on category 3 employment sites will be assessed by a balanced judgement which will take into account the following objectives:

f) the desirability of meeting as much housing need as possible in sustainable locations within the city; g) the need to avoid loss of or significant harm to the continued operation or integrity of successful, and/or locally-useful, or high-employment businesses and employment sites, and to avoid impairing business operations through the juxtaposition of incompatible residential uses; h) the essential importance of creating satisfactory residential living conditions and a pleasant residential environment with a sense of place, connected by safe walking routes to shops, schools, open space, community facilities and public transport; and i) the desirability of achieving environmental improvements such as remediation, planting, biodiversity gains, sustainable development forms, improvements in highway conditions and the improvement of living conditions for existing residents.

10.32. The subtext to Policy E1 recognises that category 3 sites do not perform such an important economic function compared to Category 1 and 2 employment sites. It is also specified that these sites should be considered for housing if these sites become available for development.

10.33. The existing employment uses on the site are not of a high standard and consist of a somewhat disordered range of former agricultural buildings used for various light industrial uses. Policy SP25 of the Oxford Local Plan does not require employment uses to be retained on the site, reflecting the relatively low quality of the site for employment use. The proposed development would provide a significant number of new homes, which would outweigh the loss of what is a relatively small and low category employment site. Officers therefore consider that the loss of employment uses on the site is justified in line with Policy E1 of the Oxford Local Plan.

Affordable Housing

10.34. Policy H2 of the Oxford Local Plan requires provision of affordable housing on sites of 10 or more units or sites which exceed 0.5 hectares. A minimum of 50% of units on a site should be provided as homes that are truly affordable in the context of the Oxford housing market (defined in the Glossary). At least 40% of the overall number of units on a site should be provided as on-site social rented dwellings. The remaining element of the affordable housing may be provided as

intermediate forms of housing provided that they are affordable in the Oxford market.

10.35. The proposals would provide a total of 79 dwellings which would equate to 50% of the total number of units on the site, 63 of these dwellings would be socially rented (80%), whilst the remaining 16 dwellings (20%) would be shared ownership homes. The proposed tenure mix would therefore comply with Policy H2 of the Oxford, the provision of affordable housing would be secured through the accompanying legal agreement.

Housing Mix

10.36. Policy H4 of the Oxford Local Plan requires that new developments of 25 or more units outside of the City Centre and District Centres provide a mix of dwelling sizes, though this is only for the affordable element of developments.

10.37. The applicants planning statement includes a breakdown of unit sizes for all of the dwellings on the site and a breakdown of the mix for the affordable (social rented and intermediate units). The mix of dwelling sizes for the affordable units is summarised below, this is summarised alongside the target mix required under Policy H4 of the Oxford Local Plan:

REQUIRED NUMBERS	PROPOSED NUMBERS	
1 Beds 20%-30%	19 x 1 Beds	24%
2 Beds 30%-40%	35 x 2 Beds	44%
3 Beds 20%-40%	16 x 3 Beds	20%
4 Beds 8%-15%	9 x 4 Beds	12%

10.38. The above mix indicates compliance with the target housing mix, notwithstanding the slightly higher provision of two bedroom dwellings. The proposed mix is considered to provide an appropriate balance of dwelling sizes which aligns with the requirements of Policy H4 of the Oxford Local Plan.

Design, Landscape and Visual Impact

10.39. 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. The design of all development should respond appropriately to the site character and context and shall be informed by a contextual analysis and understanding of the setting of the site.

10.40. The application site falls on the urban edge of Old Marston and the far northern edge of Oxford. The site contains a cluster of low rise light industrial buildings along the western edge of the site, however the majority of the site is undeveloped. Accounting for the existing context, any substantial redevelopment on the site would read as an urban encroachment into the adjacent countryside beyond the developed boundary of Old Marston. This was acknowledged when the site was released from the Oxford Green Belt and allocated for residential development.

- 10.41. The site lies on a slightly raised area of land within the Cherwell Valley. The land rises from the River Cherwell to the west of the site up to Mill Lane and the settlement edge where the site sits on a slight ridge. The subtext to site Policy SP25 notes how the site is experienced in the context of Oxford and Old Marston. It is noted that the sense of separation from the urban edge gradually increases with distance from it. The openness of the Cherwell Valley, penetrating into the heart of Oxford, makes an important contribution to the City's historic setting and special character, but the parcel of land containing the development site is peripheral. The Oxford Green Belt Study prepared by LUC, which formed part of the evidence base submitted during the local plan examination concluded that the release of the site from the Green Belt would result in moderate harm to the greenbelt, as development would read as an urban encroachment into the countryside. It was noted that taller buildings could potentially have a greater impact on the perceived openness of the valley, but otherwise harm to the wider Green Belt would be limited, with the A40 forming a strong edge to the north and with a considerable area of open land remaining to the west maintaining an undeveloped gap of Green Belt land between Marston and Summertown.
- 10.42. The subtext to Site Policy SP25 outlines that relatively low density and low height development will be required on this site, so as to preserve the landscape character of the Cherwell Valley. In order to assess the overall landscape impact of the proposed development a Landscape and Visual Impact Assessment (LVIA) has been prepared, this includes an assessment of the visual impact of the development from a number of key, identified public vantage points adjacent to, and within the near to medium vicinity of the site.
- 10.43. Development proposed on the site would consist of two and three storey houses and maisonettes varying between 8.9 and 9.7 metres in height. Three, three storey and one, four storey block of flats along the north eastern edge of the site would be the largest buildings in terms of scale, though as the roofs are pitched this would reduce the overall volume of the buildings and consequently their visual presence. Blocks 1 to 3 would be a maximum height of 11.9 metres. This would be higher than the typical residential dwellings on Mill Lane on the northern edge of Old Marston, the height and scale of the flats is broadly comparable to the scale and height of more recent developments in the area, including Bradlands and the recent residential development at Cumberlege Close currently under construction, the ridge heights of which are 10.4 metres and 11.3 metres respectively. The four storey block of flats would measure 14.4 metres to the roof ridge, though it should be noted that this is a single building, located in the north east corner of the site and would therefore be in the least visible position in terms of the more prominent views from the west towards the site.
- 10.44. The LVIA identifies that the site cannot be seen in the majority of more distant views, or that the impact of the development would be negligible. This applies to views to the north of the site taken from footpaths 201/12 and 201/13 to the north of the A40, given dense vegetation cover either side of the A40. The development site is visible from footpath 201/11 to the west of Elsfield village which forms an important elevated external view towards Oxford's historic core. Policy DH2 of the Oxford Local Plan states that the City Council will seek to retain significant views both within Oxford and from outside, in particular to and

from the historic skyline. It is important to note that the application site does not fall within the Elsfeld view cone, which forms the framed views towards the history core of the city. Within this view the application site is peripheral and would not therefore visually obstruct or otherwise detract from the significance of this view by sitting in the foreground of the views over the historic core of the city.

10.45. There are views towards Old Marston village though these views are not of greatest prominence within the wider perspective of the panoramic views from Elsfeld. The more prominent views are towards the historic core of the city, whereas Old Marston lies significantly to the west of the view cone, from this perspective attention is also drawn towards more prominent, large buildings within the foreground of this view including those on the John Radcliffe Hospital site and the urban edge at Barton Park. The Bradlands development at Mill Land in Old Marston is relatively prominent within views over Old Marston from Elsfeld. This is only in part due to the height of the buildings and is more due to the use of white render which stands out within the context of the surrounding development consisting of buildings constructed from dark coloured brick and within the surrounding landscape. The location of the allotments and lack of foreground screening also increases the prominence of this building.

10.46. The site at Hill View Farm is in contrast relatively well screened by planting on either side of the A40. At the request of officers the submitted LVIA includes an assessment of the scale of the development from the Elsfeld viewpoint, which includes 3D visual modelling of the development. Drawing No. 1604-115 provides an explanation of the sections of the development which are likely to be perceived within the wider views from the Elsfeld viewpoint. The explanatory drawing shows that the elements of the development likely to be most prominent in public views would not be taller elements such as the three and four storey blocks of flats, but rather the houses and two storey maisonette blocks to the front of the site, this is owing to the angle of the view and the presence of vegetation screening in the foreground along either side of the A40. Within the Elsfeld view it is likely that visibility of the development would be limited at most to the upper sections and roofs of the buildings. Whilst public concerns regarding the prominence of the Bradlands building are noted, the visibility of this particular building is accentuated by the use of white render which causes the building to particularly stand out. The use of buff brick and timber boarding materials as well as stone used with the development would not accentuate the prominence of the buildings, ensuring that the buildings sit more comfortably within the overall landscape setting. Overall, development on the site would read as a continuation of the established built form along the northern periphery of Marston. The submitted LVIA concludes that the magnitude of change resulting when viewed from the Elsfeld view cone would be very small and the overall visual impact would be minor.

10.47. In terms of public views and relative sensitivity, the greatest visual impact would be from the public rights of way nearest to the site, namely footpath 294/4/10 to the south of the site, which leads from Old Marston to the Victoria Arms Public House; and footpath 294/9/10 which is to the west of the site leading between the Victoria Arms and the A40. From the south, the development would be visible in views between the existing hedgerow, to the north during the winter months when vegetation cover is less dense, during

summer months views are greatly reduced. The LVIA concludes that there would be a moderate impact associated with the development when viewed from the public right of way 294/4/10.

10.48. There would be prominent views of the site from footpath 294/9 to the west of the site. From this position there is no substantial screening or trees, which would otherwise obstruct views of the development, aside from the relatively low boundary hedgerow. It is accepted that any development on the site would have an adverse impact on public views from this aspect. The housing along the western edge of the site, which is most sensitive in landscape terms would be two storeys and of a limited height. Across the site, the heights of the houses are typically two storeys, interspersed with three storey dwellings. The largest buildings in terms of height and massing are the flats, which are concentrated along the northern edge of the site. In landscape terms, this would be the least sensitive part of the site. The upper sections of the flats can be seen within the views from the west, though the flats would not be greatly prominent compared with the buildings sited on the western edge of the site and views would largely be limited to the upper sections of the buildings. The submitted LVIA concludes that the overall visual effect of the development when viewed from footpath 294/9 would be major. This is not unexpected as any development on the site would inevitably have an urbanising impact on the views from the public right of way (PROW), the relative landscape harm and impact on the openness of the Green Belt was acknowledged at the time that the site was allocated.

10.49. It is therefore essential that this impact is mitigated through an effective landscaping strategy. The visuals contained within the LVIA provide an assessment of the visual impact of the development after 15 years, which allows for the establishment and growth of the landscaping proposed along the western boundary of the site. The visuals provided within the LVIA demonstrate that the prominence of the proposed dwellings along the western edge of the site would be significantly reduced once landscaping is established, this would significantly reduce the overall landscape and visual harm associated with the development. The increased planting proposed within the north eastern corner of the site would also assist in screening views of flat block 1. The provision of new boundary planting within this location will need to be secured by planning condition.

10.50. The upper sections of the housing development would also be visible from the fields adjacent to the Victoria Arms public house from footpath 294/9 within the Almonds Farm Local Wildlife Site. This would be principally limited to the upper sections of the roofs of the housing from this location and the visual impact is concluded from the LVIA to be moderate. Any development on the site would be visible from this vantage point and the scale of development proposed would not be prominent beyond the degree which would be typically associated with a residential redevelopment of the site.

10.51. In order to limit the landscape and visual impact of the development a condition is recommended requiring the submission of details outlining the location and design specification of the proposed solar photovoltaic panels given the potential visibility of these panels in external views.

- 10.52. The development would also be visible from the A40, including views of the flats located along the northern edge of the application site. The LVIA indicates that the impact of the development from the A40 would be moderate. The view provided is from the northern side of the A40, where the upper sections of the flats would be visible beyond the existing tree line. The buildings would also be visible from the cycle path on the southern side of the A40 and the scale of the flats would be perceived by road users travelling in a westbound direction. As noted within the LVIA road users are less sensitive than residential receptors or users of public rights of way, nevertheless the development would have an urbanising and transformative impact on these views. The larger flats would be most prominent from this viewpoint, though it must also be noted that any development on the site when perceived from this perspective. For road users the development would be read as a continuation of the urban edge, which extends alongside the northern bypass road from Headington to Old Marston, including recent development at Barton Park which includes sizeable frontage buildings.
- 10.53. In terms of the overall design approach the applicant's design and access statement provides a detailed contextual assessment of the character of Old Marston. Notably there is significant variance between the semi-rural village character of the historic core of Old Marston which is a Conservation Area and the mid to late 20th century development which characterises much of the northern part of Old Marston. The overall design approach to the development is intended to reflect the characteristics of the Conservation Area, as opposed to characteristically suburban development to the north of the Conservation Area.
- 10.54. The housing typologies proposed reflect characteristics of the more traditional, vernacular housing found within the Conservation Area in terms of the use of materials and general approach to elevational treatment. The materials palette includes mix of stone and buff brick and a combination of blue and red slate. Dark weatherboarding has been used as a secondary material on a number of the house types and prominently on the front gables of the flats. The contextual analysis of existing buildings in the Conservation Area indicates a number of examples where timber boarding can be found, including on vernacular buildings. The use of weatherboarding as a secondary material is supported as this helps to break up the mass of the buildings on the site and provides variation, to the stone and similar coloured buff brickwork. The general design approach is a contemporary interpretation of the traditional forms of development typically found within the Conservation Area. Officers consider that this is an appropriate approach, one which draws upon the local character, but ensures that the development retains an individual identity and sense of place. This is reflected in the design and form of the individual dwellings types which have been developed in close consultation with the Council's Planning and Urban Design officers and the Oxford Design Review Panel.
- 10.55. As noted in the above sections of this report, officers do not consider the density of development on the site would be excessive. The site includes a mix of housing typologies, reflecting the need to provide a mix of housing in accordance with Policy H4 of the Oxford Local Plan, which is also reflective of the diverse mix of housing typology found within Old Marston. The site layout does not appear cramped or enclosed and large sections of the site are

allocated for landscaping, both in the form of public open space and planting along street frontages.

- 10.56. The site layout and arrangement ensures that active frontages are retained to all areas of the public open space, in accordance with Site Policy SP25 of the Oxford Local Plan. Active frontages are also provided along each of the streets within the site, including the greenway set behind defensible space. The site plan and elements of the layout and design of the housing have been revised in accordance with comments raised by Thames Valley Police, who previously raised concerns regarding natural surveillance, aspects of the design of individual dwellings and permeability through the site. TVP have following the implementation of their requested amendments since removed their objection.
- 10.57. The site layout gives priority to pedestrian and cycle movements, which is reflected in the provision of the greenway, which is a cycle and pedestrian route which will provide a continuous car free route serving dwellings on the site and providing a link to the cycleway to the north of the site. The site layout includes a centralised area of public open space, this would be located to the north of units 30 and 31 and 36-41 and to the front of Blocks 1 to 4. The public open space would comprise more than 10% of the total site area, of the allocated site, not falling within the Green Belt, whilst additional public open space would be provided on land immediately to the west of the housing. This would include swales and an attenuation pond, but is intended to be a natural trail for future residents to use on a recreational basis as paths are also shown on the site plan. The landscape plan also includes fitness equipment adjacent to the cycle way for public use. The space to the centre of the site would consist of open areas of space for general usability with selected tree planting. There would also be a Local Equipped Area for Play (LEAP) within the centre of the site. The open space and LEAP would be managed by a management company. The location of the public open space and future management of the space would be secured through a Section 106 agreement. The landscape plan includes the retention of key existing natural features, including the boundary hedgerows and the majority of boundary trees, including the two oak trees along the western edge of the site, currently the subject of a Tree Preservation Order.
- 10.58. In summary, officers consider that the development is designed in a manner which reflects the context of local area, whilst also ensuring that site would retain an individual identity. The dwelling types and use of materials are considered to be contextually justified, whilst the site layout has been carefully designed to account for movement and permeability, which is particularly reflected in the provision of the greenway. Adequate and usable public open space will also be provided. The general density of development is considered to be justified within the site context and would account for the need to make efficient use of the site to provide housing. An LVIA has been prepared which includes assessment of the scale of the development from a number of local and more distant public vantage points. Elements of the site are visually prominent in views from the nearby public rights of way to the south and west of the site, particular the footpath to the west of the site. From this perspective the development would have an urbanising impact on the surrounding landscape and on the openness of the Green Belt, though what can be perceived mainly in these views are lower buildings on the site, rather than the higher three storey blocks and four storey

block of flats, though these elements are more prominent from the A40. The overall visual impact would, in officer's view, be no greater than what would typically be the case with urban development on a reasonably prominent edge of settlement site. The overall design approach is considered therefore to be appropriate within the context of the site and the surrounding area and therefore would accord with the provisions of Policy DH1 of the Oxford Local Plan.

Heritage

- 10.59. The application site itself does not fall within a Conservation Area. The historic core of Old Marston Village falls within the Old Marston Conservation Area, which extends up to a point just to the south of the junction of the driveway serving the Victoria Arms and Mill Lane, approximately 360 metres from the site. The nearest listed buildings within Old Marston are located on the corner of Mill Lane and Ponds Lane approximately 460 metres from the site, these are Cromwell's House and the Manor House, both of which are Grade II listed buildings. To the north of the site, on the opposite side of the A40 is the Grade II listed Hill Farmhouse.
- 10.60. Policy DH3 of the Oxford Local Plan specifies that planning permission will be granted for development that respects and draws inspiration from Oxford's unique historic environment (above and below ground), responding positively to the significance, character and distinctiveness of the heritage asset and locality. For all planning decisions for planning permission affecting the significance of designated heritage assets (including Listed Buildings and Conservation Areas), great weight will be given to the conservation of that asset and to the setting of the asset where it contributes to that significance or appreciation of that significance).
- 10.61. For development within or affecting the setting of Conservation Areas, the NPPF requires special attention to be paid towards the preservation or enhancement of the Conservation Area's architectural or historic significance. Paragraph 193 of the NPPF requires that: "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance".
- 10.62. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that: "In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."
- 10.63. The development site is separated from the Conservation Area by existing mid to late 20th century residential development. The combination of dense vegetation and the siting of existing dwellings on Mill Lane and Cumberlege Close means that the development site would be largely unseen, if discernible at all, from within the Conservation Area at Mill Lane, this is confirmed within the submitted LVIA.

- 10.64. Whilst not immediately visible within the Conservation Area and whilst the site is somewhat peripheral in relation to the Conservation Area, the Old Marston Conservation Area Appraisal notes that green open spaces form the setting of the village, the loss of green spaces and intrusion of development into green areas of space surrounding the village is highlighted as a potential vulnerability which may affect the setting of the Conservation Area and its significance.
- 10.65. There is significant detachment between the historic core of the village and the site at Hill View Farm in terms of visual and spatial relationship. From the field to the north of the Victoria Arms and footpath 294/9/10 between the Victoria Arms and Mill Lane, whilst the development is visible, the site is offset in views towards the Conservation Area. This is noting that in the above section of this report there are prominent views from footpath 294/9 to the west of the site towards the site and the development would have an urbanising impact when experienced from this viewpoint. The above section of this report also notes that the site is visible from wider views towards the Elsfeld viewpoint, which also offers more distant views, though somewhat peripheral views over the Conservation Area. The extent to which the development would be prominent is limited due to the extent of existing vegetation cover. In allocating the site for residential development under Policy SP25 it was accepted that the development would have an urbanising impact on the local landscape setting and consequently how the Conservation Area is experienced in public views.
- 10.66. The development would have an urbanising impact on the rural setting of the Conservation Area as experienced in views from the north and west of the site given the sites present condition as an open space with an agricultural character. Officers conclude that urbanisation of this space would amount to less than substantial harm to the setting of the Conservation Area. The siting of the flats, which are larger than the remainder of the buildings on the site would increase the visual prominence of the development and the extent to which the development would have an urbanising impact on the setting of the Conservation Area. Notwithstanding this, as clarified in the above sections of this report, the overall density of the development would be in line with what would be typically expected within the context of a Conservation Area.
- 10.67. The submitted heritage statement makes reference to works required to the S bend section of Mill Lane. This is a section of road adjacent to the junction with Ponds Lane to the south of Cromwell's House and the Manor House (Nos. 15 and 17 Mill Lane) and to the west of No.13 Mill Lane. This is recognised as an access constraint on approach to the site as the road layout tightens and narrows at this point. The highways implications of this are addressed later in this report. This section of verge lies at the centre of the Old Marston Conservation Area and in the setting of three Grade II listed buildings, these being Cromwell's House and the Manor House (Nos. 15 and 17 Mill Lane) and to the west of No.13 Mill Lane. There has been detailed discussion between officers, the applicants and the Highways Authority with respect to how access to the site during both construction and the operational phase of the development would be obtained. The land is under the ownership of Oxfordshire County Council which would have made widening of the verge theoretically feasible, though the County Council have since advised that management of construction traffic can be addressed through appropriate management measures without a

need to widen the verge, which would otherwise have resulted in less than substantial harm to the setting of the Conservation Area. Harm can be avoided through appropriate construction traffic management measures, as detailed in the later sections of this report. This is a correct approach in officer's view given that the verge provides a contribution to the significance of this particular part of the Conservation Area and this is emphasised within the Old Marston Conservation Area Appraisal.

10.68. The impact of the development in terms of traffic generation must also be considered in relation to the setting of the Conservation Area. Traffic generation is addressed in further depth in the corresponding section of this report, which deals with the highways impacts of the development. The submitted Transport Assessment concludes that over the course of a 12 hour day a total of 567 vehicle movements would be generated by the development, an average of 47 two-way trips per hour. All of the traffic would pass through the Conservation Area via Mill Lane and either Oxford Road or Elsfield Road. The implications of additional traffic would have a transformative impact on Mill Lane. Mill Lane is a historic route and a significant increase in traffic would have an urbanising effect and will cause additional noise and disturbance which will have an impact on the rural setting of the Conservation Area as presently experienced. Notwithstanding this, it should be noted that the nature of Mill Lane has changed following the expansion of 20th Century development to the north of Old Marston, which is served from Mill Lane. It is appropriate though to conclude that the increase in traffic generation would constitute less than substantial harm to the setting of the Conservation Area, as an increase in traffic would, to an extent, alter the rural character of Mill Lane and how this is presently experienced.

10.69. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

10.70. The nearest listed building to the site is the Grade II listed Hill Farmhouse, which is located approximately 250 metres to the north west of the site on the opposite side of the A40 within South Oxfordshire District. The position of the dual carriageway section of the A40 and adjacent screening means that there is significant detachment between the farmhouse and the application site. These contextual implications in addition to what is a relatively significant separation distance would mean that the siting of the development would not have a significant impact on the setting of this listed building and the development would not result in harm to the significance of this listed building.

10.71. In relation to the Grade II listed Cromwell's House and the Manor House (Nos. 15 and 17 Mill Lane), these buildings are located over 450 metres from the site. Development on the Hill View Farm site would not be perceived within the setting of these buildings, given the degree of detachment from the site and the listed buildings and given the extent to which the land to the north of these buildings has been significantly urbanised. It is concluded that the siting of the

development would not therefore result in harm to the setting of these listed buildings.

10.72. The majority of the buildings on the site itself consist of modern corrugated sheds and prefabricated industrial structures which are of no architectural value. There is a small vernacular stone barn to the north of the industrial buildings, which is considered to be of potential heritage merit.

10.73. Policy DH5 of the Oxford Local Plan applies to development which affects local heritage assets. The policy states that planning permission will only be granted for development affecting a local heritage asset or its setting if it is demonstrated that due regard has been given to the impact on the asset's significance and its setting and that it is demonstrated that the significance of the asset and its conservation has informed the design of the proposed development. In determining whether planning permission should be granted for a development proposal, which affects a local heritage asset, consideration will be given to the significance of the asset, the extent of impact on its significance, as well as the scale of any harm or loss to the asset as balanced against the public benefits that may result from the development proposals.

10.74. The submitted heritage assessment and historic mapping estimates that this building was constructed between 1843 and 1877 and is a relatively well preserved in terms of overall condition and structural integrity and is of a simple form. The submitted Heritage Assessment concludes that the barn is of local historical interest, but is not of such significance that it would qualify as a local heritage asset, this is due to what is deemed to be the lack of special features and its utilitarian character. Officers would dispute this assessment and would contend that the building would be classed as a Local Heritage asset, though the building is not listed on the Oxford Heritage Asset Register (OHAR). The building is characteristic of traditional agricultural buildings of this era and remains in good condition. The Council's Conservation Officer has advised that the barn is evidence of the field pattern and the agricultural use of the area. It has historic values from its construction, use and function and because some stones used were probably re-used from an earlier building. There is evidence of earlier masonry; it has aesthetic value from its form, use of limestone and robust appearance and historically it would have had communal value from its use as a large storage facility.

10.75. Officers expressed concern that the significance of the building is downplayed within the submitted heritage report though this has been disputed by the applicants Heritage Consultant. An additional note from the Heritage Consultant states that the small barn has some evidential, historical and aesthetic value, deriving from the age of the building and its former agricultural use, though the consultant disputes the communal value of the building as the structure is of a scale which indicates it was used by one farm or household. This follow up response notes an absence of special features' in relation to fixtures or fittings which might give some indication as to past activity.

10.76. Officers have discussed in depth with the applicants whether the barn could be retained as part of the proposed development. The barn would be sited within an area currently shown on the submitted site plans as an area of public open

space. Retention of the barn as part of the residential development would be possible, though this would likely have an adverse impact on circulation and usability of the public open space. The setting of the barn would be greatly altered as a result of major residential development within the immediate setting of the building and would be read within the context of an urban rather than a more rural setting, though it can be argued that the setting of the barn has also been compromised at present by the surrounding development of light industrial buildings on the site. It is also appropriate that whilst removal of the structure must be considered in the context of Policy DH5 of the Oxford Local Plan and Paragraph 197 of the NPPF, it should be noted that the building could be demolished without a requirement to obtain planning permission under Schedule 2 Part 11 Class B of the General Permitted Development Order 2015, as the building is unlisted and does not fall within a Conservation Area so would not be afforded statutory protection.

10.77. In the context of the NPPF, Paragraph 197 of the framework states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. The development would result in the loss of the barn, this would constitute substantial harm when assessed under Paragraph 197 of the NPPF and this must be weighed against the public benefits of the proposed development.

10.78. The public benefits of the development principally relates to the provision of 159 dwellings, 50% of which would be affordable housing. This represents the provision of a substantial number of homes on an allocated site and would make a significant contribution towards meeting the Council's unmet housing need. The delivery of housing on allocated sites, including at Hill View Farm, is vital in ensuring the delivery of 10,844 homes over the local plan period up to 2036. The provision of 79 affordable homes on the site is of particular importance when considering the significant under provision of affordable housing in the city.

10.79. The proposals would also deliver secondary benefits including localised improvements to pedestrian and cycle infrastructure in Old Marston as well as improvements to the frequency and quality of bus services in the village, through the financial contribution of £195,183 towards increased service provision.

10.80. It is considered that the public benefits arising from the development would be significant, particularly in terms of housing delivery. The public benefits have been considered in relation to the level of less than substantial harm caused to the setting and significance of the Conservation Area and the substantial harm to a Local Heritage Asset, namely the stone agricultural barn on the site, through the removal of the structure, accounting from the balancing exercise required under the respective paragraphs of the NPPF, namely paragraphs 196 and 197. Officers conclude that where applying the balancing exercise required under the NPPF and in giving great weight to the preservation of heritage assets as required under Paragraph 193 of the NPPF, the public benefits of the development would outweigh the relative harm to the identified heritage assets.

10.81. Whilst this would not lessen the extent of harm caused through the removal of the barn, it would be considered necessary to condition that a programme of historic building recording is carried out to provide mitigation for the loss of the barn and to detail and record elements of the building which are of heritage significance.

Archaeology

10.82. Policy DH4 of the Oxford Local Plan requires an assessment as to the impact of the development on archaeological features and deposits of significance. The application is accompanied by a Desk Based Assessment and archaeological evaluation report.

10.83. The archaeological evaluation undertaken at this site by Thames Valley Archaeological Services did not identify any significant archaeological remains and the Council's archaeologist has recommended that no further archaeological investigation would be required in relation to the proposed development. Noting the public comments received from OAHS, the Council's archaeologist has further commented that the site does not appear to contain any substantive remnants of ridge and furrow earthworks belonging to the former open field system and that this assessment is backed up by the available on-line Lidar data. It is considered therefore that the development would not conflict with Policy DH4 of the Oxford Local Plan.

Residential Amenity

Existing Occupiers

10.84. Policy H14 of the Oxford Local Plan states that planning permission will only be granted for new development that provides reasonable privacy, daylight and sunlight for occupants of both existing and new homes. Planning permission will not be granted for any development that has an overbearing effect on existing homes.

10.85. The somewhat detached location of the site in relation to Old Marston means that the only dwelling which would be directly impacted by the development is Hill View Farm, a detached bungalow which adjoins the site. Aside from this property the nearest dwellings in Mill Lane (No.62) and 1 to 49 Bradlands, a care accommodation development are over 120 metres away from the site entrance. There is also a mobile home currently located on the site which would be removed.

10.86. In relation to Hill View Farm, a separation distance of 30 metres would be retained between the rear elevations of plots 77 to 80 which face the elevation of this property. A distance of 10.5 metres would be retained between the rear elevation of these new dwellings and the private garden spaces surrounding Hill View Farm. Units 81-86 on the site, which are a two storey block of flats are located close to the site boundary but the frontage of these units is south facing and does not directly face the garden area of Hill View Farm. There would be some loss of privacy to the westernmost areas of the garden serving Hill View Farm, which benefits from a relatively large area of garden space, some of which

would not be overlooked but not to any significant degree as this would sit to the east or north of the dwelling. The introduction of development of a significant development onto the site would inevitably increase overlooking of this property, though the orientation of the proposed dwellings and separation distances concerned limit the extent of this. A separation distance of between 28 and 30 metres would be retained between the rear elevations of Plots 77-80 and Hill View Farm, which is considered sufficient to ensure that there would not be a significant loss of privacy to the occupiers of this property. Plots 77-80 are two storey houses of a modest height and officers consider that the siting of these units would not have an overbearing impact on Hill View Farm in terms of the scale of these buildings. Likewise accounting for the relative separation distance to the boundary, the siting of these dwellings should not result in significant overshadowing of the garden spaces associated with this property.

10.87. Policy RE8 of the Oxford Local Plan states that planning permission will not be granted for development that will generate unacceptable noise and vibration impacts. With regards to the additional impact of traffic generation it is considered that the level of traffic generated during the operational phase of development which would be limited to car movements equating to a total of 567 vehicle movements over 12 hours, an average of 47 movements per hour would not cause substantial disturbance to the amenity of residents of Mill Lane given that there is an established and relatively regular use of the road currently.

10.88. It is noted that concerns have been raised regarding the impact of vibration, particularly as a result of larger construction vehicles using Mill Lane. This was raised in particular by the occupiers of No.13 Mill Lane. Whilst it would be difficult to evidence whether damage to the building or disturbance to the occupiers would occur as a result of vibration, officers consider that it would be appropriate to request that measures are provided within the Construction Traffic Management Plan to safeguard against any risks of vibration in so far as this relates to this property, or any other properties on Mill Lane.

10.89. Respondents have commented that the development would infringe on occupiers human rights as outlined under the Human Rights Act, namely Article 1, the right to a person's peaceful enjoyment of their possessions and Article 8, the right to a private and family life. The respondents also reference *Britton Vs Secretary of State* which concluded that the protection of the countryside falls within the interests of Article 8. Officers would reaffirm that both the direct and indirect impacts of the development on residents have been assessed in relation to Article 1 and 8 of the Human Rights Act. Any development of a significant scale on the site would have a relative impact upon the amenity on occupiers given the proximity of the site to residential dwellings. In this instance the impact of the development would not be to such a degree that in officer's view it would breach either Article 1 or 8 of the Human Rights Act. As outlined in the relevant sections of the report, it is considered that the development would not result in unacceptable environmental impacts which infringe on the natural environment, or the public's enjoyment of the countryside or access to the countryside.

Future Residents

10.90. Policy H15 of the Oxford Local Plan states that planning permission will only be granted for new dwellings that provide good quality living accommodation for the intended use. All proposals for new build market and affordable homes (across all tenures) must comply with the MHCLG's Technical Housing Standards – Nationally Described Space Standard Level 1. Each of the individual house types are assessed to be compliant with the Nationally Described Space Standard in terms of total floor area and the spaces afforded to individual rooms within the dwellings. Future residents are therefore considered to be afforded appropriate standards of residential amenity in accordance with Policy H15 of the Oxford Local Plan.

10.91. Policy H16 of the Oxford Local Plan states that planning permission will only be granted for dwellings that have direct and convenient access to an area of private open space. 1 or 2 bedroom flats should provide either a private balcony or terrace of usable level space, or direct access to a private or shared garden; houses of 1 or more bedrooms should provide a private garden, of adequate size and proportions for the size of house proposed, which will be considered to be at least equivalent in size to the original building footprint.

10.92. Each of the individual houses would be provided with private garden spaces which are considered to be of an adequate size and quality. The upper floor flats contained within Blocks 1, 2, 3 and 4, including the interlinked flats over garages would each have individual balconies. The ground floor flats each benefit from external amenity spaces. These outdoor spaces would be south facing, which is necessary as the balconies would need to be orientated away from the A40, which is a source of noise and air pollution. The south facing orientation of the balconies would also be beneficial in terms of ensuring that these spaces benefit from natural light. The flats would not benefit from shared communal space, any space provided to the rear of the flats would be adversely affected by noise and air pollution from the A40, however the flats would benefit from being immediately adjacent to an area of public open space and therefore it is considered that there would not be a requirement for private external communal amenity spaces. The maisonette flats (S1 and S2) would not benefit from private balconies, as this would not relate to the more vernacular appearance of these units. The flats would however benefit from an area of private communal amenity space. Overall it is considered that the proposed dwellings would benefit from adequate provision of external amenity space and comply with Policy H16 of the Oxford Local Plan.

Transport

Access, Parking provision and Cumulative Highways Impact

10.93. Policy M1 of the Oxford Local Plan outlines that a modal shift towards more sustainable means of transport including walking, cycling and public transport and a move away from private car ownership is required in order to meet the Council's sustainability objectives in relation to transport, this is reflected in the Council's residential parking standards outlined under Policy M3 of the Oxford Local Plan. Alongside the quantum of units proposed, the overall sustainability of a site and resulting levels of parking are contributing factors towards assessing the cumulative residual impact of the development on the local highway network.

In accordance with Policy M2 of the Oxford Local Plan and Paragraph 111 of the NPPF, a Transport Assessment has been prepared in support of this planning application.

- 10.94. In relation to parking provision, Policy M3 of the Oxford Local Plan states that in Controlled Parking Zones (CPZs) or employer-linked housing areas (where occupants do not have an operational need for a car) where development is located within a 400m walk to frequent (15minute) public transport services and within 800m walk to a local supermarket or equivalent facilities (measured from the mid-point of the proposed development) planning permission will only be granted for residential development that is car-free. In all other locations, planning permission will only be granted where the relevant maximum standards set out in Appendix 7.3 of the Local Plan are complied with.
- 10.95. The application site lies in a peripheral location on the edge of the city and is relatively distant from existing services and facilities. The nearest supermarket (Co-operative) is located approximately 1.6km away at the Marston neighbourhood centre at Cherwell Drive. The nearest District Centre is Summertown, which is approximately 3.3km from the site accounting for hard surfaced walking and cycling routes, reduced to 2.3km when accounting for existing public rights of way to the south of the site adjacent to the Victoria Arms, leading to Marston Ferry Road, though this route is not properly surfaced.
- 10.96. The 14A bus serves Old Marston, the nearest bus stops to the site are located on Elsfeld Road and Oxford Road and are approximately 620 metres and 640 metres from the site entrance respectively. The 14a route is a 30 minute service during weekdays, though this is reduced to an hourly service in the evenings, is less regular on Saturdays and does not operate on Sundays. This would not therefore be classed as a frequent service. The nearest bus stops served by frequent bus services are located at Cherwell Drive, which are 1.1km walking distance from the site.
- 10.97. Old Marston is not currently covered by a Controlled Parking Zone (CPZ). Oxfordshire County Council have proposals to implement a CPZ within Old Marston, this would cover Mill Lane and all other roads surrounding the site. These proposals were subject of informal consultation which closed in November 2020, however this cannot be afforded weight at this time when considering overall parking provision on the site as there is no firm date with regards to implementation of the CPZ. It must also be noted that even in the event that a CPZ were to be implemented in the area it is unlikely that any development at Hill View could feasibly be car free, given the relative distance to local services and bus stops and some level of parking would be required on the site.
- 10.98. Streets surrounding the site including Mill Lane are not currently subject of parking controls, therefore whilst it is acknowledged that higher standards of parking provision will generate additional regular vehicle movements, this must be balanced against the risk of underproviding parking. It is acknowledged that the site's location and relative distance to local services and public transport links means that a level of private car ownership on the site would be inevitable and probably necessary for many future residents. Were the development to significantly underprovide parking there would be a risk that future occupiers

would park within surrounding streets in Old Marston, which would cause disruption to existing residents and would obstruct sections of the road to the detriment to road users and highway amenity.

10.99. For the 159 dwellings proposed on the site there would be 145 parking spaces provided. This would consist of 84 allocated parking spaces located within either garages, carports or on the street adjacent to the properties. A maximum of 1 allocated parking space per dwelling is proposed, which aligns with the maximum parking standards outlined within the Oxford Local Plan Policy M3. 59 of the parking spaces on the site would be unallocated.

10.100. Some concern was expressed by the County Council within their initial consultation response regarding the number of unallocated spaces and the fact that parking would be below maximum parking standards which would mean that there would be less parking spaces than proposed dwellings. The concern would be that under-provision of parking could result in an accumulation of on street parking within the roads in the development site and on roads surrounding the site, including Mill Lane. This matter is addressed within the Technical Note prepared by Cole Easdon Consultants dated February 2021. The Technical Note points out the site layout, including the position of parking bays, driveways, landscaping and road geometry and orientation greatly restricts opportunities for on street parking in the development site. The addition of 'build outs' along the straighter sections of road, in addition to reducing vehicles further limits opportunities for on street parking on the approach road and primary street. The creation of a cycle street along Mill Lane, as requested by the County Council and as discussed further in this section of the report would restrict the likelihood of on street parking occurring along Mill Lane as a Traffic Regulation Order (TRO) involving the addition of double yellow line restrictions would likely be required. The County Council have accepted these points within their latest response dated 26th March 2021. Officers concur that the likelihood of a significant accumulation of unauthorised parking within the development site is unlikely given the aforementioned designing out of spaces where vehicles could park within the roads in the development site and the likely implementation of restrictions in the surrounding roads.

10.101. A total of 2 car club parking spaces are also proposed. These two spaces would be located within the centre of site to the north of unit 75. The Oxford Local Plan outlines that the maximum number of car club spaces on sites should be 0.2 spaces per dwelling. Officers consider that the provision of 2 car club spaces would be beneficial in terms of providing an alternative to private car ownership for future residents and offers flexible means of travel. The number of car club spaces has been agreed with Oxfordshire County Council.

10.102. Overall the parking provision is considered to comply with the Council's maximum parking standards outlined under Policy M3 of the Oxford Local Plan. In accordance with Policy M4 of the Oxford Local Plan, it is indicated that provision would be made for electric charging points for all allocated parking spaces and for 25% of all non-allocated spaces. Details of charging infrastructure will be secured by planning condition.

- 10.103. The overall quantum of development and provision of parking close to maximum parking standards would generate significant additional vehicular movements through Old Marston Village. In line with Policy M2 of the Oxford Local Plan, the wider impact of the development in terms of traffic generation must be considered in relation to highway safety and the cumulative impact of the development on the wider road network. These matters are addressed within the submitted Transport Assessment as well as the aforementioned Transport Technical Note.
- 10.104. The site is accessed via Mill Lane, traffic would access the site through Old Marston via Elsfield Road by turning left at the junction with Mill Lane or right onto Oxford Road. The Transport Assessment identifies that the majority of trips would use the former of these routes via Elsfield Road as this provides the closest point of access onto the A40. The road network through Old Marston is constrained particularly through the older parts of the village as this consists mainly of minor roads and there is an accumulation of on street parking particularly on the sections of Mill Lane between the junction of Oxford Road and Ponds Lane and on Oxford Road leading from Cherwell Drive. There is less on-street parking on Elsfield Road and access is less problematic due to the width of the road and the fact that this section of the road is largely straight so is less constrained.
- 10.105. The applicant's Transport Assessment included a TRICS analysis of trips generated as a result of the proposed development. The TRICS analysis indicates 61 two way movements during the AM peak hour (8-9am) and 66 two way trip movements during the PM peak hour (5-6pm). Over the course of a 12 hour day a total of 567 vehicle movements would be generated, an average of 47 two-way trips per hour. The County Council have raised no objection to the submitted TRICS methodology.
- 10.106. The submitted Transport Assessment provides an assessment of the localised cumulative impact of the development on the local highways network. It is assessed that the majority of vehicle movements would head east onto Elsfield Road from Mill Lane (59%), whilst (41%) of traffic would head south using Oxford Road and Marston Ferry Road. The County Council requested the provision of a junction assessment for the Mill Lane/Oxford Road/Elsfield junction. The junction assessment includes a cumulative assessment which accounts for development of the allocated site Land West of Mill lane (SP26) at a capacity of 79 dwellings, which was the cumulative scale of development promoted by the site owner at pre-application stage. The assessment of junction capacity, the methodology of which has been supported by the Local Highways Authority concludes that the junction is capable of accommodating both developments within its theoretical capacity.
- 10.107. A number of commenters suggest that there would be an increase in use of Ponds Lane, a single carriageway lane extending off Mill Lane adjacent to the S bend. Ponds Lane joins Church Lane to the east and eventually Elsfield Road. Commenters have suggest that traffic may use Ponds Lane as a 'rat run' were traffic to queue from the junction of Mill Lane and Elsfield Road/Oxford Road. Whilst it is possible that some vehicles may use Ponds Lane, this is unlikely, firstly as the Transport Assessment does not anticipate significant

delays at this junction. Secondly Ponds Lane is a more inconvenient route, longer and less direct route, which involves negotiating a single track road, whilst joining Elsfield Road at the junction with Church Road.

10.108. A significant number of respondents have suggested that a direct means of access onto the A40 from Mill Lane in the position of the existing turning head on the northern part of Mill Lane would be preferable given the scale of development on the application site and future development on the adjacent site to the south east (Land West of Mill Lane). Site policy SP25 subsection 9.154 states that 'access to the site will need to be taken from Mill Lane and localised improvements will be required in order to demonstrate that two vehicles can pass each other along the duration of Mill Lane'.

10.109. The principle of an access directly onto the A40 was considered by the County Council at the time that the site was considered for allocation in the Oxford Local Plan and was discounted. It was considered that the cumulative scale of development on Land West of Mill Lane and Hill View Farm would not be substantial enough to warrant the formation of a new means of access onto the A40. The creation of a two way controlled access similar to the access at Barton Park would have a negative impact on the movement of traffic along the A40 and would result in additional congestion along this section of the road. A westbound only access would only limit a proportion of vehicle movements through Old Marston as eastbound traffic would still use Mill Lane and Elsfield Road as a means of joining the A40. Furthermore, during peak travel time in the absence of a light controlled junction vehicles would have difficulty exiting onto what is a highly trafficked section of road. The formation of a new access onto the A40 may also directly lead to an increase in other vehicles using Mill Lane as an alternative route to using the junction at Marsh Lane which would have a resulting impact on Oxford Road through Old Marston. As site Policy SP25 states that access must be provided via Mill Lane, it is correct and in accordance with policy that the site access strategy focusses on improvements to this existing access route rather than the formation of a new means of access onto the A40, this includes new measures to promote sustainable means of accessing the site.

10.110. The following subsection of this report discusses the principle of creating a cycle street along the majority of the length of Mill Lane, this was a measure aimed at improving cycle access to the site and improving sustainability of access. The 'localised improvements required in order to demonstrate that two vehicles can pass each other along the duration of Mill Lane' referenced in subsection 9.154 relating to Policy SP25 of the Oxford Local Plan are not directly specified under the wording of the policy. Dialogue with officers in the Council's Planning Policy team suggests that wording was developed on the basis that there appeared to be scope for the widening of grass verges along the more constrained sections of the road.

10.111. The majority of Mill Lane where the cycle street is proposed is not particularly constrained in terms of road width or in terms of on street parking. The most constrained section of the road is the 'S bend' section of road to the south of No.15 and 17 Mill Lane, adjacent to the junction with Ponds Lane and a further section of Mill Lane between the junction with Ponds Lane and the

junction with Elsfeld Road and Oxford Road. There is frequent on street parking along the section between Ponds Lane and the Elsfeld/Oxford Road junction. The carriageway along the S bend section narrows slightly and is constrained by the geometry of the road arrangement. There is a raised section of pavement on the northern side of the road, whilst there is a section of grass verge to the south of the road, which includes a section of pavement.

10.112. Particular concern has been raised within public representations received in regard to this section of the road, relating to the highway safety aspects associated with increased vehicular traffic using this section of Mill Lane. Several other comments raise concerns about potential works discussed within various supporting documents accompanying the planning application including the suggestion that widening of the S bend may be required, including a removal, or temporary removal of a section of the grass verge along the southern section of the road. This section of verge lies at the centre of the Old Marston Conservation Area and in the setting of three Grade II listed buildings, these being Cromwell's House and the Manor House (Nos. 15 and 17 Mill Lane) and to the west of No.13 Mill Lane.

10.113. Officers have had extensive dialogue with the County Council regarding the necessity of widening this section of Mill Lane accounting for the likelihood that removal of the verge on a temporary and/or a permanent basis given the adverse impact on the setting of the Conservation Area and adjacent Grade II listed buildings. The County Council have confirmed within their consultation response that the existing road width is sufficient to accommodate the additional traffic generated as a result of the proposed development at Hill View Farm and development of the adjacent site at Mill Lane during the operational phase of the development. Vehicle tracking has been submitted within the Transport Assessment demonstrating that two vehicles are capable of passing each other along this section of the road, without interventions involving the removal of the grass verge along the southern side of Mill Lane. It is accepted that larger vehicles, including refuse lorries would have to give way on the S bend, though it would not be anticipated that there would be a significant number of larger vehicles using Mill Lane beyond the construction phase of development as this is not a through route. Such scenarios where road widths along residential streets are insufficiently wide for larger vehicles and cars to pass are commonplace within urban areas and is unlikely to be significantly detrimental in this context. Policy SP25 suggests that localised improvement works are 'likely' to be required in order to demonstrate that two vehicles can pass each other during the duration of Mill Lane. This does not mean that hard interventions to increase the road width is essential if it is demonstrated that two vehicles can pass each other which has, in officers view, been demonstrated with the exception of incidences where larger vehicles would use the s bend section of the road.

10.114. The narrowness of the carriageway along this section of Mill Lane presents potentially greater issues during the construction phase of development given the increased use of the road by larger construction vehicles. A temporary widening of the road during the construction phase of the development had been proposed, though County Highways have suggested that the impact of construction vehicles using this section of the road can be managed without the need to widen the verge and therefore avoiding harm to the Conservation Area.

Specific management measures will be agreed through a Construction Traffic Management Plan (CTMP) this may include temporary signalised controls and temporary restrictions to prohibit on street parking.

10.115. It is noted that a number of the representations suggest that a temporary construction access could be formed onto the A40 to serve the development site and adjacent site at Mill Lane. Officers have discussed this matter with the County Council, who have advised that whilst this would be technically feasible this would necessitate the formation of a temporary access onto a 70mph section of road which would involve the formation of a temporary slip road and access. The County Council have advised that this would not be proportionate to the scale of development proposed and there are feasibility and practical issues associated with the provision of a temporary access from the A40 as the access would need to be through a section of the development site, where a number of new buildings are proposed. It also cannot be made the subject of a planning condition or obligation that construction access is provided for the adjacent site (Land West of Mill Lane) through the site at Hill View Farm as both sites are under separate ownership and such an approach would assume that both sites are developed simultaneously. Furthermore, a planning application has only just been submitted for development at Land West of Mill Lane. Officers consider that a condition or obligation requiring that a construction access to serve the adjacent site would clearly fail the tests relating to planning conditions and obligations outlined under Paragraphs 55 and 56 of the NPPF respectively. The County Council have expressed their view that the formation of a temporary construction access onto the A40 would not be proportionate to the level of development proposed and therefore this would also fail the relevant tests outlined within the NPPF.

10.116. In summary, when considered in the context of Paragraph 109 of the NPPF, officers consider that the cumulative residual impact of the development, including when assessed in conjunction with development on Land West of Mill Lane would not result in a severe impact on highway safety or on the wider highways network.

Public Transport

10.117. It is recognised that the site lies within a peripheral location in relation to local public transport links and local services and facilities. It is therefore correct that provision is made towards improving the sustainability of the site in line with Policy M1 of the Oxford Local Plan. This includes localised improvements to cycle and pedestrian infrastructure and public transport.

10.118. The 14A bus service currently serves Old Marston. The nearest bus stops are located around 650 metres from the site entrance on Elsfield Road and provides services to the City Centre and John Radcliffe Hospital. The nearest bus stops on Cherwell Drive benefitting from more frequent service are located 1.2km from the site entrance and it would be less feasible that residents would use the bus stops on Cherwell Drive. Taking this into consideration improving the frequency of the 14A service which is the dedicated bus route serving Old Marston should be a priority in terms of improving future residents' access to public transport and enhancing the overall sustainability of the site.

10.119. The current frequency of service in Old Marston was introduced in 2020 because of a temporary Park & Ride arrangement on Marsh Lane for JR Hospital staff. Therefore, the continued provision of the 30 minute frequency service and the additional later evening journeys cannot be guaranteed without continued funds. A financial contribution is therefore required towards the improvement of bus services in Old Marston.

10.120. Given the relative infrequency of local bus services, it is considered that the two allocated sites in this area (Hill View Farm and Land West of Mill Lane) should provide for an enhanced evening and Sunday service on route 14A for a period of 5 years. The cost of this is £287,250 at 2020 prices:

- Mon-Sat evening service 3 hrs @ £30/hr x 305 days per year = £27,450 x 5 years = £137,250
- Sunday service £30,000 per annum x 5 years = £150,000

10.121. This application is for 159 dwellings and the adjacent allocation (under Local Plan policy SP26) is for a minimum of 75 units. Therefore, the total number of dwellings is considered to be 234. Using a pro-rata calculation, the total contribution requested from this application is £195,183. The bus stops at St Nicholas' Church are mostly adequate. Installation of a Premium Route pole, flag and timetable case at both stops with Real Time Passenger Information screens would be beneficial and would encourage bus use. The cost of this is £19,674; using the same pro-rata calculation as above, the contribution requested from this development is £13,368. These contributions shall be secured through a Section 106 agreement.

10.122. It is noted that a number of public representations state that the 14A bus service could be re-routed to directly serve the application site or upper sections of Mill Lane. As the nature of Mill Lane and the layout of the new development itself does not naturally allow for ease of access for buses, the County Council have advised that it is unlikely that any bus operator would consider this to be feasible. The bus stops in Elsfield Road are within a reasonable walking distance to the site and improvements to the frequency of the existing services would be sufficient as it is realistic to expect that future residents would use these bus stops.

Cycle and Pedestrian Connections

10.123. There is an existing well-used cycle path to the north of the site which adjoins the A40 northern bypass. There are currently two access points to this cycle path at the end of Mill Lane close to the eastern entrance to the site, though these are narrow access points, which could be enhanced.

10.124. The site layout includes the provision of a new access to the cycle path in the north west corner of the site. This is welcomed and would improve access for future residents, as well as existing residents of Old Marston and provides a more direct route of accessing the cycle path from a westwards direction. The site layout includes the provision of a 'greenway', a segregated cycle and pedestrian access route utilising a direct route through the application site. This

Greenway is continued through the adjacent site on the submitted plans for the development at Land West of Mill Lane.

- 10.125. Oxfordshire County Council have recommended that Mill Lane should be upgraded to a 'cycle street'. The 'cycle street' would consist of a centralised section of block paving with adjoining cycle lanes in both directions with the intention of reducing vehicle speeds, discouraging overtaking and giving priority to cyclists. An indicative design of this is included within the applicant's Transport Assessment. The design includes sections of double yellow line parking along sections of Mill Lane where this can be provided including along upper sections of Mill Lane not immediately adjacent to residential properties which may be otherwise dependent on on-street parking (north of No.62 Mill Lane and Bradlands) or where there is an existing section of road adjacent to Mill Lane north of the junction with Cumberlege Close which provides the opportunity for parking. Along other sections of Mill Lane, as shown on the indicative cycle street layout, on street parking would remain, for example adjacent to Nos. 23A and 29 Mill Lane which do not benefit from off-street parking. It is noted that a significant number of properties in Mill Lane benefit from off-street parking; the layout of the cycle street balances the need to provide a route which is mainly clear of obstructions for cyclists, but also retains on street parking where this is essential for existing residents. The cycle street would extend to a point to the south of No.19 Mill Lane. The northern section of the cycle street would link with the adjoining A40 cycleway, which would include a new wide access with markings denoting the start/end of the cycle street. Currently access onto the cycle path from this point consists of two narrow paths either side of Mill Lane. These access points would be retained for pedestrians only as the narrow widths of these paths are not suitable for cyclists.
- 10.126. It is important to note that the design of the cycle street is indicative and therefore not fixed. The precise design of the cycle street would be at the discretion of the County Council. The County Council would carry out the works under a Section 278 agreement. Funding for the cycle street would be secured through a Section 106 agreement. Officers consider that the addition of the cycle street would be a positive measure, which would improve cycle infrastructure for residents of the new development, in addition to existing residents in Old Marston. The addition of the cycle street would also serve to reduce vehicle speeds along Mill Lane and increase driver awareness of cyclists. The requested financial contribution would be proportionate to the scale of development proposed on the application, and a proportionate contribution would also be sought from the development on Land to the West of Mill Lane.
- 10.127. The applicant's Transport Assessment outlines that a total of 318 cycle parking spaces would be provided across the site. In terms of allocated spaces this would equate to 2 spaces per unit for one and two bedroom flats and houses and three spaces per unit for the three and four bedroom dwellings. A detailed specification of cycle parking would be sought by planning condition. Whilst it is noted that the highways officer has raised concerns regarding the extent of parking provision for the blocks of flats, it is considered that there is sufficient scope to deal with these matters by planning condition.

- 10.128. The allocation of two large allocated sites at Mill Lane, alongside a further allocated site at Butts Lane (Marston Paddock, Policy SP23) justifies a need to improve existing pedestrian and cycle connections between these allocated sites and existing facilities, including local schools and shops and access to the adjoining countryside. Discussions have taken place with Oxfordshire County Council regarding localised improvements to pedestrian and cycle infrastructure. The County Council have identified a preference for improvement works to Back Lane, a public bridleway (294/8). Back Lane is currently an unsurfaced track which leads from Mill Lane to the south of the S bend to Marston Ferry Road. Back Lane provides a route between Mill Lane and St Nicholas Primary School and the Swan School and offers the opportunity to provide a traffic free route for walkers and cyclists, which links with other pedestrian and cycle routes in the area.
- 10.129. The County have suggested that works required to upgrade Back Lane would include vegetation clearance to facilitate machinery access, drainage including the creation and digging out of current ditch network, excavation of path tray and subbase surfacing. The total costs of these improvement works would be £57,756.75. A financial contribution towards these works would be sought through a Section 106 agreement, this is proportionate to the scale of the proposed development, whilst a contribution would also be sought from the adjoining site.
- 10.130. It is noted that a number of members of the public, including Old Marston Parish Council have raised concerns regarding the proposed works to Back Lane. There were particular concerns expressed regarding the impact of any improvement works on the character of lane, which is within the Old Marston Conservation Area and has a pleasant rural character. The County Council's consultation responses dated 26th March 2021 and 4th May outline that the proposed works to Back Lane would include the resurfacing of the path with a permeable resin bond surfacing material such as Flexipave. Conspicuously urban surfacing materials such as concrete or tarmac would not be used and artificial lighting would not be proposed. As clarified within their latest consultation response, the County Council recognise the need to ensure that this route retains its rural character, which provides an important contribution to the Conservation Area. The works would be carried out by Oxfordshire County Council under a Section 278 agreement. It should be noted that the County Council would not require planning permission to carry out works to resurface the path or clear vegetation. It would not therefore be a requirement under this planning application to assess whether the works to resurface the path would result in harm to the Conservation Area, though the need to ensure that the works are sensitive to the character of the Conservation Area is recognised by the County Council.
- 10.131. Overall officers consider that there would be localised access benefits arising from the upgrade of Back Lane. The resurfacing of the route would provide a useable traffic free route linking the sites at Hill View Farm and Mill Lane, as well as existing housing with the Swan School, St Nicholas School, local services in Marston and further pedestrian and cycle routes beyond, including access into remaining Green Belt land.

10.132. Through the design of the development and appropriate planning obligations which would secure the provision of the new cycle street and improvements to existing public rights of way, officers consider that the development would comply with Policy M1 of the Oxford Local Plan.

Sustainability

10.133. Proposals for development are expected to demonstrate how sustainable design and construction methods will be incorporated in line with Policy RE1 of the Oxford Local Plan. All development must optimise energy efficiency by minimising the use of energy through design, layout, orientation, landscaping and materials, and by utilising technologies that help achieve Zero Carbon Developments. Planning permission will only be granted for development proposals for new build residential developments which achieve at least a 40% reduction in the carbon emissions from a code 2013 Building Regulations.

10.134. In accordance with the requirements of Policy RE1 the applicants have provided an Energy Statement. The applicant's Energy Statement indicates a 41.2% reduction in carbon emissions, which exceeds the 40% requirement outlined under Policy RE1 of the Oxford Local Plan. This is achieved through a combination of passive and active design measures to regulate energy use and the incorporation of renewable energy technologies into the design of the houses.

10.135. Active and passive design measures include:

- Use of sustainable and sustainably sourced building materials.
- High standards of insulation and high performance glazing.
- Improved air tightness.
- Reduced artificial lighting.
- Site waste management and recycling.
- High efficiency and low energy lighting.
- Incorporation of water efficiency and saving measures.

10.136. The houses would also be fitted with air source heat pumps and low emission boilers.

10.137. The Energy Statement identifies that solar PV should be adopted as a strategy to provide renewable energy for the proposed development. This would consist of roof mounted solar panels throughout the development.

10.138. Overall the proposals meet the requirements of Policy RE1 of the Oxford Local Plan and are considered acceptable.

Air Quality

10.139. Policy RE6 of the Oxford Local Plan states that planning permission will only be granted where the impact of new development on air quality is mitigated and where exposure to poor air quality is minimised or reduced.

- 10.140. Electric vehicle charging points will be required in accordance with Policy M4 of the Oxford Local Plan, though the proposals do not include details of the location of the charging infrastructure, this will be secured by condition.
- 10.141. The design and access statement mentions that all habitable rooms would face South West for aspect purposes and face away from the A40 (noise and air pollution source). Fresh air ventilation and extraction would face away from the A40. Details of mechanical ventilation and extraction will be required by planning condition.
- 10.142. The Air Quality Assessment confirms that local air quality monitoring data shows that the site's current air quality baseline is below current limit values for all the pollutants of interest, making it appropriate for the introduction of new receptors.
- 10.143. The Air Quality Assessment confirms (via a conservative air quality modelling exercise) that the new development will not cause any future negative air quality impacts in the surrounding area: emission factors and background concentrations for 2019 were utilised within the dispersion model. The use of 2026 traffic data and 2019 emission factors and background concentrations is considered to provide a worst-case scenario and therefore a sufficient level of confidence can be placed within the predicted pollution concentrations.
- 10.144. The Air Quality Assessment shows that the potential dust risk impacts for the development during construction phase is classed generally as 'low to medium risks and identifies a list of site specific dust mitigation measures that need to be implemented on-site in order to reduce the risk level to negligible. Details of dust mitigation measures will be required within a Construction Environmental Management Plan (CEMP).
- 10.145. Officers are satisfied that air quality during the operational and construction phases of development can be appropriately mitigated and that the development would not expose existing or future occupiers to unacceptable levels of air pollution. The development would therefore comply with Policy RE6 of the Oxford Local Plan.

Biodiversity

- 10.146. Policy G2 of the Oxford Local Plan states that development that results in a net loss of sites and species of ecological value will not be permitted. Planning permission will also not be granted for any development that would have an adverse impact on sites of national or international importance, including SSSIs. Policy G2 precludes development on Local Wildlife Sites (LWS) unless in specific circumstances. The policy does not specifically prohibit development on land adjacent to, or near to Local Wildlife Sites, though the principles of Policy G2 and Paragraph 175 of the NPPF apply where considering the relative impact of the development on LWS which have particular biodiversity value.
- 10.147. An Ecological Impact Assessment has been prepared in order to assess the relative value of the site in terms of biodiversity and to assess whether protected species would be affected by the proposed development. The

site consists principally of semi-improved grassland and previously developed land containing a number of light industrial and former agricultural buildings. These buildings have been surveyed in order to determine whether protected species such as bats are likely to be present. The site also contains a number of native hedgerows which have some ecological value as well as two ornamental hedgerows which are assessed to have negligible ecological value.

10.148. The survey of the existing buildings on the site concluded that the majority of the buildings had negligible potential for roosting bats. Potential roosting features were found in buildings 1, 5 and 13, though of these buildings, building 1 was adjudged to have moderate potential for accommodating bats. Buildings 5 and 13 were considered to have low potential. Trees on the site were also surveyed and were adjudged to have negligible to low potential for bats, with the exception of tree T15, which had moderate potential. The buildings and trees adjudged as having potential to accommodate bats have each been subject of emergence surveys and no bats were recorded within either the trees or buildings.

10.149. Evidence of badger foraging was noted within the Ecology report, however no evidence of setts was found following the undertaken survey. Surveys for Otter and Water Vole and Reptiles found no evidence of any of these protected species on site.

10.150. The design of the development involves the retention of hedgerows and as many trees on the site as is practically possible, including the two large oak trees along the western boundary of the site. It is not possible to replace the semi-improved grassland on the site which would be lost, however the scheme involves the planting of wildflower meadows within the public open space to the north and west of the application site which will provide mitigation for the loss of the semi-improved grassland habitats. Native infill hedge planting is proposed across the site which will achieve a 21.65% net gain in hedgerow biodiversity units. Other measures to enhance on site biodiversity include native tree and shrub planting along the western boundary of the site, as well as selected planting elsewhere on the site and the installation of 20 bat boxes and 20 bird boxes across the site. Overall it is stated that the proposals would achieve a 6.81% net gain in biodiversity, this complies with the 5% biodiversity net gain requirement outlined under Policy G2 of the Oxford Local Plan. It should be noted that a number of public comments reference a requirement to achieve 10% biodiversity net gain. This requirement is outlined within the Governments Environment Bill, however the bill has yet to receive assent and as of yet is not a statutory requirement. The precise details of the enhancement measures will be secured through a scheme of ecological enhancements, which is recommended as a planning condition.

10.151. To ensure that the impact of the development during the construction phase is appropriately managed to avoid harm to protected species and site biodiversity, a Construction Environmental Management Plan will be required by condition. The ongoing management of the landscape and site biodiversity will also be secured through a landscape and ecological management plan, which will also be secured by condition. A lighting plan will also be required in order to

control the location and specification of sources of artificial light which may otherwise impact on foraging or commuting bats.

- 10.152. There are a number of sites within close proximity to the application site, which are designated for biodiversity value. This includes the New Marston Meadows SSSI, which is located 1.1km to the south of the site as well as three local wildlife sites (LWS) these being Almonds Farm and Burnt Mill Fields, which is approximately 320 metres to the south west of the site, Victoria Arms Spinney, which is approximately 384 metres to the south west of the site and Bypass Meadows, a proposed LWS 870 metres to the North West of the site. There are a six further SSSI sites within 3km of the site, in addition to the Oxford Meadows SAC, however the spatial distance and relationship between the application site and these other sites of national value, and in the case of the SAC, international value means that the development is likely to have little or no impact on these sites.
- 10.153. Natural England have commented only on the impact of the development on the New Marston Meadows SSSI, as this is by far the closest designated site to Hill View Farm. Natural England within their first consultation response raised an initial objection to the application on the basis that the Ecological Assessment provided did not fully assess the potential for hydrological impacts and the impact of recreational pressure on the nearby New Marston Meadows SSSI.
- 10.154. In terms of recreational pressure on the SSSI the technical update prepared by ACD Environmental concludes that whilst there is likely to be some increased visitor pressure on the SSSI as a result of the proposed development the effects are unlikely to be significant. This is due mainly to the sites relative distance from the SSSI, which is 1.1km from the site, current accessibility and periodic flooding which will largely inhibit access to the site.
- 10.155. Natural England have reviewed the revised information provided by the applicants and have concluded that the identified impacts on New Marston Meadows SSSI can be appropriately mitigated. NE have suggested that a long term management plan for the Sustainable Urban Drainage Systems and a Construction Environmental Management Plan (CEMP) would be required. The CEMP should include detail on how overland drainage will be managed during the construction period to avoid any negative impacts in relation to surface water quality or quantity entering the drainage ditch (and subsequently the River Cherwell and New Marston Meadows SSSI). The management plan will need to demonstrate how SUDs, including swales, ponds and permeable surfaces will be managed to retain their full functionality. Both of these measures have been recommended as planning conditions.
- 10.156. The impact on the Almonds Farm and Burnt Mill Fields Local Wildlife site is likely to be greater as this is easily accessible on foot from the application site. The report from ACD Environmental concludes that the impact on the Almonds Farm and Burnt Mill Fields Local Wildlife site could be significant as there would be increased recreational pressure for example from dog walking, including in areas off the designated footpaths, this could result in potential trampling of grass areas off the designated footpaths and potential risk of littering

and dog waste. Officers concur with the assessment that the development would increase recreational pressure on the LWS at Almonds Farm and Burnt Mill Fields. To avoid significant harm being caused to biodiversity it is appropriate to mitigate for increased recreational use of the site. The Technical Update prepared by ACD Environmental includes a recommendation that waste bins and information boards be installed at the LWS. Officers consider that this is an appropriate measure which will assist in preventing potentially negative impacts arising from increased recreational pressure including littering and dog fouling. The provision of information boards will assist in increasing public awareness of the biodiversity value of the site. It is recommended that these measures are secured through the Section 106 agreement.

10.157. The Victoria Arms Spinney LWS is located to the south and south west of the Victoria Arms public house. There is a public footpath through this site, however the majority of the site is woodland and is mainly used as a thoroughfare. Whilst there may be the risk of some level of additional use and negative environmental effects such as littering this is likely to be minor given the limited increase in additional activity. Officers would concur with the applicant's ecological assessment that the impact on the Victoria Arms Spinney OCWS is not likely to be significant.

10.158. The proposals would not in officer's view have a harmful impact on biodiversity and the impacts of the development during the operational and construction phases can be appropriately mitigated. The design of the development would achieve a net gain in biodiversity, which exceeds the 5% requirement outlined under Policy G2 of the Oxford Local Plan and it is considered that the wider impacts of the development on the New Marston Meadows SSSI and Almonds Farm and Burnt Mill Fields LWS can be appropriately mitigated.

Trees

10.159. 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 including trees 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.

10.160. The majority of the existing trees on the site are concentrated around the site boundaries to the north, south and west and away from the proposed dwellings, which allows for their feasible retention.

10.161. Vegetation along the north-eastern boundary provides screening and enclosure from the north-eastern by-pass. The hedgerow along the southern boundary marks an established field boundary. Vegetation along the western boundary marks another field boundary and this contains the two mature/veteran oak trees which are covered by a recent Tree Preservation Order. The hedgerow/ field boundary character in the south-west has been largely degraded immediately around the light industry/storage units and structures.

- 10.162. A planted buffer is proposed along the western edge of the site, between the site and the open countryside and Cherwell Valley beyond. A band of native trees including willows, oaks, and alder, will be underplanted with groups of native shrubs that will be allowed to grow rather than being maintained as a cut back hedge, therefore providing more benefit to wildlife and a more robust soft landscape edge to the site. Once established this planting will provide further screening of the western edge of the development site, which is sensitive in landscape terms given the visual prominence of the development for the public right of way to the west of the site. The site landscape plan has been revised to include enhanced and dense native woodland planting in the north west corner of the site to the west of proposed Block 4, which would represent a significant enhancement. Wildflower grass is proposed around T15 the veteran oak tree now protected under the provisional TPO. This is considered appropriate, but, a natural mulch ring to the crown spread should be used and any seating (as still proposed) should be set outside of the crown-spread.
- 10.163. The north-eastern hedge line is currently patchy. A situation evidently recognised and proposed for mitigation through infill planting to reinforce the screening and separation provided which is welcomed.
- 10.164. Fruit trees and birch are proposed for the larger private rear gardens; species selections are such as to reduce shade and dominance. Along the western boundary proposed planting has a more biodiversity/nature enhancement focus, and reflects land use appropriately; the attenuation pond has associated riparian or inundation tolerant tree and shrub species. The hedgerow planting is native and includes species with seasonal interest and foraging.
- 10.165. In summary a small number of trees would be lost to the proposed development; these are of relatively low quality, and make minimal contribution to public visual amenity. The retained trees would be protected by conditions, and, the two mature oak trees (T15 and T18) would have additional legal protection through the Tree Preservation Order. The arboricultural implications of the proposed scheme are therefore minor in scale, and can be off-set by replacement tree planting proposals secured under conditions. New planting can be expected to secure a net gain in canopy cover over 25 years in accordance with Policy G7. The landscape master plan is acceptable in terms of the broad principles described.

Flooding and Drainage

- 10.166. Policy RE3 of the Oxford Local Plan states that planning applications for development within Flood Zone 2, 3, on sites larger than 1 ha in Flood Zone 1 and, in areas identified as Critical Drainage Areas, must be accompanied by a Site Specific Flood Risk Assessment (FRA) to align with National Policy. The FRA must be undertaken in accordance with up to date flood data, national and local guidance on flooding and consider flooding from all sources. The suitability of developments proposed will be assessed according to the sequential approach and exceptions test as set out in Planning Practice Guidance. Planning permission will only be granted where the FRA demonstrates that:

*e) the proposed development will not increase flood risk on site or off site; and
f) safe access and egress in the event of a flood can be provided; and
g) details of the necessary mitigation measures to be implemented have been provided.*

10.167. Policy RE4 of the Oxford Local Plan states that all development proposals will be required 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.

10.168. The application is accompanied by an FRA and Drainage Strategy. The application site falls in land classified as Flood Zone 1 and is identified as being at a low risk of flooding. An area of land to the west and south west of the site falls within Flood Zone 3 and is at a high risk of flooding, this consists of land adjacent to the River Cherwell and tributaries. It must be noted that this land sits at a lower level to the site, therefore the risk of flooding is adjudged to be low and surface water run-off will be addressed through the provision of SUD's features. It is proposed that the development site will drain into the existing ditchline located to the south.

10.169. The site layout includes the provision of swales and an attenuation pond located to the west of the residential dwellings, this will control surface water run-off. Swales will be 750mm deep with 6m wide top, and are intended to hold 450mm of water in the design storm event. The storage basin will hold 1.0m deep water in the design storm event. The SuDS have been designed to be integrated into the public open space and can be viewed as an attractive landscaping feature, which is also ecologically beneficial, rather than merely a hard engineered feature.

10.170. Oxfordshire County Council raised an initial objection to the development on the basis that the surface water drainage pipework did not indicate the direction of flow, size of pipes and fall of pipework. The construction details for the SuDS features were also not initially provided. Furthermore, additional details were required including greenfield run-off rate calculations and exceedance flows routes had not been provided. Following the submission of a revised FRA, the County Council have since removed their initial objection, providing that the applicants submit a full technical assessment of the surface water drainage strategy, this would be secured by condition. This will include details for the future maintenance and management of the SuDS features and measures to mitigate the risk of surface water run-off polluting waters. A long term management plan for the Sustainable Urban Drainage Systems was also requested by Natural England, who have also requested that a Construction Environmental Management Plan is submitted by condition. The Construction Management Plan should include detail on how overland drainage will be managed during the construction period to avoid any negative impacts in relation to surface water quality or quantity entering the drainage ditch (and subsequently the River Cherwell and New Marston Meadows SSSI).

10.171. Subject to the provision of a full technical assessment of the surface water drainage strategy, including details of management measures and the submission of a CEMP, officers consider that the submitted proposals represent

an adequate strategy for dealing with surface water drainage. The development would therefore accord with Policies RE3 and RE4 of the Oxford Local Plan.

Land Contamination

- 10.172. The application is accompanied by a Phase 1 and 2 geo-environmental assessment which is considered to adequately assess the risk of on-site sources of contamination.
- 10.173. Previous use of the site includes use of the western part of the site as a vehicle salvage and car repair facility. This use has the potential to give rise to potentially significant ground contamination risks. These potential risks will need to be fully investigated and mitigated as part of any planning approval granted for the site.
- 10.174. There is evidence of potentially significant contamination risks in some areas of the site. These risks include elevated PAHs, asbestos and elevated hydrocarbons in made ground at the site together with slight ground gas risks in the form of elevated carbon dioxide levels.
- 10.175. There is a requirement for further contamination investigation across the site once buildings have been demolished to confirm contamination risks and for waste classification purposes. In addition, a formal remedial strategy will need to be submitted to demonstrate how any potentially significant contamination risks will be mitigated.
- 10.176. To ensure compliance with Policy RE9 of the Oxford Local Plan, a phased risk assessment should be carried out, this will include a comprehensive intrusive investigation and a remediation/validation strategy.

Noise

- 10.177. Policy RE8 of the Oxford Local Plan states that planning permission will only be granted for development proposals which manage noise to safeguard or improve amenity, health, and quality of life. Planning permission will not be granted for development sensitive to noise in locations which experience high levels of noise, unless it can be demonstrated, through a noise assessment, that appropriate attenuation measures will be provided to ensure an acceptable level of amenity for end users and to prevent harm to the continued operation of existing uses.
- 10.178. The application site is adjacent to the A40 Northern Bypass, which is the primary source of noise, consequently the northern section of the site experiences the highest noise levels. The planning application is accompanied by a Noise Impact Assessment, which identifies that average daytime noise levels are 73dB, whilst average night time noise levels are 68dB. In relation to the dwellings along the northern edge of the site, these would fall within the high risk category for noise levels, whilst the southern areas of the site would be classed as low risk.

10.179. The layout of the site has been designed to locate the majority of the residential dwellings away from the A40, whilst the apartment blocks would provide acoustic screening. The internal layouts of the development include the siting of the majority of habitable rooms on the southern side of the apartment block in order to limit noise exposure to habitable rooms. A 1.8 metre high acoustic fence is also proposed between the A40 and the development.

10.180. The submitted design and acoustic information is considered by officers to be acceptable and accords with the requirements of Policy RE8 of the Oxford Local Plan. The occupants of the new proposed residential units will need to be protected against external noise sources such as traffic noise, so the fabric of the building should be such to minimise the effects of external noise intrusion. A condition is recommended requiring that external noise levels do not exceed more than 35dB during daytime and 30dB in the bedrooms at night. To prevent noise disturbance to existing occupiers during the construction phase of development, a demolition method statement and a construction management plan will be required by condition.

Health Impacts

10.181. Policy RE5 of the Oxford Local Plan states that Oxford City Council will seek to promote strong, vibrant and healthy communities and reduce health inequalities. Proposals will be supported which help to deliver these aims through the development of environments which encourage healthier day-to-day behaviours and are supported by local services and community networks to sustain health, social and cultural wellbeing. Measures that will help contribute to healthier communities and reduce health inequalities must be incorporated in a development.

10.182. The application is accompanied by a Rapid Health Impact Assessment (HIA), which is stated in the Design and Access Statement as informing the development approach. The landscape plan and site layout makes significant provision for public open space, exceeding 10% of the site area. As clarified within the relevant sections of this report, officers consider that these spaces are of a good standard and would promote community interaction and social activity. The site also includes play and sports equipment sited within the public open space to assist in encouraging physical activity.

10.183. Notwithstanding the relatively peripheral location of the site provision is made for active travel, with a focus on improving cycle provision within the local area through the provision of the proposed cycle street and the prioritising of walking and cycling within the layout of the site. The County Council have requested the provision of a financial contribution towards enhancing bus services within Old Marston, which will improve existing and future resident's access to public transport. EV charging points would be provided to minimise the impact of air pollution, whilst the building design is compliant with the relevant policy provisions relating to sustainable drainage, enhancing biodiversity and sustainable energy.

10.184. The site layout has been development in close consultation with Thames Valley Police, this has included amendments to the site layout at the

request of the Police with the aim of designing out opportunities for crime. It will also be required of the applicant to achieve Secure by Design Accreditation which is recommended as a planning condition.

- 10.185. Accounting for the submitted HIA, the submitted Design and Access Statement and the site layout and other relevant accompanying plans, it is considered that the development makes adequate provision to ensure acceptable health outcomes for existing and future residents. The development is therefore considered to comply with Policy RE5 of the Oxford Local Plan.

Utilities

- 10.186. Policy V8 of the Oxford Local Plan states that Planning applications (except householder applications) must be supported by information demonstrating that the proposed developer has explored existing capacity (and opportunities for extending it) with the appropriate utilities providers. Planning permission will not be granted where there is insufficient evidence on utilities capacity to support the development and that the capacity will be delivered to meet the needs of the development.

- 10.187. Provision is made within the site for foul water drainage which will be discharged through the on-site pumping station. Negotiation has taken place between the developer and Thames Water regarding necessary upgrades to the water infrastructure. Thames Water have recommended planning conditions, requiring that confirmation is submitted that wastewater and water network upgrades have been completed or an infrastructure and phasing plan agreed with Thames Water. Subject to satisfying these conditions, which are also recommended by officers it is considered that the development would not conflict with Policy V8 of the Oxford Local Plan.

11. CONCLUSION

- 11.1. On the basis of 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 it clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise.

- 11.2. In the context of all proposals paragraph 11 of the NPPF requires that planning decisions apply a presumption in favour of sustainable development. This means approving development that accords with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

- 11.3. The application proposes a development of 159 dwellings on a site allocated for residential development with the Oxford Local Plan 2016-2036 under Site

Policy SP25. The site policy specifies that a minimum of 110 dwellings should be provided on the site, as this is a minimum figure the principle of providing 159 units is acceptable providing that the overall quantum of development is otherwise acceptable in planning terms.

11.4. The site at Hill View Farm was released from the Oxford Green Belt. Whilst a section of the application site includes land falling within the Oxford Green Belt, this land would be used solely for the purposes of providing recreational open space and formation of SuDS features and the minor development associated with the pumping station which would fall within development defined as being not inappropriate within the Green Belt under Paragraph 146 of the NPPF. The impact of the development outside of the Green Belt has been assessed in relation to how the scale, siting and height of the built form impacts on the openness of the green belt and local and wider landscape in general. The majority of the development on the site consists of lower rise housing, with the exception of the three and four storey flats located along the northern edge of the site. The development by its nature would have a transformative and urbanising impact on the immediate landscape setting. Notwithstanding the siting of the three and four storey flats on the site it is considered that the overall visual impact is acceptable in the context of the surrounding area accounting for the fact that the site is allocated within the Oxford Local Plan for residential development and the site would not remain in its present condition were the site to be brought forward for residential development as accounted for within the Local Plan.

11.5. The relevant section of this report relating to heritage matters identifies harm to the setting of the Old Marston Conservation Area. The harm to the setting of the Conservation Area, arising from the urbanisation of what is presently a predominantly open space, alongside the impact of additional traffic generated as a result of the development would be less than substantial. In accordance with Paragraph 196 of the NPPF, the report balances this identified less than substantial harm against the public benefits of the proposed development, giving great weight to the significance of the Conservation Area in accordance with Paragraph 193 of the NPPF. The report also assesses that substantial harm would be caused to a building which could be considered a local heritage asset, namely a traditional stone barn located on the site which would be demolished. In accordance with Paragraph 197 of the NPPF the report provides a balanced judgement regarding the loss of the building against the public benefits of the development. In both instances it is considered that the public benefits, also outlined in the report, principally the provision of 159 dwellings, 79 of which would be affordable homes would outweigh the relative harm to both heritage assets.

11.6. The development would be accessed from Mill Lane and beyond this Oxford Road and Elsfeld Road, this is in line with site Policy SP25 of the Oxford Local Plan which states that access shall be provided from Mill Lane. The application is accompanied by a Transport Assessment which identifies that the existing road network and Mill Lane is capable of accommodating the additional traffic generated by the proposed development without having a severe cumulative residual impact on highway contrary to Paragraph 109 of the NPPF. This analysis is supported by Oxfordshire County Council who have raised no

objection to the development on the basis of traffic generation and overall highways impacts associated with the development. Financial contributions will be sought to improve the frequency of bus services in Old Marston, improvements to local cycle infrastructure, including the upgrading of Mill Lane to a cycle street will also be sought and improvements to upgrade Back Lane will be sought through a Section 106 agreement.

11.7. The development would achieve a biodiversity net gain of 6.81% which would accord with the requirements of Policy G2 of the Oxford Local Plan. Subject to appropriate conditions to manage the impact of the development on the SSSI and mitigation measures to manage the increased recreational pressure on the LWS, officers consider the development would not have a significantly adverse impact on ecology. It should be noted that following the provision of additional details relating to the impact on the SSSI, Natural England do not object to the application. The development is therefore considered to comply with Policy G2 of the Oxford Local Plan. It is assessed that the development would not present significant environmental risks with regards to drainage/flood risk, land quality, air quality and noise disturbance in accordance with the relevant provisions of the local and national planning framework.

11.8. Having taken into account the provisions of the Development Plan, the policies in the NPPF, the views of statutory consultees and wider stakeholders, as well as all other material planning considerations, the proposed development is recommended for approval

11.9. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to 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).

12. 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 conditions 3 etc. the development referred to shall be constructed strictly in complete accordance with the specifications in the application and the submitted plans.

Reason: To avoid doubt as no objection is raised only in respect of the deemed consent application as submitted and to ensure an acceptable development as indicated on the submitted drawings.

Materials

3. Samples of the exterior materials to be used shall be submitted to, and approved in writing by, the Local Planning Authority before the start of work on the site and only the approved materials shall be used.

Reason: In the interests of visual amenity in accordance with Policy DH1 of the Oxford Local Plan 2016-2036.

CEMP

4. No development shall take place until a Construction Environmental Management Plan (CEMP), containing the specific dust mitigation measures identified for this development, has first been submitted to and approved in writing by the Local Planning Authority and the approved CEMP shall be implemented thereafter during the construction phase of the development.

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 Core Policy RE6 of the new Oxford Local Plan 2016- 2036.

EV Charging

5. Prior to the commencement of development, details of the Electric Vehicle charging infrastructure to be installed on-site shall be submitted to and approved in writing by the Local Planning Authority. The approved electric vehicle infrastructure shall be formed, and laid out 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 new Oxford Local Plan 2016- 2036.

Low Emission Boilers

6. Prior to the occupation of the development, evidence that proves that all emission gas fired boilers to be installed on-site are ultra-low NOx (and meet a minimum standard of <40mg/kWh for NOx) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved measures.

Reason: To contribute to improving local air quality in accordance with policy RE6 of the new Oxford Local Plan 2016- 2036.

Ventilation

7. No development shall take place until specific details of the proposed mechanical fresh ventilation and extraction system has been submitted to and approved in writing by the Local Planning Authority. This shall include details of all the locations of fresh air intake, and details of the proposed maintenance

and monitoring schedule for the installed system. The development shall be carried out in accordance with the approved measures.

Reason: To protect the occupiers of the development from potential ingress of polluted air from the A40, in order to minimise human exposure to air pollution quality and in accordance with policy RE6 of the new Oxford Local Plan 2016- 2036.

Contamination

8. Prior to the commencement of the development 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 procedures (LCRM). Each phase shall be submitted in writing and approved by the Local Planning Authority.

Phase 1 shall incorporate a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model and preliminary risk assessment.

Phase 2 shall include a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals.

Phase 3 requires that a remediation strategy, validation plan, and/or monitoring plan be submitted to and approved in writing 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 2016-2036.

9. 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 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 2016-2036.

10. Any contamination that is found during the course of construction of the approved development that was not previously identified 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.

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 2016 - 2036.

Historic Building Recording

11. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of historic building recording in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. All works shall be carried out and completed in accordance with the approved written scheme of investigation, unless otherwise agreed in writing by the Local Planning Authority.

Reason: Because the development may have a damaging effect on known or suspected elements of the historic environment of the people of Oxford and their visitors, including a Victorian or earlier stone agricultural building (Local Plan Policy DH4).

Water Upgrades

12. The development shall not be occupied until confirmation has been submitted to, and approved in writing by, the Local Planning Authority that either:
1. All wastewater network upgrades required to accommodate the additional flows from the development have been completed; or-
 2. A development and infrastructure phasing plan has been agreed with the Local Planning Authority in consultation with Thames Water to allow the development to be occupied.

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.

Reason: Network reinforcement works are likely to be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents.

13. No development shall be occupied until confirmation has been submitted to, and approved in writing by, the Local Planning Authority that either:-
1. All water network upgrades required to accommodate the additional flows to serve the development have been completed; or –
 2. A development and infrastructure phasing plan has been agreed with the Local Planning Authority in consultation with Thames Water to allow the development to be occupied.

Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

Reason: The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development

14. Information detailing how the developer intends to divert the asset / align the development, so as to prevent the potential for damage to subsurface potable water infrastructure, shall be submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water. Any construction must be undertaken in accordance with the terms of the approved information. Unrestricted access shall be available at all times for the maintenance and repair of the asset during and after the construction works.

Reason: The proposed works will be in close proximity to underground strategic water main, utility infrastructure.

15. 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 water 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 water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure.

Ecology

16. No development shall take place (including ground works and vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been 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: The prevention of harm to species and habitats within and outside the site during construction in accordance with Policy G2: Protection of biodiversity and geo-diversity of the adopted Oxford Local Plan 2036.

17. The development shall be undertaken in accordance with the recommendations of the Ecology Technical Update (18th February 2021) produced by ACD Environmental, to ensure mitigation is provided to protect the interest features of the Almonds Farm and Burnt Mill Fields Local Wildlife Site. Details of all mitigation measures shall be provided to, and approved in writing by, the Local Planning Authority prior to the commencement of development and shall be undertaken in accordance with the approved measures.

Reason: To protect the interest features of Local Wildlife Sites from negative impacts from the development.

18. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to occupation.

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. Long-term management shall be for a minimum of 20 years.

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 shall be implemented upon first occupation of the development in accordance with the approved details.

Reason: The prevention of harm to species and habitats within and outside the site during construction in accordance with Policy G2: Protection of biodiversity and geo-diversity of the adopted Oxford Local Plan 2036.

19. Prior to the commencement of development, a scheme of ecological enhancements shall be submitted to, and approved in writing by, the Local Planning Authority to ensure an overall net gain in biodiversity will be achieved. The scheme shall include confirmation of landscape planting of known benefit to wildlife, including nectar resources for invertebrates. Details shall be provided of artificial roost features, including bird and bat boxes, and a minimum of 10 dedicated swift boxes. Other features, such as hedgehog domes and invertebrate houses shall be included. Any new fencing shall include gaps for the safe passage of hedgehogs. The development shall be carried out in accordance with the approved measures which shall be implemented before first occupation of the development.

Reason: To comply with the requirements of the National Planning Policy Framework, the Conservation of Habitats and Species Regulations 2017, Wildlife and Countryside Act 1981 (as amended) and Policy G2: Protection of biodiversity and geo-diversity of the adopted Oxford Local Plan 2036.

20. Prior to occupation, a “lighting design strategy for biodiversity” for buildings, features or areas to be lit shall be submitted to and approved in writing by the Local Planning Authority. No lighting shall be directed towards existing or new vegetation. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. No other external lighting shall be installed without the prior written consent from the Local Planning Authority.

Reason: To comply with the requirements of the National Planning Policy Framework, the Conservation of Habitats and Species Regulations 2017, Wildlife and Countryside Act 1981 (as amended) and Policy G2: Protection of biodiversity and geo-diversity of the adopted Oxford Local Plan 2036.

Noise and Construction Management

21. The design and structure of the dwellings shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB_{L_{Aeq} 16 hrs} daytime and of more than 30 dB_{L_{Aeq} 8hrs} in bedrooms at night.

Reason: In the interests of the health and wellbeing of neighbouring residents and occupiers/users of the application site subject to the development, in accordance with Policies RE8

22. Prior to commencement of the development hereby approved, a demolition method statement and a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. Details shall include control measures for dust, noise, vibration, lighting, delivery locations, restriction of hours of work and all associated activities audible beyond the site boundary to 0800-1800hrs Mondays to Fridays and 0800 -1300 hrs on Saturdays, advance notification to neighbours and other interested parties of proposed works and public display of contact details including accessible phone contact to persons responsible for the site works for the duration of the works. The approved details shall be implemented throughout the construction period.

Reason: To protect the residential amenity of surrounding residential occupiers in accordance with Policy RE7 of the Oxford Local Plan.

Trees and Landscaping

23. A detailed landscape plan shall be submitted to, and approved in writing by, the Local Planning Authority prior to first occupation or first use of the development hereby approved. The plan shall show details of treatment of paved areas, and areas to be grassed or finished in a similar manner, existing retained trees and proposed new tree, shrub and hedge planting. The plan shall correspond to a schedule detailing plant numbers, sizes and nursery stock types. Details shall be provided of tree planting pits; their design, soil composition and means of tree stabilisation and watering systems. The landscape works shall be carried out in accordance with the approved details before first occupation of the development.

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

24. 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 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.

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

25. The development shall be carried out in strict accordance with the tree protection measures contained within the planning application details shown in Tree Protection Plan ((Ref: PRI22894-03A) (02 Dec 2020)) 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.

26. The development shall be carried out in strict accordance with the approved methods of working and tree protection measures contained within the planning application details shown in the Arboricultural Impact Assessment & Method Statement (Ref: PRI22894aia_amsA02 Dec 2020) 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.

27. The development, including demolition and enabling works, shall not begin until details of an Arboricultural Monitoring Programme (AMP) have been submitted to and approved in writing by the Local Planning Authority. The AMP shall include a schedule of a monitoring and reporting programme of all on-site supervision and checks of compliance with the details of the Tree Protection Plan and/or Arboricultural Method Statement, as approved in writing by the Local Planning Authority. The AMP shall include details of an appropriate Arboricultural Clerk of Works (ACoW) who shall conduct such monitoring and supervision, and a written and photographic record shall be submitted to the LPA at scheduled intervals in accordance with the approved AMP. The development shall be carried out strictly in accordance with the approved Arboricultural Monitoring Programme.

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

Secured by Design

28. Prior to commencement of development an application shall be made for Secured by Design accreditation on the development hereby approved. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until confirmation of SBD accreditation has been received by the Local Planning Authority.

Reason: To ensure that appropriate physical security is provided and to safeguard future residents from crime and antisocial behaviour in accordance with Policy DH1 of the Oxford Local Plan.

Lighting

29. Prior to commencement of development, an external lighting scheme shall be submitted to the Local Planning Authority. The scheme shall set out the steps that will be taken to ensure that external lighting, including zonal/security lighting and column lighting within parking courts promotes a secure environment and does not cause a nuisance to local residents. The approved lighting shall be installed prior to first occupation of the dwellings hereby approved.

Reason: To ensure that appropriate physical security is provided and to safeguard future residents from crime and antisocial behaviour in accordance with Policy DH1 of the Oxford Local Plan.

Highways

30. No dwellings or other buildings shall be occupied until car parking spaces to serve them have been provided in accordance with plans showing parking and the necessary manoeuvring and turning areas which have been previously submitted to and approved in writing by the Local Planning Authority. The car parking shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.

Reason: To ensure appropriate levels of car parking are available at all times to serve the development, and to comply with Government guidance contained within the National Planning Policy Framework and Policy M3 of the Oxford Local Plan 2016-2036.

31. Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details which shall be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter, the covered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.

Reason: To ensure appropriate levels of cycle parking are available at all times to serve the development, and to comply with Government guidance contained within the National Planning Policy Framework and in accordance with Policy M5 of the Oxford Local Plan.

32. Prior to first occupation of the dwellings hereby approved a Full Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall then be updated on occupation of 50% of the site (80th dwelling) and be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the recommendations outlined within the approved travel plan.

Reason: To promote active and sustainable means of transport in accordance with Policy M1 of the Oxford Local Plan.

33. The details of Travel Information Packs shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the dwellings hereby approved. The Travel Information Packs shall be provided to every resident prior to each resident's first occupation of the individual dwellings.

Reason: To promote active and sustainable means of transport in accordance with Policy M1 of the Oxford Local Plan.

34. Prior to the commencement of development a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Traffic Management Plan shall identify:

a) The routing of construction vehicles and management of their movement into and out of the site by a qualified and certificated banksman

- b) Access arrangements and times of movement of construction vehicles (to minimise the impact on the surrounding highway network)
- c) Details of wheel cleaning / wash facilities to prevent mud, etc. from migrating on to the adjacent highway
- d) Contact details for the Site Supervisor responsible for on-site works
- e) Travel initiatives for site related worker vehicles that initiatives to incentivise the use of sustainable transport to travel to and from by worker (e.g. operation of a season ticket loan scheme, equipment lockers and/or the provisions of showering and locker facilities)
- f) Parking provision for site related worker vehicles
- g) Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours
- h) Engagement with local residents
- i) Measures to manage impacts of vibration for construction vehicles.
- j) Means to update the document and gaining approval from the local planning authority.

The construction phase of the development shall be carried out in accordance with approved Construction Traffic Management Plan.

Reason: To ensure that acceptable arrangements are in place to manage the impact of construction traffic in the local area in the interests of highway safety and the safety of road users.

Drainage

35. Prior to the commencement of development a surface water drainage strategy shall be submitted for approval in writing by the Local Plan Authority in consultation with the Local Lead Flood Authority. The surface water drainage strategy shall include the following details:

- a) The SuDS hierarchy for discharging surface water drainage should be followed and demonstrated with design plans, details and calculations;
- b) Design calculations for the proposed SuDS features, for all relevant return periods (1 in 1 year, 1 in 30 year and 1 in 100 year + 40% climate change) demonstrating the critical duration used for design;
- c) The undertaking of permeability tests to BRE 365 to determine the soakage potential for SuDS of the proposed development;
- d) Where discharge to an outfall applies, rates should be restricted to Greenfield run-off;
- e) Details of the future maintenance and management of all SuDS features;
- f) Information on overland flood flow paths and their maintenance should be demonstrated. An exceedance flow route plan should be provided for the entire site with levels to indicate that all surface water falls away from buildings and that exceedance flows are contained within the site boundary
- g) Measures to mitigate the risk of surface water run-off polluting waters.

The development shall be carried out in accordance with the approved surface water drainage strategy.

Reason: To ensure the appropriate management of surface water and to ensure that the development does not increase the risk of flooding in accordance with Policies RE3 and RE4 of the Oxford Local Plan 2016-2036.

Energy Measures

36. The development shall be carried out in accordance with the recommendations of the Energy and Sustainability Statement prepared by ERS Consultants, reference PR8363 dated 23 December 2020.

Reason: To ensure the incorporation of sustainable design and construction with the approved scheme and to ensure carbon reduction in line with Policy RE1 of the Oxford Local Plan.

37. Prior to the commencement of development details of the photovoltaic panels to be used on the properties as set out within the Energy and Sustainability Statement prepared by ERS Consultants, reference PR8363 shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the location of the properties where the photovoltaic's are to be included and details of the specification of the panels and how they have been incorporated into the built form of the residential accommodation. The photovoltaic's shall be provided in accordance with these approved details before the development hereby permitted is first occupied and shall remain in place thereafter.

Reason: In the interests of sustainability and visual amenity in accordance with Policies RE1 and DH1 of the Oxford Local Plan.

Boundary Treatment Plan

38. A plan showing the means of enclosure for the new development including details of the treatment of all the boundaries of the site shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of above ground works. The approved treatment of all of the site boundaries shall be completed prior to first occupation of the approved development and retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to safeguard the privacy of adjoining occupiers in accordance with Policy DH1 of the Oxford Local Plan.

13. APPENDICES

- **Appendix 1** – Site location plan
- **Appendix 2** – Oxford Design Review Panel Letter

14. HUMAN RIGHTS ACT 1998

14.1. 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 by the imposition of planning conditions and obligations 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 grant planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community.