

## Oxford City Council Planning Committee

<b>Application number:</b>	21/01053/RES		
<b>Decision due by</b>	22 <sup>nd</sup> July 2021		
<b>Extension of time</b>	TBC		
<b>Proposal</b>	Reserved matters approval for earthworks, attenuation ponds, substations, services and areas of permanent and temporary landscaping. 18/02065/OUTFUL.		
<b>Site address</b>	Land Bounded By A34 And A44 And A40, , And Land South Of The A40, Oxford, OX2 8JP – see <b>Appendix 1</b> for site plan		
<b>Ward</b>	Wolvercote		
<b>Case officer</b>	Michael Kemp		
<b>Agent:</b>	Mr Robert Linnell	<b>Applicant:</b>	Thomas White Oxford Ltd
<b>Reason at Committee</b>	The proposals are major development		

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### 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; and

1.1.2. **defer the approval of details pursuant to the following conditions relating to planning application 18/02065/OUTFUL, as submitted under application reference 18/02065/CND, to the Head of Planning Services separately from this application:**

- Conditions 4a and 32 – Construction Traffic Management Plan (CTMP) relating to the earthworks and construction of the link road.
- Condition 20a and 48 – Construction Environmental Management Plan (CEMP) relating to the construction of the link road and the works comprised as part of this application.
- Condition 40 – Soil resource plan relating to the works comprised as part of this application.
- Condition 44 – Surface water drainage scheme relating to the

construction of the link road and the works comprised as part of this application.

- Condition 56 – Phase 3 risk assessment for contamination relating to the construction of the link road and the works comprised as part of this application.

1.1.3. **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 informatives to be attached to the planning permission as the Head of Planning Services considers reasonably necessary and;
- Approve the reserved matters application; and
- Defer the approval of details of required by condition under application 18/02065/CND.

## **2. EXECUTIVE SUMMARY**

2.1. This report considers a reserved matters planning application relating to hybrid full/outline planning application 18/02065/OUTFUL for the redevelopment of a 26ha site, comprising three parcels of land adjoining the A40 and A44 to the north west of Wolvercote referred to as 'Oxford North'. Permission was granted in March 2021 for a mix of uses including 87,300sqm of Class B1 employment space, 480 homes and a series of access alterations to the A40 and A44, including the provision of a link road across the central parcel of the site.

2.2. This reserved matters planning application relates to a series of series of enabling works required to facilitate early phases of development on the Central and Canalside parcels of land, including Phase 1a of the development, for which detailed planning permission was granted.

2.3. The enabling works include the provision of below ground drainage and surface level SuDS features, including the provision of two attenuation ponds along the northern edge of the central parcel of the development site. The siting of the ponds in this position would align with the site masterplan approved under application 18/02065/OUTFUL. The submitted drainage strategy is assessed as offering a viable means to manage surface water drainage and the acceptability of the drainage scheme has been confirmed by the County Council as Local Lead Flood Authority. The drainage strategy is therefore considered to comply with Policies RE3 and RE4 of the Oxford Local Plan.

2.4. Three substations are proposed on the site, which are required in order to serve the commercial buildings approved under phase 1a of the hybrid planning permission. The substations are necessary to provide electrical services for the approved buildings and are sited in a position which is considered non-obtrusive in visual and amenity terms and are therefore compliant with Policy V8 of the Oxford Local Plan.

- 2.5. The proposals include earthworks involving the movement of 60,000m<sup>3</sup> of earth through cut and fill, including the removal of a large quantity of earth from the Canalside parcel of the site (19,000m<sup>3</sup>) and the transfer of material to the central parcel of land. This is in part to form platforms to facilitate development of buildings and landscaping on the central parcel of the site which benefit from detailed planning permission, including the three commercial buildings, the link road between the A40 and A44, the temporary car park and Community Park. The enabling earthworks will also be necessary for further phases of the development on the Central and Canalside parcels of the site which would be addressed under future reserved matters applications. Temporary landscaping is proposed, including the reseeded sections of the site where earth has been removed and deposited, which will mitigate the visual impact of the works. Two hedges are also proposed within the Eastside part of the site, which will provide screening of the site from the adjoining residential properties to the east.
- 2.6. In amenity terms, officers are satisfied that appropriate measures are included within the submitted CEMP to ensure that there would not be undue harm to the amenity of neighbouring properties by virtue of noise disturbance or dust generation arising from construction activities associated with the development proposed under this planning application and under the detailed planning consent on the Central parcel of the site.
- 2.7. The submitted CTMP ensures that all traffic for the initial construction phases, including the earthworks would access the site via either the A40 or A44 and would not use surrounding residential roads including Godstow Road and no traffic would be permitted to use Joe Whites Lane. The CTMP also includes appropriate measures to manage vehicle movements associated with the transfer of soil materials between the Canalside and Central parcels of the site.
- 2.8. For the reasons outlined within the report officers recommend approval of the reserved matters planning application. The approval of the details pursuant to the following conditions relating to planning application 18/02065/OUTFUL will be dealt with separately under submission 18/02065/CND but have been included because of their relevance to the reserved matters application;
- Conditions 4a and 32 – Construction Traffic Management Plan (CTMP) relating to the earthworks and construction of the link road.
  - Condition 20a and 48 – Construction Environmental Management Plan (CEMP) relating to the construction of the link road and the works comprised as part of this application.
  - Condition 40 – Soil resource plan relating to the works comprised as part of this application.
  - Condition 44 – Surface water drainage scheme relating to the construction of the link road and the works comprised as part of this application.
  - Condition 56 – Phase 3 risk assessment for contamination relating to the construction of the link road and the works comprised as part of this application.

### **3. LEGAL AGREEMENT**

3.1. The legal agreement relating to hybrid planning permission 18/02065/OUTFUL would be unaltered. The Section 106 agreement covers subsequent reserved matters applications on the site and the proposals would not conflict with the terms of the agreement.

### **4. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

4.1. The development would not alter the terms of the CIL agreement relating to planning application 18/02065/OUTFUL.

### **5. SITE AND SURROUNDINGS**

5.1. The application site comprises selected parcels of a wider 26-hectare area of predominantly grazing farmland located in the north of Oxford, just inside the ring road which was subject of planning application 18/02065/OUTFUL.

5.2. Planning approval was granted on 23<sup>rd</sup> March 2021 for planning permission 18/02065/OUTFUL, this followed a resolution to grant planning permission made by members of the Planning Review Committee held on 16 December 2019 and the completion of the Section 106 agreement. The description of development is listed below:

*Hybrid planning application comprising: (i) Outline application (with all matters reserved save for "access"), for the erection of up to 87,300 m<sup>2</sup> (GIA) of employment space (Use Class B1), up to 550 m<sup>2</sup> (GIA) of community space (Use Class D1), up to 2,500 m<sup>2</sup> (GIA) of Use Classes A1, A2, A3, A4 and A5 floorspace, up to a 180 bedroom hotel (Use Class C1) and up to 480 residential units (Use Class C3), installation of an energy sharing loop, main vehicle access points from A40 and A44, link road between A40 and A44 through the site, pedestrian and cycle access points and routes, car and cycle parking, open space, landscaping and associated infrastructure works. Works to the A40 and A44 in the vicinity of the site. (ii) Full application for part of Phase 1A comprising 15,850 m<sup>2</sup> (GIA) of employment space (Use Class B1), installation of an energy sharing loop, access junctions from the A40 and A44 (temporary junction design on A44), construction of a link road between the A40 and A44, open space, landscaping, temporary car parking (for limited period), installation of cycle parking (some temporary for limited period), foul and surface water drainage, pedestrian and cycle links (some temporary for limited period) along with associated infrastructure works. Works to the A40 and A44 in the vicinity of the site. (Amended plans and additional information received 19.06.2019)*

5.3. The application site to which planning application 18/02065/OUTFUL relates falls into three, fan-shaped parcels of land which run adjacent to the A44 and A40 trunk roads, converging at Wolvercote roundabout. The northern boundary of the site is formed by a raised section of the A34 road. The eastern boundary of the site is formed by a section of railway line. The south-western boundary is formed by Joe White's Lane bridleway (National Cycle Route 5) and the fields to the west that lead down to the Oxford canal and separate the site from much of the settlement of Wolvercote.

5.4. The masterplan for planning application 18/02065/OUTFUL refers to three parcels of land as the following:

- East: the parcel to the east of the A44, south of the Peartree Park and Ride and west of the railway line
- Central: the largest parcel, to the west of the A44 and to the north-east of the A40
- Canalside: the parcel to the south-west of the A40 and the north-east of Joe White's Lane

5.5. In terms of topography, the Central parcel is undulating with a high point to the north-west dropping to a low point to the north-east adjacent to the A44. The Canalside parcel of the site slopes down from the A40 to Joe White's Lane. The East parcel gradually slopes up from the boundary with the Park and Ride towards the south-east of the parcel where a ridge and furrow landform is clearly apparent.

5.6. The land is used predominantly as agricultural grazing land and therefore there are relatively few trees for the land area subject of this application; vegetation is mostly confined to the hedgerows of the field boundaries. The area has been assessed as having low landscape quality and historic integrity.

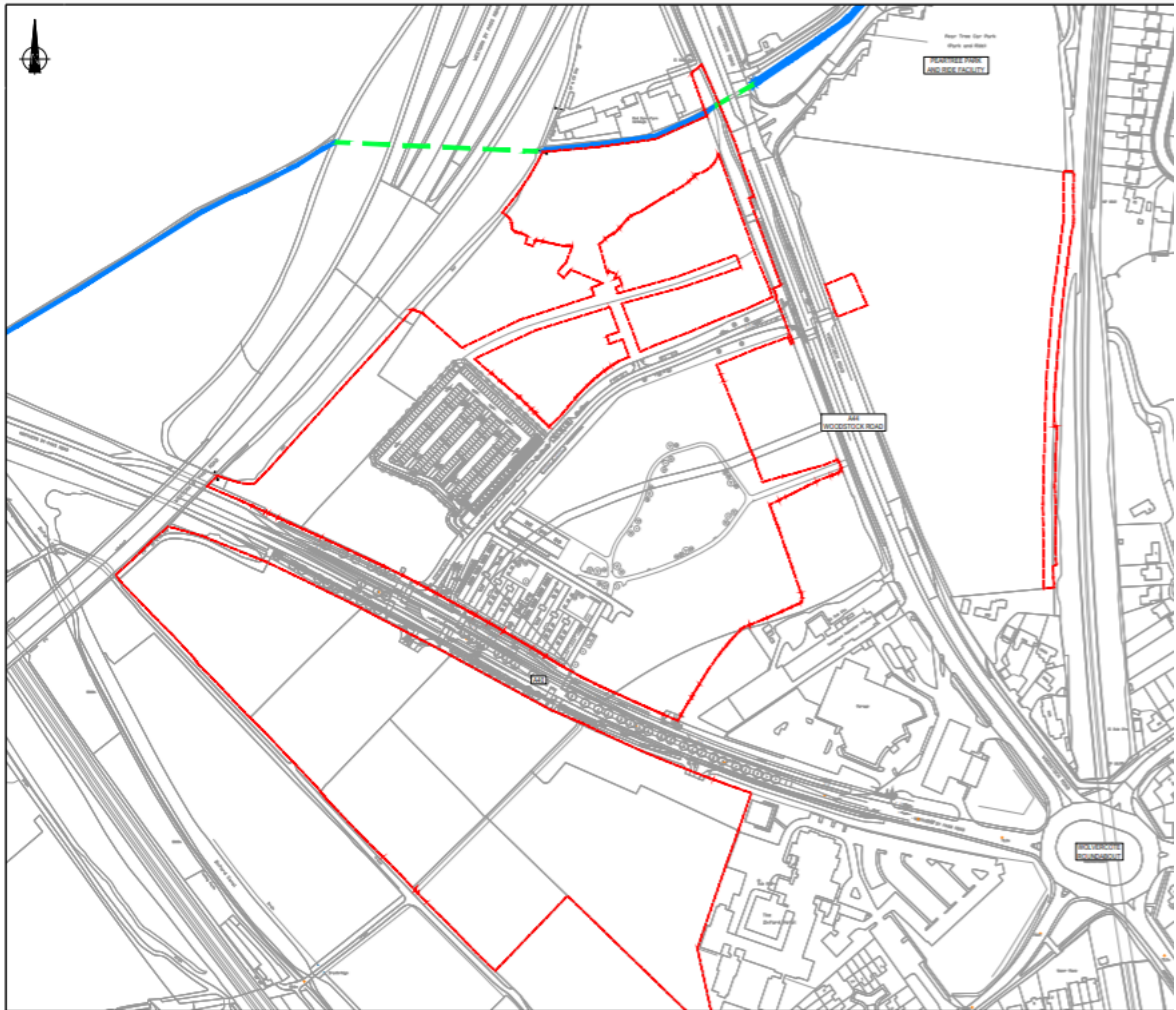
5.7. The site itself is of relatively low ecological value, although it lies less than 500 metres from the internationally protected Oxford Meadows Special Area of Conservation (SAC). The Oxford Meadows SAC is made up of four Sites of Special Scientific Interest (SSSI). These are Cassington Meadows SSSI, Pixey and Yarnton Meads SSSI, Wolvercote Meadows SSSI and Port Meadow with Wolvercote Common and Green SSSI. There are two reasons for this designation; the first is that the lowland hay meadows have benefited from the survival of traditional management, which has been undertaken for several centuries and exhibits good conservation structure and function. The second reason is that Port Meadow is the larger of only two known sites in the UK for a particular plant, the creeping marshwort (*Apium repens*).

5.8. The site forms a setting to Wolvercote with Godstow Conservation Area and the historic Goose Green, a registered common and an important open space in the area. Both lie to the south-west of the site, with the Conservation Area boundary taking in the field in the south-west of the application site.

5.9. The parcel of land to the north of the application site, but within the AAP area adjoining the Peartree interchange is Red Barn Farm. This does not contain any residential accommodation and is currently occupied by TRAX, an organisation that runs courses for young people.

5.10. This planning application relates to development predominantly within the central and western (Canalside) of the wider site area relating to application 18/02065/OUTFUL. For this reason the red line site area covers selected parcels of land where development would be taking place and excludes other areas of the wider site, which would be unaffected by the works including much of Eastern parcel of land with the exception of a strip of land adjacent to the railway

line where it is proposed that a new hedge would be planted. The site location plan below shows the various parcels of land to which this permission relates:



## 6. PROPOSAL

- 6.1. This reserved matters planning application relates a series of series of enabling works required to facilitate early phases of development on the Central and Canalside parcels of land, including Phase 1a of the development, for which detailed planning permission has already been granted.
- 6.2. The enabling works include the provision of below ground drainage and surface level SuDS features, including the provision of two attenuation ponds along the northern edge of the central parcel of the development site. The siting of the ponds in this position would align with the site masterplan approved under application 18/02065/OUTFUL and will facilitate discharge of water into the adjoining watercourse to the north of the site.
- 6.3. Three substations are proposed on the site, which are required in order to serve the commercial buildings approved under phase 1a of the hybrid planning permission.

6.4. The proposals include a series of earthworks involving the movement of 60,000m<sup>3</sup> of earth through cut and fill, including the removal of a large quantity of earth from the Canalside parcel of the site (19,000m<sup>3</sup>) and the transfer of material to the central parcel of land. This is in part to form a platform to facilitate development and landscaping on the central parcel of the site which benefits from detailed planning permission, including the three commercial buildings, the link road between the A40 and A44, the temporary car park and Community Park. It will also be used for further phases of the development on the Central and Canalside parcels of the site which would be addressed under future reserved matters applications. Temporary landscaping is proposed, including the reseeded sections of the site where earth has been removed and deposited, this will mitigate the visual impact of the works.

6.5. Two hedges are also proposed within the Eastside part of the site, which will provide screening of the site from the adjoining residential properties to the east.

6.6. In addition details have been submitted under application reference 18/02065/CND to discharge a number of conditions relating to planning application 18/02065/OUTFUL, these documents also relate to the proposals within this reserved matters application and so have been included for information purposes:

- A Construction Traffic Management Plan (CTMP) which relates to the construction of the A44/A40 link pursuant to conditions 4a and 32 of the Hybrid Planning Permission 18/02065/OUTFUL.
- A surface water drainage plan pursuant to condition 44 of 18/02065/OUTFUL.
- A Construction Environmental Management Plan (CEMP) pursuant to condition 20a and 48 of 18/02065/OUTFUL.
- A Soil Resource Plan pursuant to condition 40 of 18/02065/OUTFUL.
- A Phase 3 Risk Assessment for Contamination pursuant to Condition 56 of 18/02065/OUTFUL.

6.7. The assessment of these aspects of the submission are detailed in the relevant sections below.

**7. RELEVANT PLANNING HISTORY**

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

18/02065/OUTFUL - Hybrid planning application comprising:  (i) Outline application (with all matters reserved save for "access"), for the erection of up to 87,300 sqm (GIA) of employment space (Use Class B1), up to 550 sqm (GIA) of community space (Use Class D1), up to 2,500 sqm (GIA) of Use Classes A1, A2, A3, A4 and A5 floorspace, up to a 180 bedroom hotel (Use
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Class C1) and up to 480 residential units (Use Class C3), installation of an energy sharing loop, main vehicle access points from A40 and A44, link road between A40 and A44 through the site, pedestrian and cycle access points and routes, car and cycle parking, open space, landscaping and associated infrastructure works. Works to the A40 and A44 in the vicinity of the site.

(ii) Full application for part of Phase 1A comprising 15,850 sqm (GIA) of employment space (Use Class B1), installation of an energy sharing loop, access junctions from the A40 and A44 (temporary junction design on A44), construction of a link road between the A40 and A44, open space, landscaping, temporary car parking (for limited period), installation of cycle parking (some temporary for limited period), foul and surface water drainage, pedestrian and cycle links (some temporary for limited period) along with associated infrastructure works. Works to the A40 and A44 in the vicinity of the site. (Amended plans and additional information received 19.06.2019)

Approved 23<sup>rd</sup> March 2021

## 8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Wolvercote Neighbourhood Plan
Design	126 - 136	DH1,	
Conservation/ Heritage	189 - 208	DH3, DH4, DH5	
Natural environment	174 - 182	G1, G2, G7	GBS1, GBS2, GBS5, GBC1, GBC3
Transport	104 - 113	M1, M2	COC1, CHC2
Environmental	174 - 182	RE3, RE4, RE5, RE6, RE7, RE8, RE9	BES2, BES3, BES4
Miscellaneous		V8	

## 9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 30<sup>th</sup> April and an advertisement was published in the Oxford Times newspaper on 29<sup>th</sup> April 2021.

### Statutory and non-statutory consultees



Oxfordshire County Council

**Highways**

- 9.2. Initial response raised concerns in relation to the construction access routes to the site from the A40 and A44. Further clarification was required in respect of vehicle routing, tracking and contractor parking on site during construction. The County Council has confirmed that these matters are addressed within the revised CTMP and raise no objection to the operations proposed within this application on highway safety grounds.
- 9.3. The County Council has advised that the CTMP provides acceptable measures with regarding to managing the highways impact of the development during the phases of the development proposed within this reserved matters application and the first phase of development (1A) already benefitting from detailed planning permission.

**Drainage**

- 9.4. Whilst the overall drainage strategy was supported as this was consistent with the strategy proposed under the hybrid planning application, further detail was requested in terms of drainage calculations, maintenance details and modelling of the adjoining watercourse.
- 9.5. The County Council have advised that the updated details prepared in respect of the Reserved Matters application are satisfactory and allow for appropriate drainage of the site and also allow for the discharge of condition 44 of the hybrid planning permission as applied for under discharged of conditions application 18/02065/CND.

Environment Agency

- 9.6. Do not wish to comment.

Thames Water

- 9.7. No comments.

Natural England

- 9.8. No comments.

Network Rail

- 9.9. No response received following consultation.

Historic England

- 9.10. No response received following consultation.

Highways England

9.11. Having reviewed the application we do not offer an objection to the proposal. However, we do advise that the proposal to change the debris screen at the entrance to the culvert under the A34 is not permitted as the debris screen is a Highways England Asset. We would be happy to discuss with the applicant how any issues can be addressed.

9.12. In addition we request that where practicable the construction trips are minimised during the busy weekday peak hours to reduce any potential impact that they could have on the highway network.

#### Canals and Rivers Trust

9.13. The trusts drainage team have raised no objection to the principle of the proposals.

#### Cherwell District Council

9.14. No response received following consultation.

### **Public representations**

9.15. Wolvercote Neighbourhood Forum objected to the application for the following reasons:

- Concerns relating to Highways England's initial letter stating that permission was not sought to drain into the existing drainage network.
- Concern that sewer system would be overwhelmed by surface water and sewage and contaminated water would enter the canal.
- There is no evidence of independent assessment of the attenuation ponds' efficacy. The modelling needs to take into account the effects of climate change over both the construction period and the expected occupancy of houses and offices.
- The statement that swales will provide 'paths to enable the public to walk round' and provide 'increased amenity and biodiversity opportunities is not an acceptable argument for their acceptance. The amenity claim simply draws attention to the biodiversity already lost by site clearance and is an inadequate contribution to the unconvincing proposals that the development will provide a net benefit.
- It is proposed to move 20,000 cubic metres of soil from the canal side to the central area. The claim in The Health Impact Assessment that there was engagement and consultation is not accurate.
- The explanation given is entirely to do with setting up a development platform in the central area without importing material from elsewhere. This is of no benefit to the development of the canal side but causes huge disruption and potential ecological damage to this area, as well affecting adversely the traffic on A40 and A44. There should be an examination of

whether a development platform could be set up without the damage to the canal side.

- TWO undertook to protect the ancient hedge alongside Joe White's Lane. Whether or not any earth movement is to take place in this area, the hedge must be protected with robust fencing set at a distance from the hedge so that the roots of trees and the ditch alongside it are not adversely affected.
- Concern regarding pollution from HGV movements related to construction operations.
- The proposed timetabling of construction work and of deliveries to the site is a matter of concern to local residents who will be affected by noise, pollution and traffic congestion and disruption for several years. Particular concern about construction works starting at 7.30am.
- Delivery access must be prevented from Godstow Road and Joe Whites Lane. Delivery vehicles must not use Wytham.

9.16. Comments were received from Leyla Moran MP, which request that the Council ensure that the views of local residents are considered and that the Council responds to public concerns. It is asked that particular attention is paid to water drainage issues, the access road arrangements and noise levels during the ground works stage.

9.17. Ward Councillor Liz Wade has submitted a comment in objection to the application. The points of objection are summarised below:

- Construction vehicles should have limited site access: suggestion: 9.30 a.m.- 3.30 p.m. Mondays to Fridays and 9.30 a.m. -1 p.m. on Saturdays. This is to modify traffic congestion on the approach roads to the Wolvercote Roundabout, in particular from the A40, A44 and A34 Western by-pass. For Delivery vehicles, the proposal in the CEMP is that they deliver between 9.30 a.m. - and 3.30 p.m. on weekdays only. This is line with the suggestion above for construction vehicles. Construction work should be limited to the same hours as construction vehicles.
- Amount of development on site: the proposal is to move 20,000 cubic metres of earth from Canalside to Central. This would permanently change the gentle slope of Canalside into a steep hillside, which would be unstable and might need shoring up. The effect of earth-moving on watercourses is unknown but, before excavation, Canalside drained into marshy ground on its west side near the canal. This could become a bigger problem. The plan to dig attenuation ponds at the north end of Canalside and of Central shows that the watercourse problem is recognised but hydrology reports should be obtained to reassure residents that it will be contained, and it should be regularly monitored
- Effect on traffic: the A40, A44 and A34 are the three major artery roads into north and north-east Oxford. They will inevitably be impacted by this

development but every effort must be made to protect traffic movement, particularly at peak hours.

- Flooding risk at the north end of Central and the west side of Canalside is a real likelihood, particularly given the removal of old hedgerows and grazing meadows. Disposal of surface water is still unresolved.
- Local ecology/biodiversity: given the Bill presently before Parliament, the developers should raise the standard for biodiversity to at least 10%. They make the point that neither site can be expected to contribute any biodiversity at this stage but a cogent plan for the short/medium/long term would reassure the community. Protective planting and HERAS fences along the hedge on the eastern side of Joe White's Lane will be vital.
- Noise and Disturbance: where there has to be construction beyond normal working hours (suggested to be 8 a.m. - 6 p.m. weekdays, 8a.m. - 1 p.m. Saturdays) then a system should be established urgently to provide information to residents, both by regularly leafleting and on a one off basis. A condition should be imposed that Wolvercote City Councillors should also be advised by email at the same time. The relevant roads are Godstow Road (Jury's Inn and Nos 5-30); Rawson Close; Goose Green Close; Millway Close; Lakeside (Odd Nos 1-59); Linkside (Odd Nos 1-19).

9.18. A total of 39 letters of objection have been received in objection to this planning application. The main points of objection are summarised below under the following categories:

#### Biodiversity

- Hedgerow clearance has taken place, which caused disturbance to local residents.
- The overall assessment of the site impact on the environment, biodiversity, people and other factors are not accurate.
- It is proposed to move 20,000 cubic metres of soil from the Canalside to the Central area of the site. This is grossly disruptive to soil structure, carbon storage, soil flora and fauna, erosion resistance, catchment quality, and of course to the species dependent on the soil-based ecosystem.
- There is no protection in place or proposed for remaining trees and hedgerow root systems.
- Concern regarding loss of habitats as a result of works to the hedgerow and grassland which have been carried out.
- The effect of pollution on neighbouring SSSIs is not properly considered.

#### Highways

- Works to the A40 have taken place before consultation has ended. Concerns were expressed that these works were not authorised.
- Highways England have objected to the use of their drainage assets.
- Concern regarding increase in traffic and pollution.
- There are no adequate provisions for wheel washing and safe disposal of the resulting effluent.
- The delivery vehicle standards promised in "9.2 Specification for delivery vehicles" are meaningless, as they are unenforceable: the UK is not bound by EU standards after Brexit.
- Ultrafine particles (UFP's) are extremely hazardous to public health. Concerns regarding release during construction works.
- There is no mechanism to police mechanical wear on vehicles.
- Traffic projects modelled by TWO in respect of air quality are inaccurate.
- There are no proposals in place to prevent, or to mitigate the effects of, oil and fuel spillage from tanks proposed to be refilled on the site.
- Construction access to the site must be provided from the A40 only and not via Joe Whites Lane.
- Haulage and construction vehicles used should be zero/low emission electric vehicles to minimise the environmental impact, as well as ancillary plant like generators, compressors and pumps, a solar array panel could be provided to charge all the electric vehicles coming on site.

#### Drainage/Flood Risk

- Works to modify the central parcel of the site have already commenced.
- Concern regarding potential sewage pollution in the Canal.
- The attenuation pond and swale proposals and modelling have not been assessed by an independent third party and show no evidence that the statutory climate change resilience measures required are in place.
- The measures proposed are not credible with regard either to water quality or flooding risk even over the ten-year lifetime of the construction phases, let alone over the next 20-30 years.
- None of the water quality protections are in fact enforceable as there is no mechanism proposed for adequate monitoring nor for sanctions or mitigations that might be required in the event of a breach of conditions.

- Water-carrying capacity and carbon storage capacity are both being lost at this site in this phase. There are no mitigations proposed in the near or medium-term for loss of carbon storage.

### Amenity

- The impact on noise levels and pollution levels due to the increase traffic during the site building and afterwards has been underestimated.
- Concern regarding impact of the development on the community of people living alongside the canal including the formation of a 1.8 metre wide cycleway through the canal side community.
- The early planting on the Eastside section of the site should include a line of taller native trees to provide over storey screening above typical hedge height to reflect the request of Linkside residents.
- Concerns that the development would increase flood risk due to increased surface water run-off.

### Other

- The Canals and River Trust have not at the time of writing commented on the application.
- The layout of the central section of the site has been altered as part of the plans.
- Local people are unanimously opposed to the development.
- Concern regarding the height of the buildings and potential visibility from Port Meadow.
- The proposals are an overdevelopment of the site.
- The destruction of the soil quality in this phase is in violation of climate change resilience measures required by the NPPF.
- Concern regarding the impact of the development on the character of Wolvercote as the size and use of the buildings would be inappropriate.
- Office buildings are no longer required due to recent changes in patterns of working.
- Existing buildings should be reused or repurposed as opposed to constructed on greenfield sites.
- Concern regarding impact of development on local services and facilities.

- An archaeological survey should be carried out on the site as Roman remains have been found in Kidlington and Linkside Avenue and Yarnton is a major prehistoric site.
- The Health Impact Assessment undertaking by the applicants is incomplete and inadequate.
- The design does not do justice to reflect the architectural heritage of neither Oxford nor the Cotswolds.

### Officers Response to Public Comments

9.19. Matters raised within the public comments are covered within the relevant sections of the report, where this relates to the specific elements applied for under this reserved matters application.

9.20. A number of matters cited above relate to points agreed under the hybrid planning permission or matters which would be dealt with under subsequent reserved matters applications involving the development of parcels of land not covered under the detailed planning permission. This includes the principle of uses on the site, building design and heights, wider biodiversity impacts associated with the overall scope of development and archaeological impacts. Such matters relating to the overall scope of development on the site have either already been determined under the hybrid planning permission or would be determined under later reserved matters applications.

9.21. It is noted that a number of members of the public have mentioned that Highways England have objected to the application. As noted in the statutory consultees section of this report that this objection has since been removed. Likewise Canals and River Trust have also commented on the application raising no objection.

## **10. PLANNING MATERIAL CONSIDERATIONS**

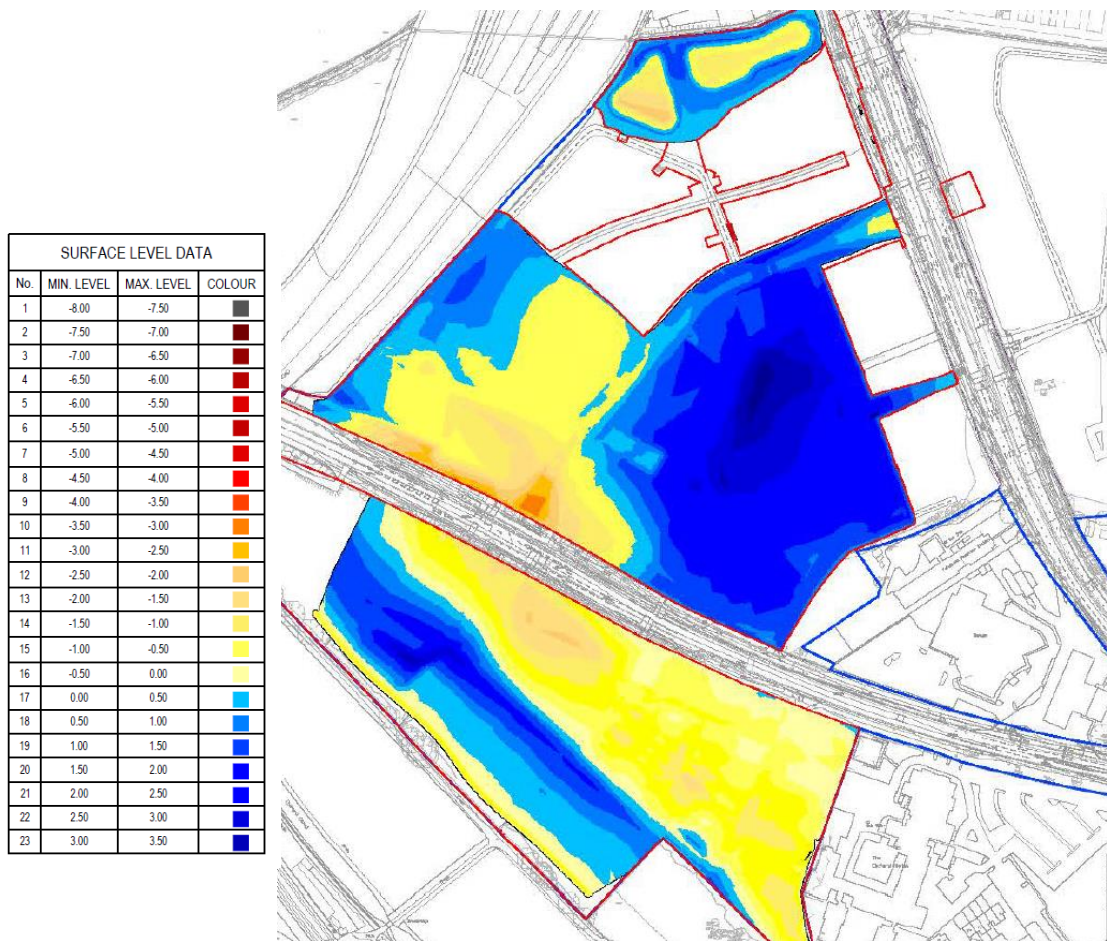
10.1. Officers consider the determining issues to be:

- Principle of development
- Drainage/flood risk
- Neighbouring amenity
- Highways
- Trees
- Archaeology
- Ecology
- Land Quality

### **Principle of development**

- 10.2. Planning permission was granted in March 2021 under hybrid outline/full permission 18/02065/OUTFUL for the redevelopment of the 30ha site at Oxford North to include a mix of uses including 87,300sqm of Class B1 employment space, 480 homes and a series of access alterations to the A40 and A44, including the provision of a link road across the central parcel of the site.
- 10.3. The detailed element of planning application 18/02065/OUTFUL for which full permission was granted is referred to as Phase 1a. This comprises three buildings (the Red Hall and two workspace buildings), areas of landscaping, temporary car and cycle parking and a series of highways works including the formation of a temporary junction onto the A44, a cycleway along the western edge of the A44, the formation of temporary paths to Peartree Park and Ride and Oxford Canal as well as the comprehensive remodelling of the A40.
- 10.4. This application is submitted as the first subsequent reserved matters application with the intention of facilitating future development on the Central and Canalside parcels of land which will be brought forward as early phases of the development. Phase 1a will be the first phase of development and the earthworks proposed, which will consist of the removal of earth from the Canalside part of the site and subsequent transfer to the Central parcel of the site will be required in order to commence work on Phase 1a.
- 10.5. The submitted proposals for site drainage include the addition of below ground pipes and two attenuation ponds located adjacent to the northern boundary of the central development parcel aligns with the drainage proposals submitted under planning application 18/02065/OUTFUL. The site wide masterplan made provision for the siting of the two attenuation ponds in the same location as proposed within this reserved matters application. The proposed development would therefore not conflict with the overall layout and site masterplan already consented under the hybrid planning permission.
- 10.6. The earthworks involve the transfer of approximately 60,000m<sup>3</sup> of earth through a cut and fill process. This involves the removal of approximately 19,000m<sup>3</sup> of earth from the canalside parcel of the site (south of A40) to the Central parcel of the site (between the A40 and A44). The redistribution of earth through the cut and fill process is best demonstrated on drawing No.48201/EWK/111 Rev C, which as shown below:





10.7. The yellow and amber sections of the drawing above show sections of the site where there would be a reduction in the existing site levels through removal of existing soil. The maximum depth of cut would be 3 metres. The light and dark blue sections show areas where the site levels would increase through additional fill. The maximum depth of fill on site would be 3 metres. Areas shaded in white would be unchanged. The distribution of cut and fill corresponds to the existing site topography, which is uneven across both the canalside and central parcels. The above drawing also shows the area of excavation relating to the two attenuation ponds in the northern section of the site.

10.8. As noted in the above sections, this development is required to facilitate the works permitted under the hybrid planning permission by forming development platforms for the commercial buildings, link road, temporary car parking and landscaping which would form Phase 1a of the development as well as the Canalside park to the south of the A40. The earthworks proposed in this application would also avoid the need to transfer additional soil material to the site or remove material for landfill, thereby reducing vehicle movements and preventing waste.

10.9. Condition 40 of the hybrid planning approval requires that a Soil Resource Plan is submitted alongside each phase of the development, including enabling works. The Soil Resource Plan condition is required in order to outline

procedures for soil recovery and to ensure that a suitable soil profile is reinstated following completion of development. A topsoil strip would be undertaken prior the commencement of earthworks, materials will be stored in temporary stockpiles before being reused for landscape purposes. The Soil Resource Plan submitted in support of this application identifies the measures for the removal and reuse of soil on site, including identification of where topsoil import is required to carry out landscaping in line with the requirements of condition 40 of the hybrid planning permission. The details submitted within the Soil Resource Plan for this phase of development are considered to be acceptable. The details submitted in accordance with condition 40 of the hybrid planning approval (insofar as it relates to the current phase of enabling works) can be partially approved under application 18/02065/CND independently from this reserved matters application.

10.10. The substations proposed within this application consist of three, 2.4 metre high rectangular utilitarian green structures. These structures would be sited in less prominent locations, two of which would be sited to the east of the two southernmost employment buildings and a single substation, which would be sited in the north west corner of the temporary car park. The substations would be necessary in order to ensure adequate electricity supply would be provided to the employment buildings. It is therefore considered that the siting of the substations are necessary in accordance with Policy V8 of the Oxford Local Plan. It is considered that the siting of the substations be unobtrusive in practical and visual amenity terms.

10.11. For the reasons stated above officers consider that the principle of development is acceptable as this facilitates the delivery of planning permission 18/02065/OUTFUL which would deliver significant planning benefits economically and in terms of local housing provision.

### Environmental Impact Assessment

10.12. An Environmental Statement (ES) was prepared as part of hybrid planning application 18/02065/OUTFUL, which covered in outline all development across the Oxford North site, including the basis of the enabling works proposed under this Reserved Matters application.

10.13. This Reserved Matters application would constitute a 'subsequent application' under Regulation 2(1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such the likely significant effects of the proposed development need to be considered.

10.14. The proposals submitted under this reserved matters application do not deviate from the parameters of the hybrid planning permission and the fundamental details outlined within the previously submitted Environmental Statement. Officers conclude that the development would not give rise to any new or different significant effects to those identified and assessed previously within the ES prepared under application 18/02065/OUTFUL.

### **Drainage**

10.15. 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.*

10.16. 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.

10.17. Policy BES4 of the Wolvercote Neighbourhood Plan requires that all proposed developments should demonstrate that they do not decrease rain water infiltration. Developments that demonstrate that they increase infiltration (where it is geologically possible), or reduce run-off to watercourses, will be supported. All run off water should be infiltrated into the ground using permeable surfaces (SUDS), or attenuation storage, so that the speed and quantity of run off is decreased.

10.18. The site layout includes the provision of SuDS features which will provide volumetric storage of surface water for the central parcel of the site. This will include 2 attenuation basins located in the north corner of the central parcel of the site adjacent to the boundary with Red Barn Farm which will provide volumetric storage of surface water. Permeable paving will also be used for the majority of roads and hard surfaces within the development.

10.19. Surface water runoff will discharge into the existing drain and watercourse which adjoins the northern boundary of the central section of the site. The watercourse ultimately discharges into the Oxford Canal to the west of the site. Highways England had raised an initial objection to the use of this existing drain and culvert as these are highways assets. Following discussion with HE it has since been accepted that as the development would not significantly increase run off then there would not be a detrimental impact on the ditch and outfall and the initial objection from HE has since been withdrawn.

10.20. The surface water drainage plan outlines a programme for the regular maintenance of the swales, piped drainage systems and attenuation basins. This includes regular inspection to be carried out by the management company, alongside where necessary the cutting of grass and the removal of litter and other debris in order to ensure that the systems are fully functioning.

- 10.21. Oxfordshire County Council, as Local Lead Flood Authority submitted an initial objection as additional details were required relating to flood modelling accounting for 20% and 40% climate change allowance. Upstream and downstream modelling was also required for the adjoining watercourse to demonstrate that there would not be a risk of upstream or downstream flooding. Additional microdrainage calculations were also required. The requested details have now been provided and Oxfordshire County Council are satisfied that the submitted drainage scheme is viable and will appropriately manage the disposal of surface water.
- 10.22. Canal and River Trust have been consulted regarding the development proposals, which result in additional discharge into the Oxford Canal via the existing watercourse. The drainage team at the Canal and River Trust have reviewed the submitted details and have advised that they do not object to the proposals.
- 10.23. Taking the above matters into consideration, it is considered that the proposals represent appropriate measures for the management of surface water drainage associated with the initial phases of development on this site. The details provided alongside this application and accord with the provisions of Policies RE3 and RE4 of the Oxford Local Plan. The details submitted in accordance with condition 44 of the hybrid planning approval (insofar as it relates to the current phase of enabling works) can be partially approved under application 18/02065/CND independently from this reserved matters application.

### **Visual Impact**

- 10.24. The formation of two attenuation ponds in the northern part of the central parcel of the site aligns with the overall site masterplan approved under planning application 18/02065/OUTFUL, which included the provision of SUD's features within this area of the site. The basins are designed to appear as natural pond features, rather than hard engineered drainage infrastructure. The ponds would be surrounded by landscaping and wetland grass and would provide ecological value. This area of the site would be publically accessible from the remainder of the site, to allow maintenance access but also to allow members of the public to access what could be an attractive space in the site.
- 10.25. The site masterplan includes the provision of the Canalside Park along the western boundary of the site between the residential element of the scheme and Joe Whites Lane, a public right of way to the west of the site. The earthworks are intended to create a rising landscape from west to east which will eventually form a public park, the details of which will be submitted under a future reserved matters application relating to the residential element of application 18/02065/OUTFUL. A swale will be created along the western edge of the site, which aligns with the drainage strategy for the site.
- 10.26. Following completion of the earthworks on the central parcel of the site, a reseeded of the landscape is proposed. The lower sections of the Canalside parcel of the site which would form the future Canalside Park as outlined within the landscape masterplan would also be reseeded. This will be necessary to ensure that the site is acceptable in visual terms during the intervening period

between the works and the commencement of development of the various plots on the site.

10.27. In order to mitigate the visual impact of the development in views from the east, two hedgerows would be planted on the Eastside parcel of the site (East of the A44), 13.8 metres to the west of the railway track. The hedgerow would be 0.6 metres high when first planted and it is envisaged that this would grow to a height of 1.2 to 1.5 metres after a period of 5 to 7 years.

10.28. The earthworks are necessary to facilitate future stages of development approved under permission 18/02065/OUTFUL and align with the overall site masterplan agreed under the hybrid planning application. The temporary landscaping measures to reseed sections of the site following completion of the earthworks, alongside the planting of the eastern boundary are considered necessary in order to mitigate the impact of the development in visual terms in accordance with Policy DH1 of the Oxford Local Plan.

## **Heritage**

10.29. A section of the Canalside parcel of the site located to the north of Joe Whites Lane falls within the Wolvercote with Godstow Conservation Area, whilst the majority of the site, including the Canalside and Central parcels would be considered to be within the setting of the Conservation Area.

10.30. 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).

10.31. 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."

10.32. 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 199 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".

- 10.33. The site is also within the wider setting of the Grade II listed Manor Farm, a 17<sup>th</sup> Century stone farmhouse located to the south west, adjoining Godstow Road.
- 10.34. 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.
- 10.35. The wider impact of the redevelopment of the land at Oxford North on the Wolvercote with Godstow Conservation Area and the heritage assets identified above was considered in depth by officers at the time which application 18/02065/OUTFUL was determined. This assessment considered the relative harm to the setting and significance of the Conservation Area, which was deemed to be moderate less than substantial harm. In terms of the setting of the Grade II listed Manor Farm it was considered that whilst the setting of the farmhouse had been eroded by residential development and non-residential development including the Jury's Inn hotel, there would be further harm arising from the loss of agricultural land on the Oxford North site which forms part of the wider setting which contributes to the significance of this building, furthermore the approved development would also be of a significant scale. This harm to the setting of the Grade II listed building was identified as less than substantial and at the lower end of this classification.
- 10.36. The identified harm to heritage assets was balanced against the significant package of public benefits delivered by the proposed development, including the provision of 480 homes and significant economic benefits deriving from the provision of 87,300sqm of employment space. A conclusion was reached that the benefits arising from the development would outweigh the moderate less than substantial harm to the Wolvercote with Godstow Conservation Area.
- 10.37. In terms of the proposals associated with this application, the main impact on the setting of the Conservation Area would be as a result of the earthworks, particularly on the Canalside section of the site, which partly falls within the Conservation Area, or is visible from within the Conservation Area from Joe Whites Lane to the south east. The earthworks and the formation of the swale along the southern section of the site are required to facilitate development and landscaping on this parcel of the site and the central parcel and therefore align with the proposals permitted under application 18/02065/OUTFUL. It is therefore considered that the development proposed under this application within the Canalside part of the site would not result in additional harm to the setting of the Conservation Area beyond the moderate level of less than substantial harm previously identified. The development would also not result in any additional harm to the setting of the Grade II listed Manor Farmhouse. The earthworks within the central parcel of the site and drainage works are unlikely to be perceived in public views from the Conservation Area and the overall impact would likely be negligible in heritage terms. The reseeded of the site where earthworks have occurred will mitigate the visual impact of these temporary works softening the impact on the setting of the Conservation Area.

10.38. Accounting for the nature of the works and their alignment with planning application 18/02065/OUTFUL, it is considered that the development would result in a moderate level of less than substantial harm to the setting and significance of the Wolvercote with Godstow Conservation Area and a low level of less than substantial harm to the setting of the Grade II listed Manor Farm. In assessing the development in accordance with the balancing exercise required under Paragraph 202 of the NPPF, the identified less than substantial harm to these heritage assets would in officer's view be outweighed by the multiple economic benefits and provision of housing arising from the development which the works would facilitate (as set out in full in the committee report to the West Area Planning Committee dated 28<sup>th</sup> September 2019).

10.39. The application was previously accompanied by an archaeological evaluation which failed to identify any significant archaeological remains. The submitted proposals are unlikely to have any significant archaeological implications and it is a condition of the original planning permission that the development is carried out in accordance with the agreed recommendations of the previously submitted Written Scheme of Investigation (WSI). Officers therefore consider that there would be no conflict with Policy DH4 of the Oxford Local Plan.

#### **Impact on neighbouring amenity**

10.40. The nearest residential properties to the areas of the site where significant works are proposed are located to the south east at Goose Green Close and Rawson Close and to the south of the Oxford Canal and railway line at Elmthorpe Road and Rosamund Road and Nos. 396 to 400 Woodstock Road adjacent to the Wolvercote Roundabout.

10.41. Policy RE7 of the Oxford Local Plan states that Planning permission will only be granted for development that:

*a) Ensures that the amenity of communities, occupiers and neighbours is protected; and b) does not have unacceptable transport impacts affecting communities, occupiers, neighbours and the existing transport network; and c) provides mitigation measures where necessary.*

10.42. Policy RE8 of the Oxford Local Plan also requires that planning permission will not be granted for development that will generate unacceptable noise and vibration impacts. Identifying and mitigating the impact of construction works in terms of air pollution and noise is also required under Policies BES2 and BES3 of the Wolvercote Neighbourhood Plan.

10.43. The amenity impacts arising from the development would be indirect impacts associated with temporary construction activities, most notably noise disturbance and dust generation. Direct amenity impacts arising from the siting of buildings and the impact of traffic generation during the operational phases of the development were addressed when the hybrid planning application was determined and would be assessed further under subsequent detailed reserved matters applications. To address matters arising from the construction phase of the proposals submitted under this application the applicants have submitted a Construction Environmental Management Plan (CEMP).

- 10.44. The residential properties at Goose Green Close, which are nearest the site are approximately 50 metres from the site boundary, though this is a small section of the site and the majority of the earthworks proposed would be taking place on the opposite side of the Jurys Inn Hotel or on the parcel of land adjoining Joe Whites Lane approximately 130 metres from the properties. The potential implications of the earthworks include noise and dust generation, matters which are addressed within the submitted CEMP. It is considered that the nature of construction activities and relative distance to existing properties would not result in unacceptable noise disturbance to existing occupiers.
- 10.45. It is noted that concerns have been raised regarding construction hours, which are listed within the CEMP as being between 7.30am and 18.00pm (Mondays to Fridays) and 8am to 13.00pm (Saturdays) with no works permitted on Sunday or Bank Holidays. The Council's Environmental Health Officers have advised that this falls within standard hours of operation and noise limits will be dictated by Environmental Health legislation relating to permissible noise levels.
- 10.46. A range of measures are listed within the CEMP to mitigate potential impacts associated with dust generation, this includes measures to control dust generation from construction vehicles, suppression measures and ongoing monitoring. The Council's Air Quality Officer has confirmed that the CEMP includes all the site specific dust mitigation measures to be applied at a "Medium Risk" site. Consequently this would ensure compliance with Policies RE6 and RE7 of the Oxford Local Plan.
- 10.47. It is noted that concerns have been raised regarding the impact of the development on properties in Linkside Avenue and Lakeside to the north east of the site. In the case of the properties in Lakeside these houses would be over 220 metres from the central parcel of the site where substantial construction works would be undertaken and in the case of the properties at Lakeside, these dwellings would be over 300 metres from the central parcel of the site and would be separated by a field to the east of the A44, a section of dual carriageway road and a railway line. Additionally two hedges would be planted along the eastern boundary of the Eastside field adjacent to the railway track, which would provide visual screening of the works. The substantial separation distance between the dwellings in Lakeside and Linkside Avenue means that the development is unlikely to result in significant harm in amenity terms so far as these properties are concerned.
- 10.48. As noted within the Construction Traffic Management Plan (CTMP). Construction vehicles would access the site via the A40 and A44 and would not use predominantly residential streets surrounding the site such as Godstow Road, therefore ensuring that the residual amenity impact associated with Construction Traffic would be very low in so far as this relates to surrounding residential properties.
- 10.49. The CEMP requires that notification is provided to local businesses and residents with regards to the construction operations proposed. This includes leafletting of neighbouring households prior to the commencement of work, alongside the publication of regular newsletters. The CEMP also notes that



opportunity will be afforded for liaison meetings with local residents with regards to the works.

10.50. In summary, it is concluded that the amenity impact of the earthworks would not result in significant harm to the amenity of surrounding residential occupiers or surrounding land uses as the supporting technical reports including the CTMP and CEMP provide measures to address residual impacts associated with construction including noise, construction traffic and dust generation. The development is considered to accord with Policies RE6, RE7 and RE9 of the Oxford Local Plan. The details submitted in accordance with conditions 20a and 48 of the hybrid planning approval (insofar as it relates to the current phase of enabling works) can be partially approved under application 18/02065/CND independently from this reserved matters application.

## **Transport**

10.51. The application is accompanied by a Construction Traffic Management Plan (CTMP) relating to the site enabling works proposed, this is also required under conditions 5 and 47 of planning permission 18/02065/OUTFUL. It should be noted that there is no requirement to provide the CTMP as part of this reserved matters application, though this is required as a pre-commencement planning condition. The submitted CTMP relates to both the earthworks and drainage operations proposed within this application as well as the construction of the link road, temporary parking, landscaping and employment buildings approved under the detailed planning permission. As stated within the CTMP, the document has been developed in conjunction with the CTMP for the A40 improvement works which are currently underway and it is expected that there would be some overlap in terms of the works proposed in this application and the A40 works.

10.52. The A40 improvement works have commenced on site, however the new junctions approved under the planning permission are unlikely to be available for use by construction vehicles at the time when development commences on the enabling works. Until such time that the new junctions from the A40 are complete, construction traffic will utilise existing field access points from the A40 and A44 to access the central parcel of the site and the field gates adjacent to the A40 to access the Canalside parcel of the site through the existing OCC construction access. No construction access would be permitted into the site via Godstow Road or Joe Whites Lane.

10.53. The main impact of the works from a transport perspective would be as a result of the movement of haulage lorries delivering surfacing materials and transporting soil between the Canalside and Central sites. The movement of materials from Canalside to the Central parcel of the site would only be undertaken outside of peak hours, between 9.30am and 15.30pm, these vehicles would follow a prescribed route and movements which would be controlled through a manual signal controlled junction. Wheel washing facilities are proposed and would be required to avoid transfer of mud onto the highway. Vehicle movements would be strictly limited to principal routes into the site via the A40, A44 and A34 and there would be no requirement for construction traffic to use minor routes such as Godstow Road.

10.54. Oxfordshire County Council raised an initial objection regarding vehicle routing and the use of the construction access points. It was noted that construction traffic would be unable to turn right at the canalside junction adjacent to the existing A40 works compound to the east of the A34 as the highways works to the A40 involve the siting of a central island in the road. Clarification was sought on how this would be overcome, it was clarified that vehicles would need to turn left on the road continuing to the Eynsham roundabout when heading in an eastward direction from this access point, this would be until such time as the signal controlled junctions are operational at which point construction traffic would be able to cross between the Canalside and Central Parcels. Vehicles travelling in a west direction along the A40 from the opposite access point to the central parcel would be required to use the Wolvercote roundabout. Adequate vehicle tracking has now been provided for all construction access points to demonstrate movement by large construction vehicles.

10.55. An objection was also raised by the County Council regarding a lack of detail provided in respect of measures for contractor parking and measures to encourage sustainable travel to the site for contractors. Further detail has been provided within the updated CTMP in respect of both contractor parking and measures to facilitate sustainable travel to the site by walking, cycling, public transport and other measures including minibus travel and car sharing. The County have agreed that the measures adequately address initial concerns in relation to the submitted CTMP.

10.56. It is considered that the proposals make adequate provision for access to the site during the duration of the works proposed within this application and within phase 1a of the hybrid permission. The details submitted are considered to be acceptable and would comply with Policy M2 of the Oxford Local Plan. The details submitted in accordance with conditions 4a and 32 of the hybrid planning approval (insofar as it relates to the current phase of enabling works) can be partially approved under application 18/02065/CND independently from this reserved matters application.

## **Trees**

10.57. The proposals would not involve the removal of any additional trees or vegetation which were not previously indicated for removal under the hybrid planning permission and there would be no conflict with the landscape strategy consented under the hybrid planning permission. Protective fencing will be established around retained hedgerows and trees and the development will be required to be carried out in accordance with condition 41 of permission 18/02065/OUTFUL which requires that development is carried out in accordance with the approved tree protection measures identified in the submitted Environmental Statement.

## **Biodiversity**

10.58. It is a condition of the hybrid planning permission for Oxford North that updated biodiversity surveys must be carried out as part of any reserved matters application. An updated survey report has been submitted alongside this served

matters application in line with this requirement following consultation with the City Councils Ecologist.

10.59. The scope of the additional surveying includes surveys for the following species:

- Great crested newt
- Reptiles
- Water vole and otter
- Bats
- Badger

10.60. The updated survey work recorded no evidence of reptiles or great crested newt.

10.61. The report found that no badger activity had been recorded on the site in 2020 or 2021. Previously a badger sett had been identified on the site and was active in 2018. Monitoring of the set started in July 2020 and is ongoing with weekly monitoring, it is concluded that the set is now disused as whilst a badger was identified on the site in July 2020, there has been no evidence of digging or use of the sett.

10.62. The report finds minor changes to the suitability of trees on the site to support roosting bats, these being the trees along the southern boundary adjoining Joe Whites Lane which are retained. One tree in the field to the east of the A44 is now identified as being of moderate rather than low quality. Tree 22 supports a bat roost of low conservation value, though this was unchanged since 2016.

10.63. It is noted within the public representations that reference is made to the Oxford North development as a whole failing to achieve a 10% net gain in biodiversity. The matter of biodiversity net gain was addressed at the time at which hybrid planning permission was granted. This is not a matter to be determined under this planning application as Condition 52 of the approved planning permission does not require the submission of details of ecological enhancements for reserved matters applications which relate to enabling works. The applicant would be expected to provide details of ecological enhancements for the subsequent phases and sub-phases of the development at which point this will be assessed in terms of percentage net gain achieved. It should also be noted that the target of 10% cited is not currently a statutory requirement as the Environment Bill 2020 has not been afforded assent. The updated survey report has been reviewed by the Council's Ecologist who has confirmed that the recommendations are appropriate.

10.64. The original hybrid planning application was accompanied by an Environmental Statement which included an assessment of the impact of the development on the nearby Wolvercote Meadows SAC. Paragraph 180 (b) of the NPPF states that development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the

site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest. Likewise Policy G2 of the Oxford Local Plan states that planning permission will not be granted for any development that would have an adverse impact on sites of national or international importance, namely SAC's and SSSI's.

10.65. In assessing the impact of the development as proposed under the hybrid planning application, officers concluded that the scheme will have no likely significant effect on the Oxford Meadows SAC or other statutory sites of nature conservation importance, subject to a number of ecological conditions. The proposals within this reserved matters application do not deviate from the general scope of operations permitted under hybrid planning permission 18/02065/OUTFUL. Officers therefore conclude that the development proposed under this planning application would not have a significant effect on the Oxford Meadows SAC, consequently there would be no conflict with Paragraph 180 of the NPPF or Policy G2 of the Oxford Local Plan.

10.66. In summary further to the assessment carried out previously by officers under planning application 18/02065/OUTFUL it can be concluded that the development would not result in the harm to protected species contrary to Policy G2 of the Oxford Local Plan and Policy GBS5 of the Wolvercote Neighbourhood Plan.

## **Contamination**

10.67. As required under Policy RE9 of the Oxford Local Plan planning applications where proposals would be affected by contamination or where contamination may present a risk to the surrounding environment, must be accompanied by a report which details the nature and extent of any contamination and includes means of mitigating risk posed by site contamination. The submission of a land contamination report is also required under condition 56 of the hybrid planning permission.

10.68. Site wide reports were previously prepared as part of the hybrid planning application submitted in 2018 which identified that the risk from site contamination was very low. The updated contamination report prepared by Stantec as submitted similarly concludes that the risk associated with contamination remains very low. Consequently no mitigation or remediation measures are required. These findings are supported by the Council's Land Quality Officer. The submitted CEMP includes a range of measures to prevent pollution resulting from construction activities including appropriate measures for the disposal of waste and fuel storage, including the management of risks associated with any fuel spillage. These measures have been reviewed by appropriate consultees including the Council Land Quality and Environmental Health officers. Officers therefore consider that the development would comply with Policy RE9 of the Oxford Local Plan.

10.69. The details submitted within the Remediation Strategy and Validation Plan for Phase 1, Oxford North are therefore considered to be acceptable in mitigating any land contamination risks on site. The details submitted in accordance with condition 56 of the hybrid planning approval (insofar as it relates to the current

phase of enabling works) can be partially approved under application 18/02065/CND independently from this reserved matters application.

## **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 proposals submitted under this reserved matters application, namely the cut and fill earthworks, substations and drainage infrastructure including the formation of attenuation ponds are required in order to facilitate development approved under hybrid planning permission 18/02065/OUTFUL by providing platforms for future buildings approved under the detailed planning element, as well as the approved link road and public open space. The works will also facilitate future development to be submitted under subsequent reserved matters applications on the Central and Canalside parcels of the site. The proposals include reseeded of the areas of the site where earthworks have taken place in order to mitigate the temporary visual impact of the works.
- 11.4. The submitted drainage strategy aligns with details previously submitted under planning application 18/02065/OUTFUL in terms of the general approach to addressing surface water drainage and in terms of the location and nature of the proposed SuDS features, which consist of two attenuation ponds located along the northern boundary of the site. The County Council have confirmed that the submitted drainage strategy is appropriate and offers a viable means for the management of surface water which would comply with Policies RE3 and RE4 of the Oxford Local Plan.
- 11.5. In amenity terms, officers are satisfied that appropriate measures are included within the submitted CEMP to ensure that there would not be undue harm to the amenity of neighbouring properties by virtue of noise disturbance or dust generation arising from construction activities associated with the development proposed under this planning application and under the detailed planning consent on the Central parcel of the site. The development is therefore considered to comply with Policies RE6, RE7 and RE9 of the Oxford Local Plan.

11.6. The submitted CTMP ensures that all traffic for the initial construction phases, including the earthworks would access the site via either the A40 or A44 and would not use surrounding residential roads including Godstow Road and no traffic would be permitted to use Joe Whites Lane. The CTMP also includes appropriate measures to manage vehicle movements associated with the transfer of soil materials between the Canalside and Central parcels of the site. It is therefore considered that the proposals are compliant with Policy M2 of the Oxford Local Plan.

11.7. It is recommended that the Committee resolve to grant planning permission for the development proposed.

## 12. CONDITIONS

### *Approved Plans*

1. 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.

### *Time Limit*

2. 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.

### *CTMP and CEMP*

3. The development permitted shall be carried out in accordance with the construction traffic management, air quality and environmental management measures outlined within the submitted Construction Traffic Management Plan (CTMP) and Construction Environmental Management Plan (CEMP) Rev 4 prepared by Stantec reference 48201/001 dated 26 July 2021.

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles and air quality on the surrounding network, road infrastructure and local residents, particularly at peak traffic times, in accordance with policies RE6, RE7, RE8 and M2 of the Oxford Local Plan 2036.

### *Drainage*

4. The development shall be carried out in accordance with the measures identified for the management of surface water drainage and maintenance of drainage features as outlined in the following documents:

- 'Central Area Detailed Surface Water Drainage Scheme' Ref 48201/2012/003 Rev E prepared by Stantec dated July 2021
- 'Central Area Detailed Surface Water Maintenance Plan' Ref 48201/2012/005 prepared by Stantec dated June 2021.

The approved measures shall be implemented as approved and completed prior to first occupation of the buildings permitted under planning permission 18/02065/OUTFUL.

Reason: To prevent an increase in flood risk in accordance with policies RE3 and RE4 of the Oxford Local Plan 2036.

#### *Land Contamination*

5. The development shall be carried out in accordance with the recommendations outlined within the 'Remediation Strategy and Validation Plan for Phase 1, Oxford North ref: 48201/3504/R002/Rev1 dated May 2021.

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

#### *Soil Resource Plan*

6. The development shall be carried out in accordance with the recommendations outlined in the Oxford Northern Gateway Phase 1 Soil Resource Plan ref TOHA/20/4170/CS/SRP prepared by Tim O'Hare Associates dated 6<sup>th</sup> January 2021.

Reason: In the interests of amenity and to ensure proper cultivation of gardens / horticultural amenity areas in accordance with policies G7, G8 and DH1 of the Oxford Local Plan 2036.

### **13. APPENDICES**

- **Appendix 1** – Site location plan
- **Appendix 2** – Officers report to the West Area Planning Committee for 18/02065/OUTFUL

### **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 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.