

Application number:	21/01217/FUL		
Decision due by	6th August 2021		
Extension of time	22 nd October 2021		
Proposal	Erection of 80 residential dwellings (use class C3) formed of 13 one-bedroom apartments and 28 two-, 35 three- and 4 four-bedroom houses with associated public open space, access and landscaping		
Site address	Land To The West Of, Mill Lane, Marston, Oxford – see Appendix 1 for site plan		
Ward	Marston Ward		
Case officer	Michael Kemp		
Agent:	Ellen O'Grady	Applicant:	Oxford City Housing (Developments)
Reason at Committee	The application is a major development		

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 residential development comprising 80 dwellings, the provision of public open space and provision of associated vehicular and pedestrian access. The application site is located to the north of Old Marston and is allocated for residential development within the Council's Local Plan (Policy SP26). The site policy specifies that a minimum of 75 dwellings should be provided on the site, the development would meet this requirement and the overall principle of development and quantum of units proposed on the site would be acceptable. 50% of the dwellings on the site would be affordable, 80% of which would be socially rented in accordance with Policy H2 of the Oxford Local Plan.
- 2.2. The site, as allocated under Policy SP26 has been released from the Oxford Green Belt. A small strip of land within the red line area of the application site lies within the green belt, though the only development occurring on this part of the site would consist of below ground drainage pipes. This would be classed as not inappropriate Green Belt development and would be buried and therefore not visible. The development on the main part of the site would be of a relatively low height, consisting of 2 to 2.5 storey houses, with the exception of a single three storey block of flats, which would be set away from the western boundary and would therefore be less prominent in views from surrounding public rights of way and land falling within the Green Belt. It can be concluded from the LVIA that the development would clearly have a discernible visual impact in terms of views from surrounding public rights of way to the south and west of the site, though it is accepted that such an impact would be largely unavoidable, as any development consisting of 75 or more dwellings on this undeveloped edge of city site would evidently appear visually prominent. The visual impact of the development would be limited by the relatively low height of the buildings, the provision of additional planting and proposed use of materials.
- 2.3. The impact of the development on the Old Marston Conservation Area has been considered, alongside the impact on surrounding Grade II listed buildings, giving great weight to the significance of these designated heritage assets as required under Paragraph 199 of the NPPF. Officers conclude that the development would result in less than substantial harm to the setting of the Old Marston Conservation Area, by reason of the introduction of a significant quantum of development onto a presently undeveloped field, which contributes generally to the rural character of Old Marston village. The extent of this less than substantial harm would be mitigated by the low height of the development in general, whilst the development itself would be viewed at most in very isolated, glimpsed views from within the Conservation Area. The design of the development has been informed by a detailed appraisal of the Conservation Area which is reflected in the general approach to architectural design and use of materials. In accordance with the balancing exercise required under Paragraph 202 of the NPPF, officers

conclude that the public benefits of the development, which are primarily the delivery of 80 homes, 40 of which would be affordable homes, alongside the secondary benefits, including financial contributions towards improving local walking, cycling and public transport infrastructure would outweigh the identified less than substantial harm to the Conservation Area.

- 2.4. The houses would be contemporary in design, though the materials palette and general design characteristics are appropriately considered in the context of the Conservation Area and more traditional forms of housing found in Old Marston and officers consider that the development is well-designed in accordance with Policy DH1 of the Oxford Local Plan. The siting of the houses are considered to preserve the amenity of adjoining occupiers in accordance with Policies H14 and RE7 of the Oxford Local Plan, whilst appropriate provision is made to ensure that future residents benefit from appropriate amenity standards in accordance with Policies H15 and H16 of the Oxford Local Plan.
- 2.5. It is accepted that the application site is in a less sustainable location in the city in terms of access to public transport and existing services and facilities. The surrounding area does not fall within a controlled parking zone (CPZ). Accounting for this, parking would be expected close to the Council's maximum parking standards outlined under Policy M3 of the Oxford Local Plan in order to minimise the potential risk of overspill parking in surrounding streets. Notwithstanding the constraints associated with the access along the lower sections of Mill Lane, it is concluded that the development would not have a severe impact on highway safety, even when considered cumulatively alongside development on the adjoining site at Hill View Farm. The County Council has advised that development during the construction phase can be appropriately managed, this would be secured within a construction traffic management plan required by planning condition.
- 2.6. Improving access for future residents to sustainable means of travel is considered important and financial contributions are sought towards increasing the frequency of bus services in Old Marston. Measures to improve access by walking and cycling are also sought, this includes the works to form a cycle street along Mill Lane and contributions sought to improve Back Lane, the existing public right of way leading between Mill Lane and Marston Ferry Road. These measures which would be secured by a Section 106 Agreement would improve the sustainability of access to the site in accordance with Policy M1 of the Oxford Local Plan.
- 2.7. The site has been subject of an ecology survey, as well as specific surveys for protected species including bats and reptiles. It is concluded that the development would not have an adverse impact on any protected species. Notwithstanding the implementation of on-site biodiversity measures, development of the site would result in a net loss of biodiversity. As this cannot feasibly be compensated for on the site this will need to be provided off-site which would achieve a biodiversity net gain of 10%, exceeding the current target 5% net gain in biodiversity as specified under Policy G2 of the Oxford Local Plan. This would be secured by Section 106 Agreement.

2.8. The wider impact of the development on the New Marston Meadows SSSI in terms of recreational pressure is considered to be limited given the spatial distance between the site and the SSSI, access constraints and the presence of other closer areas of open space. Recreational pressure on the Local Wildlife Site at Burnt Mill and Almonds Farm is likely to be greater and financial contributions are therefore sought to provide bins and information boards to increase awareness and reduce likelihood of littering. Any hydrological risk would be managed through the provision of appropriate surface water drainage, including maintenance and management measures and any risk during the construction phase of development would be addressed through the provision of a Construction Environmental Management Plan. Officers therefore conclude that any ecological risk can be appropriately managed and measures to secure a net gain in biodiversity would be secured through a Section 106 agreement. The development is therefore considered to comply with Policy G2 of the Oxford Local Plan.

2.9. Officers consider that the development is acceptable, subject to the matters outlined below being secured by legal agreement.

3. LEGAL AGREEMENT

3.1. This application will be subject to a legal agreement to secure the following measures:

- £131,094.40 towards the implementation of cycle street on Mill Lane.
- £96,156.40 towards the improvement of bus services in Old Marston including enhanced evening and Sunday service for 14A route for a period of 5 years.
- £6,585.44 towards improvements to existing bus stops in Old Marston.
- £1,446 travel plan monitoring fee.
- £28,452 towards improvements to the Back Lane bridleway (294/8) (Public right of way)
- To secure the provision of affordable housing (50%) of total scheme, 80% of affordable housing to comprise socially rented housing.
- Provision of public open space within the approved development.
- £27,500 biodiversity net gain towards securing off-site biodiversity net gain.
- £925 contribution towards installation of bins and notice boards at Almonds Farm and Burnt Mill Field local wildlife site.

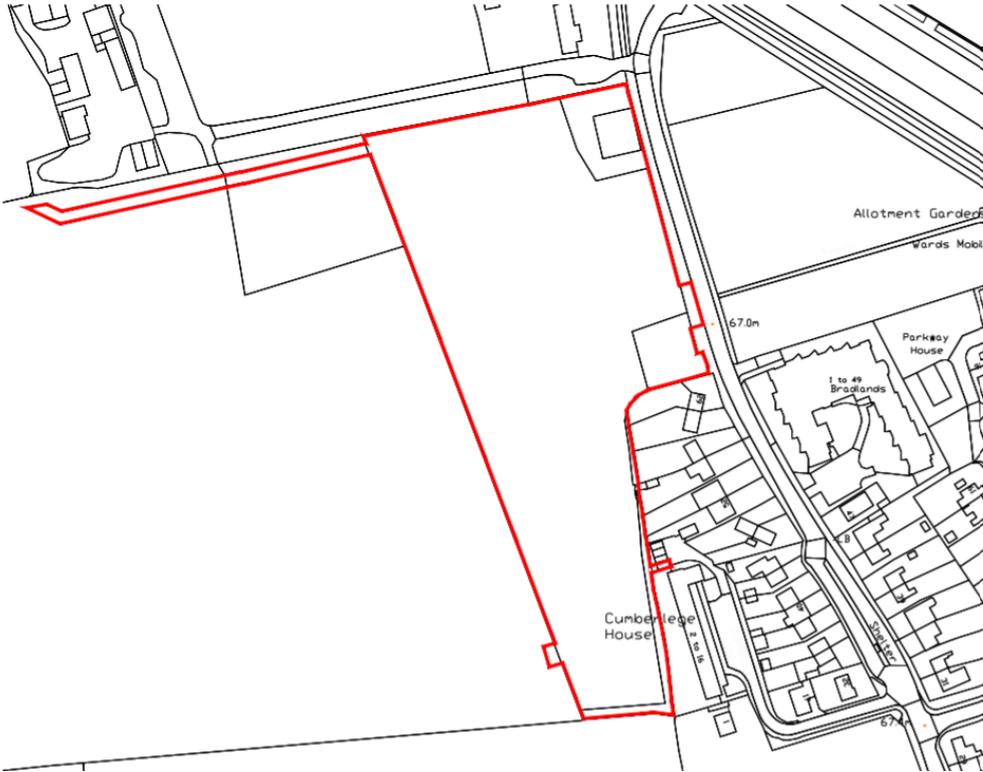
4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. The proposal is liable for a CIL contribution of £549,864.88.

5. SITE AND SURROUNDINGS

- 5.1. The application site lies on the north western periphery of Old Marston. The site measures 1.99 hectares in area and comprises an agricultural field surrounded on three sides by boundary hedgerows. The majority of the site is open and undeveloped grass paddock land. There is a single building on the site consisting of a modern steel framed agricultural barn. The site is currently used for agricultural purposes. The site is accessed from Mill Lane in a position to the north east via a metal access gate.
- 5.2. Hill View Farm to the north of the site consists of an open agricultural field, alongside a cluster of buildings located in the south west corner of the site used for a mix of light industrial purposes. An access track serving this site runs immediately to the north of the site boundary of the application site. The site at Hill View Farm is allocated within the Oxford Local Plan for residential development of at least 110 dwellings (Site SP25). A planning application was submitted for a residential development of 159 dwellings in December 2020 (20/03034/FUL). Members of the Planning Committee granted a resolution to approve this development in May 2021, the terms of the Section 106 agreement are currently being resolved. The bungalow to the north of the application site, also known as Hill View Farm does not form part of site allocation SP25 in the Local Plan, neither does this form part of planning application 20/03034/FUL. Beyond Hill View Farm is a dual carriageway section of the A40 northern bypass.
- 5.3. To the north east of the application site opposite the site entrance is a small paddock currently used for the storage of agricultural machinery in connection with the agricultural use of the site. To the west of the site is a large allotment field. To the south of the allotments is Bradlands, a large, three storey white rendered building used for retirement housing.
- 5.4. A number of residential dwellings back onto the western edge of the application site. This includes Nos. 52 to 62 Mill Lane, a set of six semi-detached dwellings with deep rear gardens and a new development, presently under construction at Cumberlege Close, which consists of 9 three storey dwellings approved under planning permission 18/03385/FUL. These properties also have gardens backing onto the western boundary of the site.
- 5.5. The surrounding land to the south and west of the site consists of open and undeveloped agricultural land which falls within the Oxford Green Belt. The land to the west of the site forms part of an undeveloped green space between Marston and Summertown. There is a public right of way which crosses the field to the south of the application site (294/4/10) this path leads from Old Marston Village to the Victoria Arms Public House.
- 5.6. The Old Marston Conservation Area extends up to a position to the south of the access road serving the Victoria Arms approximately 140 metres to the south east of the application site. The village core of Old Marston retains a distinctly rural character, this includes a concentration of Grade II listed buildings along the lower sections of Mill Lane. The area to the north of the Conservation Area consists mainly of mid to late 20th Century residential development of a suburban character.

5.7. The site location plan is included below:



6. PROPOSAL

- 6.1. The application proposes a residential development comprising 80 dwellings, associated access and the provision of public open space. The development would consist of a mix of houses and flats, comprising 13 one bedroom apartments and 28 two bedroom, 35 three bedroom and 4 four bedroom houses.
- 6.2. The majority of the buildings on the site would be two or two and half storeys, except for a single, three storey block of flats which would face Mill Lane. The buildings would be constructed of a palette of materials consisting primarily of a mix of buff brick and weatherboarding.
- 6.3. An area of public open space totalling 2240sqm would be provided along the western edge of the site. A balancing pond would be provided to the north of this space, which would form an integral part of the overall SuDS strategy for the site. The majority of the existing hedgerows along the site boundaries would be retained except where removal is required for access reasons.
- 6.4. Vehicular access would be provided from Mill Lane to the west of the site. A pedestrian access would be provided to the south of the site which would link to the nearby footpath to the south of the site (294/4/10). A pedestrian and cycle route would be provided through the northern section of the site, with the

intention that this would link to the adjoining allocated site to the north (Hill View Farm). A pedestrian link is also proposed between the site and Cumberlege Close to the East, this would be located to the north of the existing new development of houses at Cumberlege Close which are currently under construction. An agricultural access is retained in the south west corner of the site to allow access to the adjoining field.

6.5. The application site includes a small strip of land crossing the adjoining agricultural field to the west that would fall within the Green Belt. The only development proposed within the Green Belt would consist of below ground drainage, which would interconnect with the nearby ditch to the north west of the site.

7. RELEVANT PLANNING HISTORY

7.1. There is no planning history on the site that would be of material relevance to the proposed development.

8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan
Design	124-132	DH1 - High quality design and placemaking DH2 - Views and building heights
Conservation/Heritage	184-202	DH3 - Designated heritage assets DH4 - Archaeological remains
Housing	59-76	H1 - Scale of new housing provision H2 - Delivering affordable homes H4 - Mix of dwelling sizes H7 - Community-led housing/self-build housing H10 - Accessible and adaptable homes H14 - Privacy, daylight and sunlight H15 - Internal space standards H16 - Outdoor amenity space standards SP26 - Land west of Mill Lane
Natural environment	170-183	G1 - Protection of Green/Blue Infrastructure G2 - Protection of biodiversity geo-diversity G3 - Green Belt G7 - Protection of existing Green Infrastructure G8 - New and enhanced Green and Blue Infrastructure
Transport	102-111	M1 - Prioritising walking, cycling and public transport M2 - Assessing and managing development M3 - Motor vehicle parking M4 - Provision of electric charging points M5 - Bicycle Parking

Environmental	117-121, 148-165, 170-183	RE1 - Sustainable design and construction RE2 - Efficient use of Land RE3 - Flood risk management RE4 - Sustainable and foul drainage, surface RE5 - Health, wellbeing, and Health Impact Assessment RE6 - Air Quality RE7 - Managing the impact of development RE8 - Noise and vibration RE9 - Land Quality
Miscellaneous		S1 - Sustainable development S2 - Developer contributions V8 - Utilities V9 - Digital Infrastructure

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 21st May 2021 and an advertisement was published in The Oxford Times newspaper on 20th May 2021.

9.2. Following amendments to the planning application, the proposals were re-advertised by site notice on 26th August 2021 and in the Oxford Times newspaper on 26th August 2021.

Statutory and non-statutory consultees

Oxfordshire County Council (Highways)

9.3. An initial consultation response dated 14th June 2021 raised the following concerns:

- Quantification of existing traffic levels has not been undertaken satisfactorily.
- Application fails to adequately appraise the traffic impact on the network.
- The site layout has not been supported by an acceptable vehicle tracking to cover the estate roads and the parking spaces
- Cycle parking does not meet standards
- Requirement for electric vehicle charging is unlikely to be met with the proposed site layout
- Accident analysis presented in the TA is not up to date
- Feasibility of footway connection between the development and Mill Lane must be fully assessed

9.4. No objection has been raised following the receipt of amended plans and the provision of an updated Transport Technical Note, subject to the following measures being secured by Section 106 agreement:

Contribution	Amount £	Price base	Index	Towards (details)
Highway works	£131,070 or £1,638.68 per dwelling	Dec 2020	Baxter	The cost of implementing the proposed Mill Lane cycle street scheme
Public transport services	£96,150.4 or £1,201.88 per dwelling	Dec 2020	<u>RPI-x</u>	Improvement of bus services in Old Marston for an enhanced evening and Sunday service on route <u>14A</u> for a period of 5 years.
Public transport infrastructure	£6,585.44		Baxter	Installation of a Premium Route pole, flag and timetable case at both stops by St Nicholas Church with Real Time Passenger Information screens
Travel Plan Monitoring	£1,446	Dec 2020	<u>RPI-x</u>	Travel Plan Monitoring
Public Rights of Way	£28,452	Dec 2020	Baxter	Improvements to the Back Lane <u>bridleway</u> (294/8)

9.5. Within their latest response the County Council have advised that the amendments to the site layout addresses previous concerns raised in respect of the footpath access and provision of electric car charging points. The County have also advised that refuse collection arrangements are acceptable.

9.6. The traffic assessment and collision analysis undertaken in the Transport Technical Note prepared by the applicants is acceptable and the previous objection raised in relation to this technical assessed has been overcome.

Oxfordshire County Council (Drainage)

9.7. Initial objection raised in consultation response raised 1st June 2021 was withdrawn following receipt of further information, including micro drainage calculations, as per response dated 23rd July 2021. A detailed surface water drainage scheme for the site will be required, this is requested by planning condition.

Natural England

9.8. Do not wish to comment on the application.

Thames Water Utilities Limited

9.9. Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such Thames Water have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames

Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.

9.10. Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA (Lead Local Flood Authority) to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such there is no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.

9.11. Thames Water has been unable to determine the waste water infrastructure needs of this application. A condition is recommended requiring that no development takes place until confirmation is provided that either capacity exists to serve the development; or a development and infrastructure phasing plan is agreed; or wastewater network upgrades required to accommodate the additional flows from the development have been completed.

Environment Agency

9.12. Do not wish to comment.

Historic England

9.13. Do not wish to comment.

Thames Valley Police

9.14. Two responses were received dated 29th July and 17th September.

9.15. The initial response raised the following matters as concerns:

- Cycle storage for the apartments needs to be shown on site plans.
- Avoid use of parking courts where possible, if unavoidable there will need to be adequate lighting and surveillance. Concerns raised regarding lack of surveillance of parking, provision of unallocated spaces and distance between spaces and homes.
- Boundary treatments are not shown and would need to be secure.
- A lighting plan has not been provided.
- Tree planting could impact on natural surveillance of public open space.
- Question need for footpath link between plots 70 and 71 linking to Cumberlege Close, concern regarding lack of surveillance.
- Concern regarding rear access to plots 13-16 and 17-19. Footpath alongside plot 11 lacks defensible space.
- Concern regarding ambiguous space to side of Plot 8. Could present opportunities for crime and anti-social behaviour.

9.16. Following the receipt of amended plans and further details TVP advised that some of the concerns had been addressed namely relating to removal of space

adjoining Plot 8, the other matters referenced above continued to be highlighted as a concern.

Old Marston Parish Council

9.17. Expressed concerns for the following reasons:

- No comprehensive Travel Plan or Transport Assessment is provided. The cumulative impact of development on Land West of Mill Lane and Hill View Farm need to be considered.
- Oxford Road, is a well-known 'rat run', particularly busy and congested at peak times of day. There is consequently a serious risk of accidents happening. Road widening within the conservation area and notably the S-bend was, we understand, considered and was rejected. There is mention of 'junction improvements' but these are not specified; likewise, 'mitigation measures' for construction traffic.
- There is likely to be opposition to opening up Back Lane to cyclists.
- Converting Mill Lane into a Cycle street has problems at the blind S-bend. As well as the safety issue, introducing double yellow lines along Mill Lane might result in residents having nowhere to park. An alternative cycle route along the river from the Victoria Arms to Marston Ferry Road would seem to be a better proposition.
- A CPZ is currently being reviewed in the village and it is curious no mention of this is made in the proposal.

Public representations

Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust (BBOWT)

9.18. Objected to the application for the following reasons:

- Potential hydrological (water quality and water quantity) impact on Almonds Farm and Burnt Mill Meadows LWS and on New Marston Meadows SSSI.
- Potential recreational impact on Almonds Farm and Burnt Mill Meadows LWS and on New Marston Meadows SSSI

Oxford Civic Society

9.19. Whilst appreciative of the comprehensive presentation of this application, we have concerns that the most critical issue is that of traffic generation and we consider that the conclusions of the Transport Assessment lack credibility, not least because it appears to be out of date in its references to the now-expired previous Local Plan. OCS have campaigned for many years (since the drafting of the Barton Area Action Plan) for the need to transform the character of the A40 to a speed-restricted 'urban boulevard' in order to achieve acceptable environmental conditions and connectivity for the emerging new developments alongside. Such a solution was shown to have negligible effects on traffic conditions. We consider that the new housing proposed at the two sites at Marston justifies serious reconsideration of this solution, with connections to the

A40, in order to alleviate unacceptable degradation of conditions on Mill Lane and in Old Marston, and we would urge renewed negotiation with the Highway Authority in this regard, following recent changes in leadership.

Friends of Old Marston

- 9.20. Traffic in Old Marston is already at dangerous levels. The cumulative effect of the development at Hill View Farm (HVF) and LWML [Land to the West of Mill Lane] threatens the lives and well-being of residents.
- 9.21. The Landscape and Visual Impact Statements show that, unlike HVF, LWML will have major adverse effects on current residents.
- 9.22. LWML is in effect adjacent to the Conservation Area. This means that its effect on the important rural setting of the Conservation Area will be much more serious than HVF. LWML will close the gap between HVF and the Conservation Area, meaning that the boundary of the village (the 'edge of the settlement'), including the Conservation Area, will no longer be rural.
- 9.23. The cumulative effect of HVF and LWML on the environment will be huge. An Environmental Impact Assessment is required.
- 9.24. The effect of LWML on viewpoints from the footpaths in the Cherwell Valley will be both seriously damaging and irreversible.
- 9.25. The pandemic has prevented proper consultation with residents. The Council should either refuse this application, or delay consideration of it until after proper consultation and the effects of HVF on Old Marston have been experienced.

Elsfield Road and Oxford Road, Old Marston Residents' Association

- 9.26. Commend the Council for carrying out a Transport Assessment which considers the cumulative impact of development at Hill View Farm and Land West of Mill Lane though the conclusions in the report are flimsy and based on improvements to Marsh Lane deterring rat runners. Also object to the logic that improvements cannot be made to Oxford Road/Cherwell Drive as this will encourage *more* rat-running; this seems like a specious argument to avoid any further investment in infrastructure as part of this planning application.
- 9.27. The Transport Assessment does not account for traffic caused by the Swan School and potential future developments at Bayswater Brook and Marston Paddock.
- 9.28. Flexible use of the S106 funding should be applied to the contribution from the developers of Land West of Mill Lane, to create a more generous budget for co-ordinated road improvements on Oxford Road and Elsfield Road.
- 9.29. Support engagement with the County Council to find a solution to the rat-running (e.g. a bus gate, a rising bollard, or one-way system) and identify a better scheme to promote active travel, such as a cycle street all the way from Mill Lane to the junction Marston Ferry Road.

9.30. Request that the County Council fulfil their existing responsibility to manage the ditches on Back Lane to prevent flooding.

Cyclox

9.31. Welcome provision of cycle path on site and linkage with Hill View Farm site, however the following matters are raised as concerns.

- Cycle storage is ill-defined.
- Lack of safe travel route for pedestrians and cyclists to local services and facilities.
- Development would increase traffic generation on surrounding roads.
- Insufficient designated car share/car club spaces.

9.32. The upgrade of Back Lane and improvements to the surfacing to support use by cyclists is supported, though a further link which would include the upgrade of footpath 294/4/10 allowing surfaced access to the site would be encouraged.

Oxford Preservation Trust

9.33. Have raised the following concerns regarding the proposals:

- Object to urban form and design which makes no attempt to take creative impetus from its position within Oxford's countryside, river meadows and green spaces.
- Concern regarding visual impact of the development and how backs of houses would be viewed from surrounding public vantage points.
- Concern that the development does not reflect special design characteristics of the Conservation Area.
- The masterplan does not appear to show and proposed compensatory improvements to the green belt or measures to improve access and permeability to surrounding green spaces.
- Question whether it is necessary to provide agricultural access into adjoining field and whether this is to facilitate future development of land to the west of the site.
- Seek reassurance that land to the west and south west of the site remains open for public use. Unclear in terms of the long term aims for managing this land.
- Concern regarding the lack of detail and commitment towards improving active travel to the site.
- Concern regarding ecological impacts.

Public Comments

9.34. 80 local people commented on this application as originally submitted the main points of objection. Following receipt of amended plans, a further 11 public comments were received. The main points of objection are summarised below:

Highways Impact

- Concern regarding cumulative impact of development on Hill View Farm and

Land West of Mill Lane sites.

- The development should account for the cumulative impact associated with the development of other nearby sites including Old Road Campus, development at the John Radcliffe Hospital, Cumberlege Close and Headington Hill Campus alongside householder developments nearby.
- Development would increase traffic congestion.
- Concerns regarding suitability of road network through Old Marston and ability to accommodate additional vehicle movements.
- Concern regarding risks associated with the 'S bend' section of Mill Lane.
- Concern regarding displacement of parked vehicles on Mill Lane.
- Concern regarding pedestrian and cyclist safety.
- Access should be provided from the A40.
- Concern regarding access for emergency vehicles due to narrow road widths and on street parking in Old Marston.
- Development would increase the risk of accidents occurring on Mill Lane on approach to the site.
- Impact of additional vehicles could cause damage to adjoining properties in Mill Lane and Oxford Road.
- Concern that there would be an under-provision of parking on the site, which would encourage parking on adjoining roads.
- The Transport Assessment does not accurately reflect existing levels of parking on Mill Lane.
- Mitigation strategies are not proposed, for example improvements to public transport.
- Concern regarding impact of construction traffic.
- Additional traffic management measures should be put in place to decrease vehicles movements through Old Marston.
- Concern that resurfacing Back Lane or other public rights of way with a view to making these routes cycle ways would harm the historic character of these routes.
- Future occupiers would be dependent on cars to access local services and facilities.
- Concern regarding additional traffic generation on Marston Ferry Road in conjunction with additional traffic generated by the Swan School.
- Concern regarding the accuracy of traffic surveys as they were prepared when Covid restrictions were in place.
- Bus services should be extended to serve Mill Lane.
- Concern regarding access for emergency vehicles.
- Concern that additional traffic will use Ponds Lane as a means of avoiding the

Oxford/Elsfield Road junction.

- The Transport Assessment underestimates use of the Elsfield/Oxford Road junction.

Ecological Impacts

- The hydrological impact of the development on the SSSI has not been properly assessed.
- Concern regarding potential negative indirect impact on rare species in the above LWS adjacent of directed run-off overflow from proposed SUDS and the balancing pond.
- The development will increase recreational use in the Local Wildlife Site at Burnt Mill Meadow including dog walking which has the potential to impact on ecology.
- Inadequate assessment of indirect damage to local wildlife from predation by cats.
- 'Biodiversity net gain' of over 10% quoted for development is unrealistic.
- Un-assessed potential indirect impact of total sewage which has the potential to impact on the SSSI.
- Loss of wildlife corridor and green network supporting the LWS from combination of all developments.

Landscape, Design and Heritage

- Development would cause harm to the setting of the conservation area due to urbanising impact of the development and loss of wider rural approach to Old Marston.
- The development places listed buildings at risk (Cromwell's House, the Manor House and Alan Court).
- Concern that the development would compromise the setting of the Grade II listed No.17 Mill Lane (Cromwells House).
- The development would have an adverse impact on public views from surrounding public rights of way.
- The submitted LVIA demonstrates that harm would be caused to the local landscape setting.
- The proposals are overdevelopment are overly dense and are of an excessive scale and height.

Amenity

- Concern regarding proximity of the dwellings to existing properties in Mill Lane and potential impact of overlooking and loss of light.
- Concern regarding potential scale of the buildings appearing overbearing in

relation to existing properties.

Other

- Development would result in the loss of an area of green space.
- Increased pressure on local services including schools.
- Application should be deferred until effect of the Hill View Farm development has been assessed.
- No assessment of impact on land drainage.
- Concern that the development would result in additional surface water flooding.
- Concern regarding air pollution generated from traffic using the development and from the A40.
- Lack of amenities in the village and distance to existing facilities is excessive.
- Development should be focussed on brownfield sites.
- An Environmental Impact Assessment should be provided to account for the cumulative impact of development on this site and Hill View Farm.
- Consultation should be extended due to impact of Covid 19 pandemic.
- Proposals would result in the loss of green belt land.
- There would be cumulative overdevelopment accounting for the proposals for this site, Hill View Farm and Cumberlege Close.
- Development would increase flood risk.
- All three development proposals in Old Marston (Land West of Mill Lane, Hill View Farm and Marston Paddocks) should be submitted at the same time so there is co-ordination in how the applications are determined.
- Concern that the ditch area to the north west of the site has issues of contamination.
- Concern that provision of access points into the adjacent field would facilitate future development of this land.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- Principle of development
- Design
- Residential amenity
- Transport
- Sustainability
- Air Quality
- Biodiversity

- Trees
- Flooding
- Land Contamination
- Health Impact
- Utilities

Principle of development

- 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 is allocated within the Oxford Local Plan under Policy SP26. The site policy specifies that a minimum of 75 dwellings shall be provided on this site, as this a minimum figure provision of additional units above 75 dwellings is acceptable subject to there being no demonstrably adverse wider implications associated with the overall quantum of development proposed. The provision of 80 dwellings, would be marginally above the minimum number of units required, therefore the overall quantum of units and density of development would align with the policy requirements for this site.
- 10.5. The adjacent parcel of land to the north of the application site (Hill View Farm) is also allocated for residential development in the Oxford Local Plan under Policy SP25. It is therefore a requirement that any development on Land West of Mill Lane must be compatible with ensuring that development on the adjoining site is not compromised. Members of the Planning Committee resolved to grant planning approval for planning application 20/03034/FUL at Hill View Farm in May 2021 subject to the completion of a Section 106 agreement. It is considered that the proposed layout on the application site would be compatible with the submitted layout for the adjoining site and therefore the proposed development would not conflict with the ability to effectively deliver development on the adjoining site.

Green Belt Development

- 10.6. Policy G3 of the Oxford Local Plan requires that proposals for development in the Green Belt will be determined in accordance with national policy. 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.
- 10.7. The application site was formerly located in the Green Belt, though the site along with the adjoining land at Hill View Farm were both released from the Green Belt following their allocation for residential development in the Oxford Local Plan. Whilst the land has been released from the Green Belt, the height, scale and visual impact of the development must be considered in relation to the impact on the general openness of the Green Belt, this is particularly important given the sites location on the urban periphery of Oxford and the overall quantum of development on the site. The visual impact of the development and the sites relationship to remaining land falling in the Green Belt is assessed in the later section of this report which deals with the landscape and visual impact of the proposed development.
- 10.8. All above ground development on the site falls within land that lies outside of the Green Belt, however it is noted that the red line site plan includes a narrow strip of land, which extends beyond the site boundary as allocated under Policy SP26, this runs to the south of the Hill View Farm site. This is included within the site plan as a below ground drainage pipe is proposed. This is included within the surface water drainage strategy and cited within the supporting Flood Risk Assessment and Drainage Strategy. The pipe connects to a drainage ditch to the south of the Hill View Farm site. This would fall under the definition of engineering operations which are a form of development not deemed inappropriate within the Green Belt under Paragraph 150 of the NPPF. The pipe would be buried and would not therefore have any impact on the openness of the green belt. Taking these matters into consideration the development would not conflict with Paragraphs 149 and 150 of the NPPF and Policy G3 of the Oxford Local Plan.
- 10.9. Paragraph 142 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, it is proposed that a financial contribution would be sought towards enhancing connections to public rights of way within the area, namely improvements to Back Lane which are discussed in the later section of this report, which deals with transport matters. This would improve active transport connections within the local area, which in turn would improve access to the adjoining countryside and land remaining within the Green Belt. NPPG Paragraph 002 includes improvements to walking and cycle routes as an acceptable compensatory measure.

Environmental Impact Assessment (EIA) Requirement

- 10.10. The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 outlines 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 and consequently whether an Environmental Statement should be provided in support of a planning application.
- 10.11. The Council issued a screening opinion for a development of up to 80 dwellings, the screening opinion letter dated 5th November 2020 has been published alongside this planning application. The development proposed within the planning application would be classed as an 'urban development project' under paragraph 10(b) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, however the scale of development would not exceed the 150 unit threshold as set out in column 2 of the table in Schedule 2 as more than 150 dwellings are proposed. With regard to the development site, this would not fall within, or immediately adjacent to a 'sensitive area' as defined within Schedule 2 of the EIA regulations.
- 10.12. A request to obtain a screening opinion as to whether an EIA was required was sought given the sites close spatial proximity to the adjoining allocated site at Hill View Farm. The cumulative development on both sites would deliver a total of 234 homes, accounting for the submitted planning application at Hill View Farm. The interlinked relationship between development on both sites means that there would be a number of cumulative effects which would arise from development of both sites, including matters such as highways impacts, landscape impact, air quality and ecological impacts.
- 10.13. As noted the quantum of development on Land West of Mill Lane in isolation would not constitute 'Schedule 2' development. It is correct to consider development on both the application site and adjoining site at Hill View Farm together and taken cumulatively the overall quantum of development would constitute 'Schedule 2' development in terms of the overall quantum of units. Notwithstanding this, 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 figure.
- 10.14. As highlighted in the screening opinion issued by officers, 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. The information provided at the time that the screening opinion was issued has been further supplemented by additional information submitted in support of this planning application, including a Transport Assessment, Contamination Report, Drainage Strategy and Ecology 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.

10.15. The risks associated with the cumulative development on both sites at Hill View Farm and the application site (Land West of Mill Lane) 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. Further to the 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.

Affordable Housing

10.16. 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.

10.17. Of the 80 dwellings proposed, 40 of these dwellings would be classed as affordable homes, this would meet the 50% requirement specified under Policy H2 of the Oxford Local Plan. Of the 40 affordable units proposed, 32 of these (40%) would be socially rented, whilst 8 of the dwellings would be intermediate housing, either made available as affordable rent or shared ownership. The proposed housing mix would comply with Policy H2 of the Oxford Local Plan. Provision of affordable housing would be secured through a Section 106 agreement.

Mix of dwellings

10.18. 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. The target housing mix is expected to be as shown below:

1 bedroom homes	20-30%
2 bedroom homes	30-40%
3 bedroom homes	20-40%
4 + bedroom homes	8-15%

10.19. Table 5.1 of the applicants planning statement provides a breakdown of the proposed mix of market and affordable units. This is shown below:

Dwelling Type	Market Housing		Social Rent		Shared Ownership		Overall affordable			Total
	No.	%	No.	%	No.	%	No.	% of AH	Policy H4 mix	
1-bed apartment	8	66.6	0	0	4	33.3	4	10	20-30%	12
1-bed FOG	1	100	0	0	0	0				1
2-bedroom dwelling	11	39.3	13	46.4	4	14.3	17	42.5	30-40%	28
3-bedroom dwelling	17	48.5	18	51.5	0	0	18	45	20-40%	35
4-bedroom dwelling	3	75	1	25	0	0	1	2.5	8-15%	4
	40	50	32	40	8	10	40	100		80

10.20. It is noted that the proposed housing mix includes a minor overprovision of 2 and 3 bedroom dwellings amongst the affordable element, whilst there is an under provision of 1 bed and 4 bed dwellings. It is noted that this would represent a deviation from the target mix of 1 bedroom units outlined under Policy H4.

10.21. The City Councils Housing team have advised that the target mix has been developed on the basis of current housing need, which is greatest for two and three bedroom accommodation. It is noted that other City Council led sites within the City Centre and District Centres have recently delivered a high percentage of 1 bedroom units, on such sites delivery of three bedroom units is complicated by the spatial constraints of City and District Centre sites. On balance accounting for the context of the site, a design approach which is more focussed on the delivery of family sized dwellings is accepted accounting for the character of the surrounding area and the fact that the visual sensitivities of the site present issues in terms of providing smaller apartments. Notwithstanding the deviation from the target mix outlined under Policy H4, it is considered that the proposals provide a balanced mix of affordable units and is considered acceptable on this basis.

Design, Landscape and Visual Impact

- 10.22. 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.
- 10.23. The site lies on the urban periphery and is undeveloped at present, therefore the visual sensitivity of the site must be appreciated when considering the appropriateness of the design of any development on the site. The Oxfordshire Wildlife and Landscape Study, divides the County into Landscape Character Areas (LCA). In accordance with this document the application site falls within the Vale Farmland/Marston LCA. This character area is typically associated with a gently rolling landscape with medium to large regularly shaped arable fields and smaller more localised fields, including well defined hedgerows and characteristic hedgerow trees.
- 10.24. Alongside the adjoining land at Hill View Farm, 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 Policy SP26 of the Oxford Local Plan provides an assessment of the sites relative contribution to the landscape character of the area, paragraph 9.157 states that release of the site in isolation was assessed by the Green Belt study as having moderate harm to the Green Belt. Development of this parcel would not represent a significant expansion of the urban form and the parcel does not represent a significant proportion of the settlement gap between Marston and Sunnymead. Although the Cherwell Valley makes an important contribution to the city's historic setting and special character, this site is peripheral within that area and the A40 separates the site from the wider countryside to the north.
- 10.25. As the site clearly extends beyond the settlement edge and the adjoining dwellings along the western side of Mill Lane and Cumberlege Close, any development would read as an urban encroachment, though this would be an unavoidable consequence of any development on the site. The visual impact of the development can be mitigated by limiting the height of any built form and through appropriate landscaping. The application is accompanied by an LVIA, which includes 3D modelling in order to assess the relative landscape impact of the proposed development and how this would sit within the context of surrounding public views.
- 10.26. The site would evidently be very visible from Mill Lane and the introduction of built form to the site would have a transformative impact on the semi-rural character of the lane as it extends beyond the edge of the built form at Mill Lane, which forms the developed edge of Old Marston. The introduction of housing and an access road would have an urbanising impact on the character of Mill Lane. This was accepted when the site was allocated for residential development in the Oxford Local Plan. Particular natural features of value, namely the hedgerow would be retained with the exception of where it is necessary to create an access road to the site and the frontage access to the flats facing Mill Lane.

- 10.27. Aside from views from Mill Lane, the most prominent views of the site would be from the surrounding public rights of way to the south, south west and west of the site, including footpath 294/4/10 leading between Old Marston and the Victoria Arms Public House. From footpath 294/4/10 to the south, the site would be highly visible, notwithstanding the position of the existing hedgerows. The footpath would at the closest point be 60 metres from the southern boundary of the site. The LVIA concludes that there would be a large adverse magnitude of change and major adverse scale of effect resulting from the development as experienced from this right of way. A large degree of change when viewed from this perspective would be unavoidable as any development of a scale consistent with the number of dwellings required under the site allocation policy is likely to be highly visible from this perspective. Development within this area of the site is limited to a low height (5.7 metres to the eaves and 9 metres to the roof ridge). Landscape planting in the form of trees is provided, though it is accepted that this would not fully mitigate the visual impact of the development from this particular view. It should also be noted that development on this part of the site would also be viewed in the context of recent development at Cumberlege Close, which is 2.5 storeys and lies on the edge of Old Marston.
- 10.28. The proposed development would be visible from Marston Ferry Road, approximately 380 metres from the southern boundary of the site in gaps between the vegetation along the northern edge of the road. As indicated on the 3D models included in the LVIA, the upper sections of the proposed dwellings would be visible in these views. Presently existing development can also be seen at Cumberlege Close and Mill Lane, though the proposed built form would extend beyond the existing development and would consequently be more visible, though this would be mainly during winter months. This would have a minor adverse impact, although development would be read against the existing backdrop of other buildings in Old Marston and consequently would not appear particularly prominent or incongruous.
- 10.29. There would be a high degree of visibility from footpath 294/9/10 to the north of the Victoria Arms, which forms part of the Almonds Farm and Burnt Mill Local Wildlife Site. From this perspective the development would read as an urban encroachment into the countryside, which is accentuated further by the slightly elevated position of the site in relation to the land to the west. The sensitivity of development on the site in relation to this view and the views from the south was considered when the site was allocated for development in the local plan and released from the Green Belt. The LVIA concludes that there would be a moderate adverse impact on views from the footpath leading to the north from the Victoria Arms. The existing urban edge of Old Marston is, however already prominent in views from the west. This includes the existing development along Mill Lane, including the three storey Bradlands development and the recent development at Cumberlege Close.
- 10.30. Site Policy SP26 does not specifically reference heights of built form, though this is referenced in relation to development on the adjoining site at Hill View Farm (SP25). The site policy for Hill View Farm states that development should be kept low to minimise the sense of encroachment on the perceived openness of the valley (and Green Belt). The proposed development on the site would be of a low height, typically two storeys interspersed with 2.5 storey buildings. The

building heights of the houses would vary between 8.2 metres to the roof ridge and 5.3 metres to the eaves in the case of the type 2A two storey houses and between 10 metres to the ridge and 6.4 metres to the eaves in the case of the tallest of the 2.5 storey houses (type 3D). The houses would be higher than the mid-20th century housing along Mill Lane but would be lower in height than recent developments at Bradlands and Cumberlege Close, the ridge heights of which are 10.4 metres and 11.3 metres respectively.

10.31. The larger three storey flats are located to the front of the site adjoining Mill Lane, the flats would measure 10.7 metres to the roof ridge. The additional height of this larger building would not be experienced significantly, given that this building would be largely obscured by the 2 and 2.5 storey buildings closer to the western boundary of the site. The siting of the public open space along the western boundary of the site ensures that the built form is set back further into the site, limiting to some degree the visual impact of the development. There is a need to strengthen the landscape edge of the site, through increased boundary planting. The site landscape plan includes the planting of a row of trees between the public open space and the frontage of the built form facing the public right of way to the west of the site. This provides the opportunity to provide some more substantial planting, which once mature would assist in screening the development in views from the west. The specifics of the planting would be secured through the submission of a landscaping plan, which would be secured by condition.

10.32. Whilst it can be concluded that in public views from the south and west from the aforementioned public rights of way, the development would inevitably appear prominent from a visual perspective, officers consider that by limiting the height of the built form and through the provision of landscaping, the overall impact has been limited as much as is feasibly possible, whilst achieving the quantum of development which would be required under Site Policy SP26. High quality boundary treatments will be required, where this faces the adjoining countryside to the west to complement the existing hedge.

10.33. The general design approach to the dwellings would be contemporary, though the materials palette would consist of a mix of buff brick and secondary horizontal timber cladding intended to reflect the use of stone and wood cladding used within the Conservation Area. Whilst the houses would be modular in construction, the design approach is well-considered accounting for the context of the surrounding area, particularly the nearby Old Marston Conservation Area. The design also relates well to the adjoining site at Hill View in terms of the design of units proposed on this site. The design approach has been developed following consultation with the Councils Urban Design team and the Oxford Design Review Panel, comments from ODRP are included in Appendix 2 of this report. It was decided that a contemporary approach, which utilised a palette of materials would be appropriate. The site layout retains a frontage to Mill Lane, whilst also preserving the existing hedgerow where possible. Details of boundary treatments would be required by planning condition.

10.34. The site layout includes a substantial area of useable public open space. A more central area of public space was considered as this was suggested by the Oxford Design Review Panel. It was decided that there was significant merit in

providing the open space along the western boundary as this would assist in limiting the overall landscape impact of the development. Were the public open space to be provided more centrally this would have either resulted in built form being sited along the entirety of the western edge of the site, or denser and probably higher buildings elsewhere on the site in order to meet the quantum of development required on the site. In total 11.2% of the site would be available as public open space, thereby meeting the requirement to provide 10% of the site as public open space as outline under Site Policy SP26.

10.35. It is noted that Thames Valley Police had raised a number of concerns regarding a number of aspects relating to the layout of the development. Some of these matters have been addressed through the amendments to the site layout. This includes the removal of the 'ambiguous' area of space to the north of Plot No.8 which is now incorporated into the garden of this property. The response notes that concerns regarding lack of surveillance of the parking courts have not been addressed. Officers would however note that the floor plans for the end of terrace units (3A and 3D) which face the parking courts now contain ground floor side facing kitchen windows which provide active surveillance of the parking courts and the pedestrian footpath between the site and Cumberlege Close, which was also raised as a concern. Other measures including a lighting plan and boundary treatment plan will be secured by planning condition. It is also recommended that a condition is attached requiring that secured by design accreditation is achieved.

10.36. Overall it is considered that the approach taken to the design, scale and siting of the development is contextually well-considered and complies with Policy DH1 of the Oxford Local Plan.

Heritage

10.37. The development lies 130 metres to the north west of the Old Marston Conservation Area, which extends up to a position to the south of the vehicular access serving the Victoria Arms public house. The nearest Grade II listed buildings are located on the corner of Mill Lane and Ponds Lane, this includes No.17 Mill Lane (Cromwell's House); Manor House (No.15) Mill Lane; and No.13 Mill Lane (Alan Court). Cromwell's House is the nearest of this cluster of listed buildings to the application site. The development would fall within the setting of the Old Marston Conservation Area, as well as the aforementioned group of listed buildings.

10.38. 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".

- 10.39. 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. In considering proposals 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).
- 10.40. 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." 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.
- 10.41. Glimpsed views of the development may be possible from Mill Lane at the furthest northern extent of the Conservation Area, though views would likely be very restricted to the southernmost dwellings and are only likely to be seen during the winter months as there is dense vegetation, trees and existing buildings between the edge of the Conservation Area and the application site. Visibility would be limited to the upper sections of the buildings and development would be viewed in relation to adjoining 20th century development at Cumberlege Close and Mill Lane as well as the existing housing development under construction at Cumberlege Close.
- 10.42. Whilst not immediately visible within the Conservation Area, the Old Marston Conservation Area Appraisal notes that green open spaces form the setting of the village and therefore contribute positively to the significance of the Conservation Area and the rural character of Old Marston. The loss of green spaces and intrusion of development into such green spaces surrounding the village is highlighted as a potential vulnerability which may affect the setting of the Conservation Area.
- 10.43. The site is closer in its relationship to the Conservation Area compared with the adjoining site at Hill View Farm, which is more detached from the historic core of the village. As noted in the above section of this report, there are prominent views towards the site, village and Conservation Area particularly from the west and footpath 294/9/10. Within views from south from footpath 294/9/10 the site is viewed in a more peripheral manner in relation to the Conservation Area, nevertheless the introduction of built form into the site would still have an urbanising impact in terms of how the setting of the Conservation Area is experienced. As clarified within the LVIA, development on the southern part of the site would also be visible from Marston Ferry Road, where this would be viewed in the context of surrounding development at Mill Lane and Cumberlege Close.

- 10.44. The introduction of built form onto what is currently an undeveloped rural field would have an inevitable urbanising impact on the wider setting of the Conservation Area, its rural character and how this is experienced in peripheral views. The erosion of the rural setting of the village and approach to the Conservation Area through the introduction of development of a substantial scale would, in officers view constitute less than substantial harm to the setting of the Conservation Area. In mitigation, the development would be relatively low in height limiting its overall prominence. The design of the buildings, whilst generally contemporary reflects vernacular characteristics of the Conservation Area in terms of architectural detail and use of materials, therefore avoiding generic suburban forms of development, similar to the existing development to the east of the site. Development would also be set against the backdrop of 20th century housing along Mill Lane, as well as more modern development at Cumberlege Close and the Bradlands development. The development, whilst clearly visible and experienced in views from the west, south and south west would not obstruct views of any heritage assets or otherwise important views into the Conservation Area.
- 10.45. The indirect impact of the development in terms of traffic generation should be considered in relation to the potential impact of further vehicles using Mill Lane, which lies within the historic core of the village. This should also be considered in relation to the cumulative traffic impact of development on the adjoining site at Hill View Farm. Traffic using both sites would pass through the Conservation Area via Mill Lane and either Oxford Road or Elsfeld 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, this is identified as a risk within the Conservation Area Appraisal. 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.
- 10.46. At the time that the application at Hill View Farm was considered by officers, there was some suggestion that widening the S bend section of Mill Lane by removing the section of adjoining verge may be required to allow two vehicles to pass along this narrower section of the road. This was discounted as this would result in harm to the character of Mill Lane, as the verge contributes to the significance of this part of the Conservation Area and the semi-rural character of this part of Old Marston village. As clarified in the highways section of the report it was considered that this would not be necessary either during the construction or operational phases of development, therefore the benefits of widening the verge would not justify what would be deemed to be less than substantial harm to the setting of the Conservation Area. This remains the case with the consideration of this application.
- 10.47. The site is in the wider setting of three Grade II listed buildings sited on the S bend section of Mill Lane, these being the Grade II listed Cromwell's House, the

Manor House (Nos. 15 and 17 Mill Lane); and Alan Court. The closest of these buildings, Cromwell's House is located 220 metres to the south east of the site.

- 10.48. Owing to the spatial separation between the three listed buildings and the site and the position of existing development and vegetation screening, the site is not directly experienced in relation to these listed buildings, other than contributing towards the overall rural aspect of the village, though the extent to which this would be perceived in relation to the listed buildings would be, at most limited. Officers would conclude that the direct impact of the development would not result in harm to the setting and significance of the aforementioned listed buildings.
- 10.49. Officers would conclude that the overall direct impact of the development, as well as the indirect impacts associated with additional traffic generation would result in less than substantial harm to the Conservation Area. In the context of Paragraph 202 of the NPPF, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm must be weighed against the public benefits of the proposal.
- 10.50. The public benefits of the development are primarily the delivery of 80 homes, 40 of which would be affordable homes. The site is allocated within the Oxford Local Plan and therefore delivery of development on the site is crucial in meeting the Council's unmet housing need over the local plan period up to 2036. The provision of 40 affordable homes on the site is of particular importance when considering the significant under provision of affordable housing in the city. 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 £96,150.40 towards increased service provision.
- 10.51. 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. 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 202 of the NPPF, the public benefits of the development would outweigh the relative harm to the identified heritage assets.

Archaeology

- 10.52. Proposals which would or may affect archaeological remains or features which are designated as heritage assets will be considered against the policy approach as set out in policy DH3 of the Oxford Local Plan. Archaeological remains or features which are equivalent in terms of their significance to a scheduled monument are given the same policy protection as designated heritage assets. Proposals which affect the significance of such assets will be considered against the policy test for designated heritage assets set out in policy DH3 above. Proposals that will lead to harm to the significance of non-designed archaeological remains or features will be resisted unless a clear and convincing justification through public benefit can be demonstrated to outweigh that harm,

having regard to the significance of the remains or feature and the extent of harm.

10.53. An archaeological evaluation report has been submitted for this site by Cotswold Archaeology (2021). The investigation recorded traces of pre-17th enclosure ridge and furrow belonging to the former open field system but did not identify any significant archaeological remains below this. The site contains the remnants of a pond, assumed to be 19th Century and extant ridge and furrow earthworks in the southern end of the development plot.

10.54. Based on the limited results of the archaeological evaluation further archaeological work in relation to this application would not be required. The Cotswold Archaeology report notes that the extant earthworks in this plot are very low and denuded. The remnant ridge and furrow earthworks belonging to the medieval open fields of Old Marston have been subject to piecemeal loss over the years and do not survive in a coherent and well preserved pattern, nevertheless they form part of the setting of the Conservation Area and constitute a locally important heritage asset. The loss of the earthworks in the application plot can be assessed as constituting harm to the overall asset (the village open field system) though less than substantial harm because of their denuded character, this harm should be weighed against the public benefits of the scheme, which are highlighted in the above sections of this report. It is considered that the identified harm to archaeological assets would be outweighed by the public benefits of the proposed development.

Residential Amenity

Existing Occupiers

10.55. 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.

10.56. There are a number of existing residential properties which back onto the western boundary of the site. This includes a row of properties fronting Mill Lane (Nos. 52 to 62). These properties have deep rear gardens which extend up to the site boundary. Proposed units 59 to 70 would directly face the gardens and rear elevations of Nos. 52 to 60 Mill Lane. There would be a separation distance of between 9.1 metres and 13.2 metres between the rear elevations of the proposed dwellings and the rear gardens of Nos. 52 to 60 Mill Lane. The depth of the rear gardens of the existing properties would mean that there would be a considerable distance between the facing elevations of the proposed and existing dwellings, this would be between 32 and 40 metres. Whilst there would be a perceived increase in the overlooking of the rear gardens of these properties, officers consider that the development would not result in an unacceptable loss of privacy for existing occupiers as any potential overlooking would be limited to the far end of the adjoining gardens.

- 10.57. Proposed Units 51 to 54 would face the garden of No. 62 Mill Lane. The rear elevation of No.62 faces north west, therefore none of the proposed dwellings would directly face any of the rear windows of this property. There are no windows in the north east facing side gable of this property. Whilst there are windows in the rear facing elevation of No.62 Mill Lane, the orientation of this property and the proposed dwellings means that there would not be direct overlooking between the facing sets of windows. The position of Plot 51 in the proposed layout has been amended to increase the separation distance between No.62 Mill Lane and Plot 51, the nearest dwelling. The separation distance between the rear elevation of this dwelling and the garden of No.62 has increased from 8.6 metres to 10.2 metres. There would be a distance of 9.3 and 9.9 metres respectively between plots 53 and 52 and the rear garden of No.62 Mill Lane, whilst plot 54 would overlook the very end of the garden of No.62 Mill Lane at a distance of 9 metres. It is however worth noting that the quoted distances are measured only to the boundary of this property and this property has a very deep rear garden. Officers consider that No.62 Mill Lane would be affected to the greatest degree as a result of the development in terms of potential overlooking, however the site layout would still allow for sufficient separation distance, thereby ensuring that the privacy of existing occupiers would not be unacceptably compromised.
- 10.58. Proposed units 71 to 80 would face the rear elevations of 9 dwellings currently under construction at Cumberlege Close (18/03385/FUL). The location of these dwellings are plotted on the proposed site plan, each of the proposed dwellings at Cumberlege Close would have rear gardens which would face the application site and the rear elevations of the permitted dwellings would face Units 71 to 80. There would be a separation distance of between 18.2 and 21.3 metres between the facing sets of dwellings. There would be a separation distance of between 8 and 13 metres between the rear elevation of units 71 to 80 and the gardens of the dwellings at Cumberlege Close. Whilst there would be a degree of mutual overlooking between the facing sets of dwellings, it is considered that both the existing and future occupiers would benefit from an acceptable degree of privacy.
- 10.59. Hill View Farm is a bungalow located to the north of the application site. The front elevation of proposed Unit 3 would face the rear garden of this property at a distance of 23 metres. The front elevation of units 1 and 2 would face the front garden of this property. There is also a south facing window in this property, which also faces proposed Units 1 and 2 in a front (east) facing gable, this window would be 27 metres from the front elevation of the proposed dwellings. Accounting for the relative separation distance between the proposed dwellings and this property, officers consider that the development would not result in an unacceptable loss of privacy to the existing occupiers of this property.
- 10.60. The applicants Daylight and Sunlight Assessment provides an analysis of the impact of the development on existing properties likely to be affected by the development with regards to loss of light, namely the houses to the east of the site at Mill Lane and Cumberlege Close. With regards to the properties on Mill Lane, the combination of the depth of the proposed gardens and the orientation of the proposed dwellings and existing properties means that there would be no loss of light to the internal spaces of these houses and minimal loss of light to

the gardens, where this does occur it would be limited to the far end of the gardens of these properties and is not considered to be detrimental.

10.61. The properties under construction at Cumberlege Close have been assessed in relation to potential loss of light to internal living spaces. This has been assessed in relation to the horizontal 25 degree rule applied from the mid-point of the ground floor windows. The development would not breach the line of 25 degrees, which indicates that sufficient daylight would be provided to the internal living spaces of these properties. It is therefore concluded that the development would not result in an unacceptable loss of light to existing properties.

10.62. In summary it is considered that whilst there would be an inevitable increase in potential overlooking of existing properties, given the introduction of new development onto a currently undeveloped site, the site layout allows adequate separation to be retained to existing properties to limit the extent to which there would be a loss of privacy to current occupiers. The proposed siting would also limit potential for loss of light and overshadowing. The development is therefore considered to comply with Policies DH1 and RE7 of the Oxford Local Plan.

Future Occupiers

10.63. 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. The application is supported by a Daylight and Sunlight Assessment, which confirms that all of the internal spaces in the proposed dwellings pass the minimum average daylight factor tests, aside from north facing windows. Future residents are therefore considered to be afforded appropriate standards of residential amenity in accordance with Policy H15 of the Oxford Local Plan.

10.64. 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.

10.65. Each of the proposed houses would benefit from external garden spaces, which are of a good size relative to the size of the proposed dwellings. With the exception of plots 13-16 and 33-36 which have north facing gardens all of the proposed plots would receive more than the recommended 2 hours of sunlight. Nonetheless plots 13-16 and 33-36 are still considered to be served by adequate external garden spaces.

- 10.66. The proposed three storey block of apartments facing Mill Lane would each be served by external balconies in the case of first and second floor flats, whilst ground floor flats would be served by external private outdoor spaces. The 1 bedroom flat over garages units facing Mill Lane would not benefit from an external balcony, but would benefit from an outdoor area of amenity space to the front of the units.
- 10.67. It is considered that the proposals would provide adequate standards of amenity for future occupiers in terms of both internal standards for the individual units and in terms of the quality of the external amenity space proposed. It is therefore considered that the development is compliant with Policies H14, H15 and H16 of the Oxford Local Plan.
- 10.68. Policy RE8 of the Oxford Local Plan requires 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.
- 10.69. The application is accompanied by an acoustic assessment. The main source of noise originates from the A40 to the north of the site, though the submitted report concludes that noise risk to future occupiers arising from existing sources of noise are negligible to low in daytime and low risk at night time. Acoustic façade design has been calculated to ensure adequate internal noise levels and would be acceptable in environmental health terms.
- 10.70. Proposals are currently being considered to include air source heat pumps (ASHPs) to provide heating to dwellings and to facilitate this would require the provision of 2no. ASHP units (an indoor and outdoor unit) to each dwelling. The ASHPs location and unit type selections have yet to be finalised; as the design progresses, fixed items of plant will need to be selected and positioned to ensure that the noise they generate will not disturb nearby noise sensitive receptors and the new residential dwellings themselves. To ensure that noise from new building services plant is controlled appropriately, noise impacts will need to be considered and controlled.
- 10.71. Based upon the submitted assessments and considerations made, it is reasonably concluded that the site would be suitable for residential development, subject to the inclusion of appropriate mitigation as outlined within the scope of the submitted acoustic report, to ensure that the internal and external acoustic environments would not be detrimental to amenity. A condition is recommended to ensure that the design and structure of the development 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. On this basis the proposals are considered to comply with policy RE8 of the Oxford Local Plan.

Transport

Access, Parking provision and Cumulative Highways Impact

- 10.72. 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 113 of the NPPF, a Transport Assessment has been prepared in support of this planning application.
- 10.73. 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.
- 10.74. 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 1.4km away at the Marston neighbourhood centre at Cherwell Drive. The nearest District Centre is Summertown, which is approximately 3km from the site accounting for hard surfaced walking and cycling routes, reduced to 2km 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.
- 10.75. The 14A bus serves Old Marston, the nearest bus stops to the site are located on Elsfield Road and Oxford Road and are approximately 610 metres and 630 metres from the centre of the site 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 and would not therefore be classed as a frequent service (every 15 minutes). The nearest bus stops served by frequent bus services are located at Cherwell Drive, which are 1.1km walking distance from the site.
- 10.76. 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 the development 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.

- 10.77. 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.
- 10.78. A total of 74 parking spaces are proposed on the site, this would equate to less than 1 space per dwelling. 46 of these spaces would be unallocated. Parking has been amended to also include provision of a single car club space located to the front of the proposed block of flats (units 3-50), which is shown on the updated site plan. The Councils maximum parking standards outlined in Appendix 7 of the Oxford Local Plan allows for up to 0.2 car club spaces per dwelling to be provided in new developments. Two car club parking spaces were proposed as part of the adjacent development at Hill View Farm for 159 dwellings. A single space on the site would therefore be considered to be proportionate to the scale of development on this site and would allow for a flexible means of travel for future residents who do not benefit from allocated parking. The overall parking provision is considered to comply with the Councils maximum parking standards outlined under Policy M3 of the Oxford Local Plan.
- 10.79. Policy M4 of the Oxford Local Plan requires that electric charging points are provided for each allocated residential parking space and 25% of unallocated parking spaces. Details relating to the provision of electric charging points would be sought by planning condition.
- 10.80. The provision of a relatively high level of parking combined with the sites relative distance to local services, facilities and public transport links would mean that there would be a relatively high level of traffic generation associated with the proposed development which also must be considered cumulatively alongside development on the adjoining site at Hill View Farm. The traffic impact associated with development on the Hill View Farm site was assessed in detail in the report presented to members at the Planning Committee held on the 26th May 2021, this included a cumulative assessment accounting for development on Land West of Mill Lane.
- 10.81. The application is accompanied by a Transport Assessment, which includes a TRICS analysis of overall trip generation resulting from the proposed development of 80 dwellings. The TRICS analysis concludes that the development would generate a total of 45 two way movements in the AM peak time between 8am and 9am and 39 two way movements during the PM peak time between 5pm and 6pm. The County Council have concluded that this would be a reasonable assessment in terms of accuracy. The TRICS analysis

concludes that 58% of journeys in and out would be made via Elsfield Road, 42% of the journeys in and out would be made via Oxford Road.

- 10.82. The Transport Assessment includes a junction modelling analysis, including an assessment of the cumulative impact of the development on the application site and development on the adjoining site at Hill View Farm. Junction modelling is provided for Oxford Road/Cherwell Drive and Elsfield Road/A40/Marsh Lane. The junction modelling work indicates that the Oxford Road/Cherwell Drive junction would in the cumulative scenario, accounting for development on the Hill View Farm and application site be operating over-capacity with a Ratio of Flow to Capacity (RFC) of 0.97 equating to delays of 132 seconds for vehicles.
- 10.83. It is noted that the traffic modelling within the Transport Assessment was undertaken in 2019, which was therefore before the Covid-19 pandemic and before the completion of works to signalise the Cherwell Drive and Marsh Lane junctions. The County Council have advised that undertaking further analysis of the impact of the development on the tested junctions would not be necessary as the works to signalise the Marsh Lane/Cherwell Drive junction has reduced queuing traffic on Cherwell Drive. Furthermore changes to commuting patterns as a result of the pandemic, such as home working has served to reduce peak traffic flows. The works to remodel the Marsh Lane/Cherwell Drive junction is also anticipated to reduce rat running through Oxford Road and Elsfield Road, reducing waiting times at both the Oxford Road/Cherwell Drive and the Elsfield Road/A40/Marsh Lane junctions. Cumulative modelling of the Elsfield Road/A40/Marsh Lane junction suggests that the junction is operating well within capacity at peak hours.
- 10.84. At the request of the County Council, collision analysis for the local area from 2019-2020 has been provided and is detailed within the applicants updated Transport Technical Note. Excluding the A40, there are no records of accidents within 800 metres of the site and only one record of a slight collision in Old Marston from Oxford Road close to the junction with Cherwell Drive.
- 10.85. A number of public comments have suggested that access for the application site and the adjoining site at Hill View Farm could be formed directly from the A40 at the end point of Mill Lane, therefore avoiding the need for traffic to use the lower sections of Mill Lane and Elsfield/Oxford Road. The principle of an access being provided directly onto the A40 was considered by the County Council at the time that both sites were considered for allocation in the Oxford Local Plan and this option was discounted. It was considered that the cumulative scale of development on the sites 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.

- 10.86. Site Policy SP25, which relates to Hill View Farm states that access must be provided to the site 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. The subsection to Site Policy SP26 (Land West of Mill Lane) states that localised improvements are 'likely to be required in order to demonstrate that two vehicles can pass each other along the duration of Mill Lane' though the specifics of these 'improvements' are not clarified under the site policy.
- 10.87. The majority of Mill Lane is not particularly constrained in terms of road width or on street parking. The most constrained section of the road is the 'S bend' section to the south of Nos.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. 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.
- 10.88. A widening of the verge was considered at the time that the application on the adjoining site at Hill View Farm under consideration. Officers had extensive dialogue with the County Council at the time that this application was determined 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 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.
- 10.89. Policies SP25 and SP26 suggest 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 are essential providing it can be demonstrated that two vehicles can pass each other, which is the case.
- 10.90. 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 considered in relation to the adjoining development at Hill View Farm, though County Highways 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. The applicants Transport Assessment includes a tracking plan for a large construction vehicle along the S bend section of Mill Lane, which indicates that a tipper truck is capable of negotiating this section of the road past a stationary car.

10.91. The principle of forming a construction access directly from the A40 was also considered at the time that the application at Hill View Farm was brought before members. Officers would reiterate that this matter has been discussed in depth with the County Council who have suggested 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 any construction access would need to be formed through a section of the adjoining development site, where a number of new buildings are proposed. It cannot be made the subject of a planning condition or obligation that construction access is provided for the site through the adjoining site at Hill View Farm, as both sites are under separate ownership and such an approach would assume that both sites are developed simultaneously. Officers consider that a condition or obligation requiring that a construction access to serve the development, through the adjoining site would clearly fail the tests relating to planning conditions and obligations outlined under Paragraphs 56 and 57 of the NPPF, namely that this would be necessary or reasonable. 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.

10.92. In summary, when considered in the context of Paragraph 111 of the NPPF, officers consider that the cumulative residual impact of the development would not result in a severe impact on highway safety or on the operation of the wider highways network.

Public Transport

10.93. 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.

10.94. 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 given this distance. 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.

10.95. 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.

10.96. Because of the relative inaccessibility of effective public transport services at the site location, a financial contribution is required towards the improvement of bus services in Old Marston. The two allocated sites in this area should provide for an enhanced evening and Sunday service on route 14A for a period of 5 years. The cost of this was calculated at £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

10.97. Using a pro-rata calculation, the total contribution requested from this application is £96,150.40 this is in conjunction with the contribution of £195,183 sought from the adjoining allocated site at Hill View Farm. The bus stops at St Nicholas' Church are mostly adequate and 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 £6,585.44. These contributions shall be secured through a Section 106 Agreement. Securing additional financial contributions towards improving the frequency of bus services into Old Marston would improve the sustainability of access to the site, thereby reducing dependence on private car use in accordance with policy M1 of the Oxford Local Plan and the NPPF.

Cycle and Pedestrian Connections

10.98. 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.

10.99. 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. A financial contribution of £131,094.40 is sought towards the implementation of the cycle street. An outline design for this was provided alongside the planning application on the adjoining site at Hill View Farm, though the design specifics of the cycle street would be determined by the County Council and the works would be carried out by the County Council, rather than by either developer. The design of the cycle street would likely include 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. Where on street parking is required because existing properties are not served by parking, for example Nos.23A to 29 Mill Lane, this can be accounted for in the design of the cycle street, it is however noted that a significant number of properties in Mill Lane benefit from off-street parking. It is anticipated that 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 wider 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.

10.100. The addition of the cycle street would 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 site, as a further larger proportionate contribution is sought from development on the adjoining site at Hill View Farm.

10.101. The allocation of two large 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.

10.102. 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 the 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.

10.103. 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.

10.104. The site layout itself includes the provision of a new pedestrian access leading from the southern boundary of the site, which will open up connections between the site and the existing public right of way to the south of the site. The site layout also includes the provision of a pedestrian and cycle route through the centre of the site, which would link to the adjoining site at Hill View Farm. The proposed site layout at Hill View Farm includes a similar pedestrian/cycle link and the proposed layouts would align, providing access permeability between the two sites and providing important connections to Old Marston and to the north west onto the adjoining A40 cycle route. A link is also proposed between the site and Cumberlege Close, which would provide an important connection for residents in the southern part of the site, providing a cut through route which will reduce walking distance to the bus stops, services and facilities in Old Marston and Marston. This involves a minor change to the parking spaces approved under the site layout approved for the development of 9 dwellings, currently under construction, though there would be no overall reduction in the number of parking spaces allocated to serve this development. This part of the Cumberlege Close site is included in the red line area of the application. The site at Cumberlege Close is also owned by the City Council and the amendments to the site layout are therefore under the applicant's control.

10.105. 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 as the development would through a legal agreement deliver notable improvements to pedestrian, cycle and public transport infrastructure.

Sustainability

10.106. 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.

10.107. The application is accompanied by an Energy Statement, this proposes a fabric first approach to thermal efficiency and reducing energy use. This includes the use of air source heat pumps and the addition of solar photovoltaic panels. To ensure that the siting of the panels is appropriate and accounting for the visual sensitivities of the site, details of the siting of the solar panels will be required by planning condition. Other measures include:

- Water efficient fittings
- Mechanical ventilation with heat recovery
- Energy efficient lighting

- Hot water cylinder insulation
- Enhanced building fabric standards

10.108. The development would significantly exceed the requirement to achieve at least a 40% reduction in the carbon emissions from a code 2013 Building Regulations. The submitted energy statement outlines that the development would achieve a 70% reduction in carbon emissions, which is welcomed and in conjunction with the range of sustainability measures incorporated in the development, the proposals would significantly exceed the requirements of Policy RE1 of the Oxford Local Plan.

Air Quality

10.109. 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. The planning application is accompanied by an Air Quality Assessment (AQA).

10.110. The baseline assessment shows that the application site is located within the Oxford citywide Air Quality Management Area (AQMA), declared by Oxford City Council (OCC) for exceedances of the annual mean NO₂ air quality objective (AQO). Pollutant concentrations at monitoring locations in the surrounding area of the application site, together with an analysis of DEFRA's air pollution background maps, show compliance with the annual mean NO₂ AQO. The results indicate that concentrations at proposed receptor locations within the site boundary are well below relevant air quality objectives for NO₂, PM₁₀ and PM_{2.5} concentrations.

10.111. According to the energy statement, heating and hot water at the proposed development will be provided via air source heat pumps, supplemented by photo-voltaic panels roof mounted on each property. As such, there will be no associated combustion emissions and no potential impacts on local air quality.

10.112. The risk of dust impacts during the development's construction phase is evaluated in the air quality assessment, by assessing the dust emission magnitude of the planned construction activities and by taking into account the existing sensitivity of the surrounding area. It was concluded that there would be a medium risk of dust impacts from the construction phase if left unmitigated. However, with the application of the relevant mitigation measures proposed, it is concluded that the residual effect would be negligible. Details of dust mitigation measures will be required as part of a Construction Environmental Management Plan (CEMP) which would be required as a planning condition.

10.113. The Proposed Development would generate Light Duty Vehicle (LDV) flows of 320 Annual Average Daily Traffic (AADT) along Mill Lane adjacent to the development. These trips exceed the screening criteria referenced in Paragraph 10.110 above and therefore air quality modelling of vehicle emissions as per the IAQM and EPUK guidance was conducted. The operational impact of the proposed development on local air quality has been assessed by undertaking air

quality modelling of the without and with proposed development scenarios in the opening year 2026. The assessment modelled 32 existing worst-case sensitive receptors and 10 future worst-case receptors across the study area. Predicted NO₂ and PM₁₀ concentrations are well below the relevant Air Quality Strategy objectives at the future receptor locations, the proposed development site is therefore considered suitable for residential use in terms of air quality.

10.114. It is anticipated that there will only be 9 Annual Average Daily Traffic (AADT) Heavy Duty Vehicle (HDV) flows associated with the construction phase of the proposed development. Therefore, the potential air quality impacts associated with construction phase road vehicle exhaust emissions are predicted to be negligible, in accordance with the IAQM & EPUK guidance screening criteria.

10.115. The potential air quality cumulative impacts from the adjacent Hill View Farm development site were also considered and included as part of the air quality modelling work. The cumulative assessment indicates that predicted NO₂ and PM₁₀ concentrations at the future receptor locations for the proposed development (Land West of Mill Lane) are below the AQS objective with the inclusion of the traffic data associated with the adjacent Hill View Farm development.

10.116. Overall it can be concluded that the development would not conflict with Policy RE6 of the Oxford Local Plan.

Biodiversity

10.117. 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.

10.118. The application site consists principally of a large area of semi-improved grassland surrounded by boundary hedgerows, scattered trees and shrubs. The application is supported by an Ecology Report which confirms that protected species surveys for bats, birds, reptiles, amphibians and badgers have been undertaken.

10.119. The site habitat features includes hedges, trees and grassland was adjudged to have the potential to be used by foraging and commuting bats of various species. The surveys confirmed that bats had been using the peripheral areas of the site for these purposes. The steel framed barn was adjudged to offer negligible potential for bat roosting. The risk to bats as a result of the development is considered to be low and biodiversity enhancement measures, including the addition of bat boxes would increase roosting opportunities.

- 10.120. The site has been subject of reptile surveys, which returned one record of a grass snake being present on the site. Measures for mitigating the risk to reptiles are identified within the Ecology report and are considered to be acceptable.
- 10.121. No evidence of badgers or badger activity was observed on site following the surveys conducted. Precautionary measures to deal with the potential risks to badgers would be expected within a Construction Environmental Management Plan (CEMP).
- 10.122. Notwithstanding the presence of two ponds on the site, the value of the site for Great Crested Newt (GCN) was assessed as negligible owing to the absence of suitable breeding habitat within the site and likely absence of suitable breeding habitat adjacent to the site. The need for GCN surveys was therefore scoped out.
- 10.123. The habitats on site have been assessed as having high potential to support nesting birds, measures for ensuring that sufficient protection is afforded to nesting birds will be addressed within the CEMP required and additional planting and other biodiversity enhancement mitigation measures to be secured by planning condition will increase bird nesting opportunity.
- 10.124. Policy G2 of the Oxford Local Plan requires that compensation and mitigation measures must offset the loss and achieve an overall net gain for biodiversity. To demonstrate an overall net gain for biodiversity, the biodiversity calculator should demonstrate an improvement of 5% or more from the existing situation. Development on the site would result in an overall biodiversity reduction of 3.98% and an increase of 12.58% for hedgerows accounting for additional planting and infilling of hedgerows. The applicants have targeted a biodiversity net gain of 10%, this is in line with the proposals outlined in the Governments Environment Bill. The Environment Bill has yet to receive royal assent, however commitment to meeting the higher biodiversity net gain target of 10% is welcomed and goes beyond the current 5% requirement outlined under Policy G2.
- 10.125. Accounting mainly for the loss of grassland habitat on site and the fact that a large extent of the site would be developed for housing and amenity space associated with the dwellings it would not be possible to provide a biodiversity net gain of 10% on site, even with enhancement measures such as tree planting and improvements to hedgerows on site. Biodiversity net gain would need to be partly achieved through off-site mitigation, though this is an acceptable approach in line with Policy G2 of the Oxford Local Plan, providing biodiversity net gain cannot be solely delivered on site, which is the case in this instance.
- 10.126. A total of 0.60 biodiversity units would be achieved through a project which would restore 756m² of fen grassland at Rivermead Park in Rose Hill. The project was identified in consultation with the Council's Ecologist and open spaces management team as this is a local wildlife site and is on land owned by the City Council and is therefore deliverable. Funding for the project which the City Council would carry out would be £27,500 and would be secured through a Section 106 Agreement. In conjunction with the on-site biodiversity measures,

the proposals would deliver a biodiversity net gain percentage of 10.23% which would exceed the 5% requirements outlined under Policy G2 of the Oxford Local Plan.

10.127. 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 850m 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 240 metres to the south west of the site, Victoria Arms Spinney, which is approximately 360 metres to the south west of the site and Bypass Meadows, a proposed LWS 900 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.

10.128. In terms of recreational pressure on the SSSI the Ecological Assessment concludes that whilst there may be some increased visitor pressure on the SSSI, this is likely to be negligible as a result of limited access routes between the site and the SSSI, spatial distance and the provision of green space within the site. Natural England were consulted by the applicants at pre-application stage and have raised no objection to the proposals on the basis of increased recreational pressure on the SSSI. Natural England have been consulted on the proposals at application stage and have stated that they do not intend to comment on the proposals. A number of public comments have drawn attention to potential risks arising from increased surface water run-off and pollution as a result of the development. The provision of appropriate surface water drainage (SuDS) and appropriate management measures are considered to mitigate against such risk and will be secured by condition.

10.129. The proximity of the site to the Almonds Farm and Burnt Mill Field Local Wildlife Site is likely to result in increased recreational pressure, there are also public rights of way connecting the site to the LWS. This would lead to increased use by walkers and dog walkers, this is in conjunction with the adjacent proposed development of 159 dwellings at Hill View Farm. The provision of recreation space within the site would assist to some extent in reducing general recreational use of the LWS, albeit that it is accepted that increased use of LWS would be likely to occur. To manage the risks associated with increased recreational activity in the LWS, officers had under the planning application on the adjoining site at Hill View Farm, requested a financial contribution towards the provision of bins and information boards. In the case of the information boards this would assist in increasing public awareness of the biodiversity value of the site, whilst the provision of bins would reduce littering and issues associated with dog fouling which may affect ecology in the LWS. Impacts during the construction phase associated with dust and pollution risks would need to be managed through a Construction Environmental Management Plan. The provision of well-designed and managed SuDS will reduce risks from surface water run-off and pollution.

10.130. In summary officers consider that the development would not result in ecological harm to either protected species and subject to appropriate management measures there would not be harm to sites of ecological interest including the New Marston Meadows SSSI or the Local Wildlife Site at Almonds Farm and Burnt Mill Field. A biodiversity net gain of over 10% would be secured through the combination of on site and off site enhancements. It is therefore concluded that the proposals would comply with Policy G2 of the Oxford Local Plan.

Trees

10.131. 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, where tree retention is not feasible, any loss of tree canopy cover should be mitigated by the planting of new trees or introduction of additional tree cover (with consideration to the predicted future tree canopy on the site following development).

10.132. The site is an open agricultural field and the majority of the trees on the site are located around the edges of the site, either within or adjacent to the mature boundary hedgerows. The majority of the trees on the site are classed as category C trees, though there is a concentration of category B trees located along the Mill Lane frontage, all of which are indicated for retention. All of the trees which would be removed are classed as category U (lowest category) and fall within the built footprint of the development.

10.133. The boundary hedgerows would be retained and provide important visual amenity and ecological value. Removal of small sections of the hedgerow would be required to facilitate access. This would include removal of 5 metre sections of the western and northern hedges to facilitate agricultural and pedestrian/cycle access respectively. A total of 15 metres of hedgerow would be removed along the eastern boundary of the site, principally this is required to facilitate vehicular access from Mill Lane, and there are smaller isolated sections of the hedge which would be removed to provide access to the properties facing Mill Lane.

10.134. In accordance with the requirements of Policy G7 of the Oxford Local Plan, a Tree Canopy Cover Assessment has been prepared. The study demonstrates reasonably through its assessment that the total canopy area loss necessary to facilitate development will be mitigated by the proposed planting of 54 new trees as part of landscaping proposals. Based on the assessment, new canopy cover as a result of the scheme is likely to increase significantly over the following 25 years, resulting in an overall gain of 476% from new planting over the existing arboricultural features (trees and hedges) to be removed as shown in the Arboricultural Impact Assessment (AIA).

10.135. The revised AIA states that currently no underground utilities plans are available. However Figures 2, Sheets 1-4 indicate an acceptable general routing arrangement for proposed foul water and surface water drainage runs. It is

further stated that proposed Gas, Electricity and Telephone/Internet utilities will enter the site at the proposed new highway access point with Mill Lane and will then follow the new highway corridors. The plan shows that the majority of proposed drainage installations will be central to the site, following the proposed highways layout and will remain outside of the Root Protection Areas (RPAs) of the majority of trees to be retained, except in the cases of two trees (T71 and T26). Details relating to the formation of below ground utilities and their relationship to the RPA's of retained trees is recommended by condition following a detailed assessment of the routing of these utilities.

- 10.136. Subject to appropriate conditions to secure the protection of retained trees and the implementation of the tree planting proposed it is assessed that the development would be in accordance with Policy G7 of the Oxford Local Plan.

Flooding

- 10.137. 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.*

- 10.138. 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.

- 10.139. The application site lies within Flood Zone 1 and is considered to be at a low risk of flooding. It is noted that the lower lying areas of land to the west adjoining the River Cherwell lies within Flood Zone 3, though the extent of land lying within Flood Zone 3 is approximately 350 metres from the site and lies at a lower topographic level, therefore it would be considered that future occupiers of the development would not be at risk of flooding. The site is also identified as being at very low risk of surface water flooding.

- 10.140. Surface water discharge will be made to an existing watercourse, which is a drainage ditch to the north west of the site via underground pipes as shown on the section of the red line plan extending into the adjoining field to the west of the site, also under the applicants ownership. The ditch discharges into an unnamed tributary to the River Cherwell to the west of the site.

10.141. The site layout includes an attenuation pond located within the area of public open space along the western boundary of the site, which will contribute towards the attenuation and treatment of surface water runoff. The pond would be designed as a natural feature, rather than hard engineered drainage infrastructure. The site layout also includes permeable paving to assist in allowing surface water infiltration. The submitted Flood Risk Assessment (FRA) and drainage strategy includes a maintenance schedule for the attenuation pond. A small pumping station is proposed on the site in order to ensure that foul water drainage is appropriately managed.

10.142. Subject to the provision of a detailed drainage strategy, which would be secured by planning condition, the County Council as Local Lead Flood Authority have advised that the proposals make acceptable provision for drainage and disposal of surface water. The proposals are therefore considered to comply with the provisions of Policies RE3 and RE4 of the Oxford Local Plan.

Land Contamination

10.143. The application is accompanied by a Phase 1 desk study and Phase 2 Ground Investigation Report, which assesses sources of contamination present on site. The Ground Investigation Report concludes that that contamination risks on site is likely to be low, however further investigation work is required, as outlined within Section 9.8 of the report.

10.144. The Councils Land Quality Officer has recommended that a phased risk assessment, intrusive investigation and remediation strategy / validation plan is carried out. This will be secured by planning condition, alongside a watching brief which will be carried out during the course of development. Subject to the documents required by condition, the development would comply with Policy RE9 of the Oxford Local Plan.

Health Impacts

10.145. 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.

10.146. The application is accompanied by a Health Impact Assessment (HIA) this includes an assessment of development outcomes in line with the NHS Rapid Health Impact Assessment Matrix.

10.147. In terms of access to open space, more than 10% of the site would be allocated for this purpose. Access would also be facilitated between the site and existing areas of open space, either directly, this includes Old Marston Playground through improvements to Back Lane and to the nearby public rights of way to the south and west of the site. The aforementioned access

improvements, alongside other hard infrastructure works on-site in the case of the cycleway and off-site in the case of the cycle street would improve sustainable travel options. The financial contributions addressed in the transport section of this report towards bus services would improve the frequency of existing services to Old Marston, which would be beneficial to the health outcomes of future and existing residents.

10.148. The HIA concludes that there would be a minor adverse impact on air quality and neighbouring amenity during the construction phase of the development. This will need to be appropriately managed. The air quality impact during the operational phase of the development does not conflict with the objectives of Policy RE6 of the Oxford Local Plan, therefore the health implications of this are not considered to be demonstrably adverse.

Utilities

10.149. 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.

10.150. The application is accompanied by a Utilities Assessment (UA), which provides an assessment of the existing infrastructure and requirements relating to the proposed development.

10.151. With regards to electricity it is outlined that discussions have taken place with SSE regarding the requirement to upgrade existing electrical infrastructure, a new substation would also be required, which is shown on the proposed site plan. The Utilities Assessment also outlines that discussion has taken place with SGN who are responsible for gas supply.

10.152. The UA confirms that although full fibre broadband is not currently available in this location, though superfast broadband (60 to 70mbs) is available and can be provided.

10.153. It is therefore considered that sufficient capacity exists in terms of utility infrastructure to meet the needs of future residents in accordance with policy V8.

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 80 dwellings on a site allocated for development in the Oxford Local Plan 2016-2036 under Site Policy SP26. The site policy specifies that a minimum of 75 dwellings should be delivered on the site, therefore the development in terms of the overall quantum of units would exceed this requirement.
- 11.4. The site, area as allocated under Policy SP26 was released from the Oxford green belt following allocation in the Oxford Local Plan. A small strip of land within the red line area of the site lies within the green belt though the only development occurring on the site would consist of the laying of below ground piping to assist with drainage, which would be classed as not inappropriate development and would be buried and therefore not visible. Whilst the development would be transformative in terms of localised landscape views, the impact of the development would be mitigated by the relative low height of the development, the siting of built form and the general design approach and use of materials.
- 11.5. In considering the impact of the development in relation to surrounding heritage assets, it is considered that the development would result in less than substantial harm to the setting of the Old Marston Conservation Area. When applying the balancing exercise required under Paragraph 202 of the NPPF, it is considered that the less than substantial harm to the Conservation Area would be offset by the public benefits of the proposed development, in particular the provision of 80 homes, 40 of which would be affordable units, which would make a vital contribution towards meeting local housing need, this is alongside secondary benefits including enhancements to public transport and active travel infrastructure.
- 11.6. In assessing the highways impact of the development, including the impact of additional traffic generated as a result of the proposals, officers conclude that the development would not result in a severe residual cumulative impact including when considered alongside development at the adjoining site at Hill View Farm. To mitigate the impact of the development and improve access to sustainable modes of travel, the applicants have confirmed agreement to enter into a Section 106 Agreement which would secure enhancements to local bus services and improved walking and cycling provision. In accordance with Policies M1 and M2 of the Oxford Local Plan, it is considered that the development allows for appropriate access and measures are proposed which would improve sustainability of access to the site.

11.7. The proposals would secure a biodiversity net gain of 10% based on a combination of on-site and off-site enhancement measures, which would be secured by a combination of conditions, in the case of on-site enhancements and through a Section 106 Agreement in the case of off-site measures, which would be delivered at Rivermead Park in Rose Hill. It is considered that the development neither directly, nor indirectly would result in significant harm to Local Wildlife Sites or the New Marston Meadows SSSI and any impacts can be appropriately managed. The technical reports submitted in relation to site drainage propose appropriate measures for disposal of surface water, including through SuDS, thereby reducing risk of surface water flooding and other associated issues including pollution. Further detail on drainage and maintenance is sought by planning condition. It is therefore considered that any environmental effects associated with the development can be appropriately managed.

11.8. 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.

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. 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.

Material Samples

3. Samples of the exterior materials to be used shall be submitted to, and approved in writing by, the Local Planning Authority before the commencement of above ground works 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.

Land Quality

4. 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 (LCRM) procedures for managing land contamination. 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. If potential contamination is identified in Phase 1 then a Phase 2 investigation shall be undertaken. (Phase 1 has been completed and approved)

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 must be submitted to and approved by the local planning authority to ensure the site will be suitable for its proposed use. In particular this is with regard to the identified underground fuel tanks and landscaping soils for the site. The development shall then be undertaken in accordance with the approved details.

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.

5. The development shall not be occupied until the approved remedial works have been carried out and a full remediation validation report has been submitted to and approved by the Local Planning authority. The report shall detail evidence of the remediation, the effectiveness of the remediation carried out and the results of post remediation works, in accordance with the Phase 3 remediation strategy, validation plan and/or monitoring plan so as to enable future interested parties to have a single record for the remediation undertaken at the site.

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.

6. Throughout the course of the development, a watching brief for the identification of unexpected contamination shall be undertaken by a suitably competent person. Any unexpected contamination that is found during the course of construction of the approved development shall be reported immediately to the Local Planning Authority. Development on that part of the site affected shall be suspended and a risk assessment carried out by a competent person and submitted to and approved in writing by the local

Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These approved schemes shall be carried out before the development (or relevant phase of development) is resumed or continued.

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.

CEMP – Dust Management

7. No development shall take place until the complete list of site specific dust mitigation measures and recommendations that are identified on Table 27 of the Air Quality Assessment that was submitted with this application, are included in the site's Construction Environmental Management Plan (CEMP). The CEMP shall be submitted to and approved in writing by the Local Planning Authority before the commencement of development. The development shall only be undertaken in accordance with the approved CEMP.

Reason: To ensure that the overall dust impacts during the construction phase of the proposed development will remain as "not significant", in accordance with the results of the dust assessment, and with Policy RE6 of the Oxford Local Plan 2016- 2036.

Electric vehicle charging

8. Prior to the commencement of development, details of the Electric Vehicle charging infrastructure shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the following provision:
 - Location of EV charging points;
 - Provision is to be made for electric charging points for each residential unit with an allocated parking space and non-allocated spaces are provided with at least 25% (with a minimum of 2) having electric charging points installed
 - Appropriate cable provision to prepare for increased demand in future years.

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

Reason: To contribute to improving local air quality in accordance with policy M4 of the Oxford Local Plan 2016-2036 and enable the provision of low emission vehicle infrastructure.

Construction and Noise management

9. The design and structure of the development 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 $L_{Aeq, 16 \text{ hrs}}$ daytime and of more than 30 dB $L_{Aeq, 8 \text{ hrs}}$ 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 policy RE8 of the Oxford Local Plan 2016 – 2036.

10. Prior to commencement of the development hereby approved, 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. Approved details shall be implemented throughout the project period.

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 policy RE8 of the Oxford Local Plan 2016 – 2036.

11. Prior to the commencement of the development, details shall be submitted to and approved in writing by the Local Planning Authority, of an enhanced sound insulation value $D_{nT,w}$ of at least 5dB above the Building Regulations value, for the floor/ceiling/wall structures separating different types of rooms/uses in adjoining dwellings, namely [eg. living room and kitchen above bedroom of separate dwelling]. Approved details shall be implemented prior to occupation of the development and shall be permanently retained thereafter.

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 policy RE8 of the Oxford Local Plan 2016 – 2036.

12. Prior to commencement of the development, details shall be submitted to and approved in writing by the Local Planning Authority, of the external noise level emitted from plant/ machinery/ equipment and mitigation measures as appropriate. The measures shall ensure that the external noise level emitted from plant, machinery/ equipment will be lower than the lowest existing background noise level by at least 10dBA, by 15dBA where the source is tonal, as assessed according to BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

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 policy RE8 of the Oxford Local Plan 2016 – 2036.

13. The design and structure of the development 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 35dB L_{Aeq} 16hrs daytime and of more than 30dB 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 Policy RE8 of the Oxford Local Plan 2016 – 2036.

Drainage

14. Construction shall not begin until a detailed surface water drainage scheme for the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:

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

Reason: To ensure adequate measures are incorporated to control surface water drainage and prevent risk of surface water flooding in accordance with Policies RE3 and RE4 of the Oxford Local Plan.

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

- (a) As built plans in both .pdf and .shp file format;
- (b) Photographs to document each key stage of the drainage system when installed on site;

- (c) Photographs to document the completed installation of the drainage structures on site;
- (d) The name and contact details of any appointed management company information.

Reason: To ensure adequate measures are incorporated to control surface water drainage and prevent risk of surface water flooding in accordance with Policies RE3 and RE4 of the Oxford Local Plan.

16. No development shall be occupied until confirmation has been provided that either: Capacity exists off site to serve the development; or a development and infrastructure phasing plan has been agreed with the Local Planning Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan; or all wastewater network upgrades required to accommodate the additional flows from the development have been completed.

Reason: Network reinforcement works may be required to accommodate the proposed development in accordance with Policy V8 of the Oxford Local Plan.

Highways

17. Prior to the first occupation of the development, details of the car parking spaces to be provided within the development and the necessary manoeuvring and turning areas shall be submitted for approval in writing by the Local Planning Authority. The parking spaces and the necessary manoeuvring and turning areas as approved shall be provided prior to first occupation of the development and 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.

18. 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 first 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 Policy M5 of the Oxford Local Plan.

19. Prior to first occupation 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). The measures outlined within the approved Travel Plan shall be implemented thereafter.

Reason: In the interests of sustainability and to comply with Government guidance contained within the National Planning Policy Framework.

20. Travel information packs, the details of which are to be submitted to and approved in writing by the Local Planning Authority prior to first occupation, shall be provided to every resident on first occupation of the development.

Reason: In the interests of sustainability and to comply with Government guidance contained within the National Planning Policy Framework.

21. A Construction Traffic Management Plan (CTMP) shall be submitted to the Local Planning Authority and approved in writing prior to commencement of works. The CTMP should follow Oxfordshire County Council's template if possible. This should identify;

- The routing of construction vehicles and management of their movement into and out of the site by a qualified and certificated banksman,
- Access arrangements and times of movement of construction vehicles (to minimise the impact on the surrounding highway network),
- Details of wheel cleaning / wash facilities to prevent mud, etc from migrating on to the adjacent highway,
- Contact details for the Site Supervisor responsible for on-site works,
- Travel initiatives for site related worker vehicles,
- Parking provision for site related worker vehicles,
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours,
- Engagement with local residents Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding network, road infrastructure and local residents, particularly at peak traffic times.

The development shall be carried out in accordance with the approved CTMP at all times.

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

Trees and Landscaping

22. 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 correspond to a schedule

detailing plant numbers, sizes and nursery stock types. 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.

23. 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.

24. Prior to the start of any work on site including site clearance, details of the design of all new hard surfaces and a method statement for their construction shall be submitted to and approved in writing by the Local Planning Authority. Details shall take into account the need to avoid any excavation within the rooting area of any retained tree and where appropriate the Local Planning Authority will expect "no-dig" techniques to be used, which might require hard surfaces to be constructed on top of existing soil levels using treated timber edging and pegs to retain the built up material. Development shall only be carried out in accordance with the approved details.

Reason: To avoid damage to the roots of retained trees in accordance with Policy G7 of the Oxford Local Plan.

25. Prior to the start of any work on site, details of the location of all underground services and soakaways shall be submitted to and approved in writing by the Local Planning Authority (LPA). The location of underground services and soakaways shall take account of the need to avoid excavation within the Root Protection Areas (RPA) of retained trees as defined in the British Standard 5837:2012- 'Trees in relation to design, demolition and construction- Recommendations'. Works shall only be carried in accordance with the approved details.

Reason: To avoid damage to the roots of retained trees in accordance with Policy G7 of the Oxford Local Plan.

26. Detailed measures for the protection of trees to be retained during the development shall be submitted to and approved in writing by the Local Planning Authority (LPA) before any works on site begin. Such measures shall include scale plans indicating the positions of barrier fencing and/or ground protection materials to protect Root Protection Areas (RPAs) of retained trees and/or create Construction Exclusion Zones (CEZ) around retained trees. Unless otherwise agreed in writing by the LPA the approved measures shall be in accordance with relevant sections of BS 5837:2012

Trees in Relation to Design, Demolition and Construction- Recommendations. The approved measures shall be in place before the start of any work on site and shall be retained for the duration of construction unless otherwise agreed in writing by the LPA. Prior to the commencement of any works on site the LPA shall be informed in writing when the approved measures are in place in order to allow Officers to make an inspection. No works or other activities including storage of materials shall take place within CEZs unless otherwise agreed in writing by the LPA.

Reason: To protect retained trees during construction in accordance with Policy G7 of the Oxford Local Plan.

27. An Arboricultural Method Statement setting out the methods of working within the Root Protection Areas of retained trees shall be submitted to and approved in writing by the Local Planning Authority (LPA) before any works on site begin. Such details shall take account of the need to avoid damage to tree roots through excavation, ground skimming, vehicle compaction and chemical spillages including lime and cement. The development shall be carried out in strict accordance with of the approved Arboricultural Method Statement unless otherwise agreed in writing by the LPA.

Reason: To protect retained trees during construction in accordance with Policy G7 of the Oxford Local Plan.

Ecology

28. 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.

29. The development shall be undertaken in accordance with the mitigation recommendations at Section 4 of the Ecological Appraisal and Assessment report produced by Arcadis (April 2021).

Reason: To protect species of conservation concern from harm during construction.

30. 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 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 deliver the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented 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.

31. 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 will include specifications and locations 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 20 dedicated swift boxes. Other features, such as hedgehog domes and invertebrate houses shall be included. Any new fencing will include gaps suitable for the safe passage of hedgehogs. The development shall be carried out in accordance with the approved details prior to occupation.

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

32. 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 prior consent from the Local Planning Authority. The development shall be carried out in accordance with the approved lighting design and the lighting as approved shall be retained thereafter.

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

Energy Statement compliance

33. The development shall be carried out in accordance with the recommendations outlined within the Energy Statement prepared by Zerum reference 3323 Issue P8. The approved measures shall be implemented prior to the first occupation of the development.

Reason: To ensure that sustainability measures are incorporated in the design of the development in accordance with Policy RE1 of the Oxford Local Plan.

Boundary Treatments

34. Prior to first occupation of the development, details of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatments shall be installed prior to first occupation of the dwellings hereby approved.

Reason: To ensure that the design of the development is of a high standard and to protect the visual amenity of the surrounding area in accordance with Policy DH1 of the Oxford Local Plan.

Secured by Design

35. Prior to commencement of development, an application shall be made for Secured by Design (SBD) 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 authority.

Reason: To ensure that the design minimises the opportunity for crime in accordance with Policy DH1 of the Oxford Local Plan.

Location of Solar Panels

36. 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 Zerum, reference 3323 Issue P8 shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the location of the properties where the photovoltaics' 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 photovoltaics' 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.

13. APPENDICES

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

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.

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