

Application number:	21/02580/FUL		
Decision due by	22 nd December 2021		
Extension of time	25 th March 2022		
Proposal	Full planning permission for residential (Class C3), access arrangements and public open space, landscaping, associated infrastructure and works including pedestrian and cycle routes.		
Site address	Marston Paddock, Butts Lane, Oxford, Oxfordshire – see Appendix 1 for site plan		
Ward	Marston Ward		
Case officer	Michael Kemp		
Agent:	Mr Paul Comerford	Applicant:	Aubrey-Fletcher
Reason at Committee	The proposals are major development		

1. RECOMMENDATION

1.1. The Oxford City Planning Committee is recommended to:

1.1.1. Delegate authority to the Head of Planning Services to **approve the application** for the reasons given in the report subject to the required planning conditions set out in section 12 of this report and subject to approval of the final drainage strategy from the Local Lead Flood Authority; in addition 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
- Agree any subsequent minor revisions to the site wide drainage strategy in consultation with relevant consultees including the Local Lead Flood Authority;
- 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 proposed development comprising 40 dwellings, provision of access and associated parking and the provision of public open space. The application site is located on the north eastern periphery of Old Marston and is allocated within the Oxford Local Plan under Site Policy SP23 to provide a minimum of 39 homes.
- 2.2. The application site lies just to the north east of the Old Marston Conservation Area, the boundary of which ends just to the south of the site. The site is also in the setting of two listed buildings; the Grade I listed St Nicholas Church and the Grade II listed Church Farm. The development would consist of a relatively high density arrangement of two compact terraces of two to two and a half storey houses and a three storey block of flats. The houses would be constructed from stone, with sections of timber boarding.
- 2.3. The application site is allocated for development within the Councils Local Plan under Site Policy SP23, which includes a requirement to deliver a minimum of 39 dwellings. The proposals would deliver a total of 40 dwellings, which would exceed the minimum number of units required under the site policy. Policy H1 of the Local Plan outlines that the majority of the Councils housing need will be met through delivery of housing on allocated sites, which includes the site at Marston Paddock. The delivery of 40 dwellings, including 20 affordable homes would represent a substantial public benefit, which should be afforded significant weight.
- 2.4. The proposed development is considered to be of a high design standard, which respects the context of the site and the character of the Old Marston Conservation Area consistent with the requirements of Policy DH1 of the Oxford Local Plan. It is considered that the design and siting of the development would preserve the amenity of existing occupiers, whilst making appropriate provision for future occupiers in accordance with Policies H14, H15 and H16 of the Oxford Local Plan.
- 2.5. Officers assess that the development would result in a low level of less than substantial harm to the setting of the Old Marston Conservation Area and the Grade I Nicholas Church, by reason of the presence of the development in key views into the Conservation Area from the north. When assessing the public benefits of the development on balance, in accordance with Paragraph 202 of the NPPF it is considered that the identified low level of less than substantial harm would be demonstrably outweighed by the public benefits of the development, particularly the provision of 40 homes, 20 of which would be

affordable homes which given the sites allocated status in the Local Plan would be vital in meeting local housing need. This is in addition to secondary benefits including financial contributions secured through the accompanying Section 106 agreement towards public transport and biodiversity enhancement measures.

2.6. Access to the site via Butts Lane has constraints given the existing road width, however the Road Safety Audit conducted in support of this application confirms that the existing access, whilst constrained would not be unsafe to accommodate the scale of development proposed and the relatively low level of traffic generation associated with it. The site is within a Controlled Parking Zone and in close proximity to the existing bus stops located on Elsfield Road, however the existing 14A bus service would not be classed as a frequent service. Furthermore accounting for the sites distance to existing services and facilities, it is accepted that parking could be provided on site and the level of parking provided would not exceed the Councils maximum parking standards. The proposals would therefore comply with Policy M3 of the Oxford Local Plan. To improve access to public transport and to encourage a modal shift away from private car use in accordance with Policy M1 of the Oxford Local Plan, a financial contribution is sought towards increasing the frequency of the 14A service. Cycle parking is proposed on site to a policy compliant level, whilst provision is made for new cycle connections to the adjacent A40 cycle path.

2.7. The development makes provision for a combination of on-site and off-site biodiversity enhancement measures, the latter of which would be secured through an appropriate off-setting provider to secure a 5% net gain in biodiversity in accordance with Policy G2 of the Oxford Local Plan.

2.8. Officers consider that the revised drainage strategy submitted by the applicants outlines a viable strategy for managing site wide surface water drainage, subject to a final drainage strategy being agreed by way of planning condition. It is considered that site wide surface water drainage can be appropriately managed in accordance with Policies RE3 and RE4 of the Oxford Local Plan. Noting that the County Council have maintained an objection to the previously submitted and now superseded drainage strategy, officers recommendation is subject to the County Council's agreement that all outstanding matters of concern have been adequately addressed within the latest revised drainage strategy, or an updated document should further minor revisions be required.

2.9. For the reasons outlined within this report, officers recommend approval of the application subject to securing the measures listed in the section below through a Section 106 agreement.

3. LEGAL AGREEMENT

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

- Provision of affordable housing, consisting of 20 of the dwellings on site (50%). 16 of the 20 affordable homes would be socially rented and 4 would be shared ownership tenure.
- Provision of public open space.

- Public transport contribution of £48,075.20 towards improving frequency of local bus services on the current 14A route.
- Contribution of £3255 towards implementation of a temporary traffic regulation order to restrict parking on the surrounding road network.
- Securing a requirement for the applicant to enter into a Section 278 agreement with the County Council prior to implementation in order to secure improvements to pedestrian infrastructure in Church Lane.
- Submission of a biodiversity scheme to secure minimum biodiversity net gain of at least 5% through a combination of on-site and off-site measures.
- A financial contribution of £20,060.00 to be secured towards compensatory measures involving works to improve recreation and biodiversity at Cutteslowe and Sunnymead Parks respectively to account for the sites release from the Oxford Green Belt.

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. The proposal is liable for a CIL contribution of £645,394.88

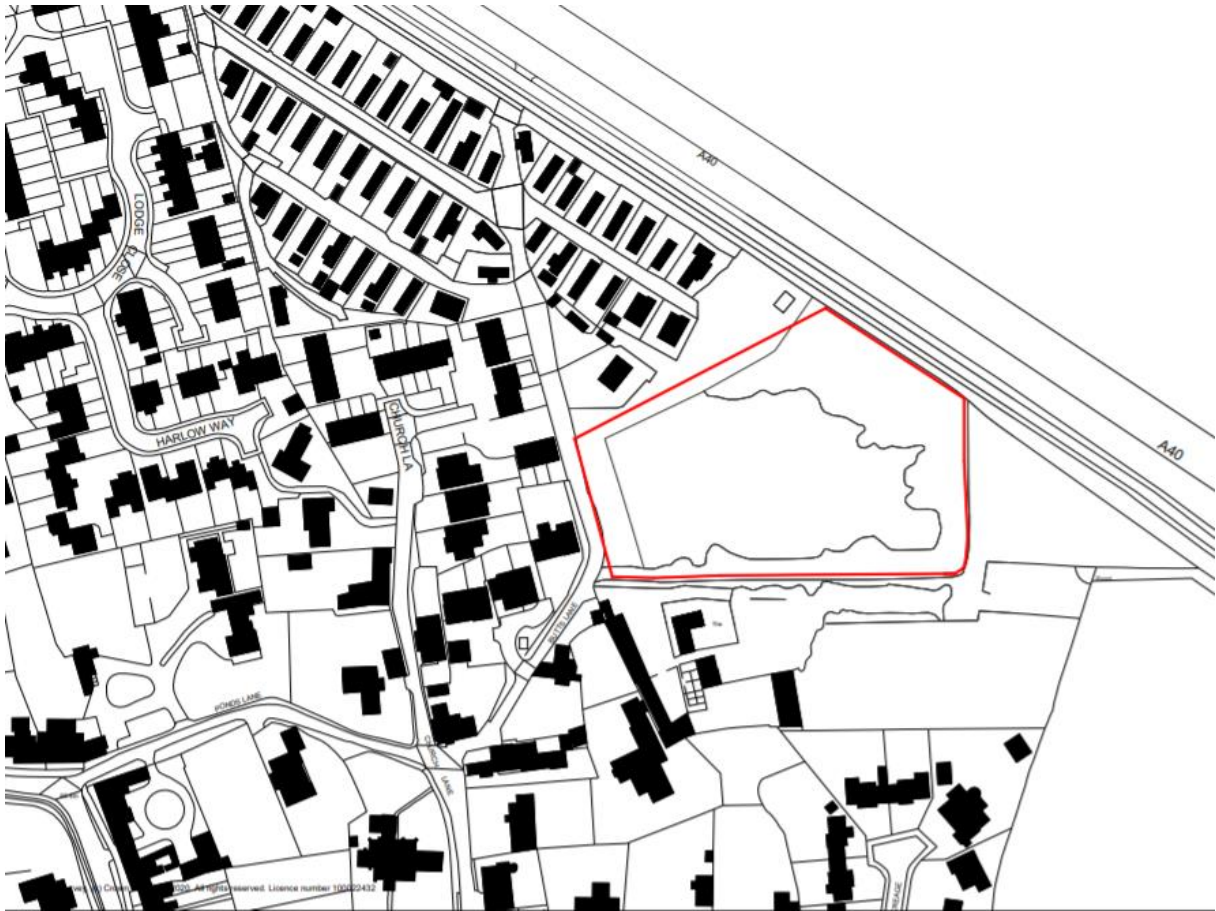
5. SITE AND SURROUNDINGS

5.1. The application site is a 0.78 hectare green field site located to the north east of Old Marston. The site comprises a single pasture field surrounded by trees and hedgerows along the north eastern, eastern and southern boundaries. There is a small area of woodland located in the north east corner of the site. Along the southern boundary of the site is a deep drainage ditch separating the site from an adjoining property to the south. The site formerly fell within the Oxford Green Belt, but was released following adoption of the Oxford Local Plan in June 2020 and the sites allocation for housing development under Site Policy SP23.

5.2. The site is accessed from Butts Lane to the south west and is adjacent to the Old Marston Conservation Area, which extends up to Butts Farm, there is a detached bungalow to the south of the site referenced as 'The Butts'. An area of land associated with Butts Farm lies to the south of the site, this is used as an area of open air storage associated with this property.

5.3. Existing housing in the Conservation Area is characterised by detached vernacular cottages and traditional dwellings constructed from a mix of natural stone, red brick and render. Planning approval was granted in 2011 for a new development consisting of 5 dwellings to the south west of the site, these houses are constructed from a mix of red brick and stone. The houses are constructed on the car park of the former Bricklayers Arms pub, which has been converted into a dwellings, these homes are also accessed via Butts Lane. Church Way to the west of the site consists of early 1990's semi-detached and terraced houses constructed principally from red brick, which are located on the site of a former industrial estate.

- 5.4. The site to the north east, also accessed from Butts Lane is used as a static park homes site (St Nicholas Park). Beyond this to the north and north east of the site is a dual carriageway section of the A40 northern bypass. A cycle track adjoins this section of the A40 to the north east of the site.
- 5.5. There is a small paddock to the south east of the site, separating the site from Little Acreage a residential cul-de-sac of modern dwellings, beyond this is a larger paddock, which lies to the north of Elsfeld Road and the approach to Old Marston from the East.
- 5.6. The site location plan is included below:



6. PROPOSAL

- 6.1. A development of 40 dwellings is proposed. 20 of the homes provided would be provided as affordable units (50%), 16 of the affordable dwellings would be socially rented and 4 homes would be available as shared ownership housing.
- 6.2. The site layout comprises, two terraces of houses and a single block of flats. An area of public open space would be provided in the centre of the site with a further area of public open space in the north east corner of the site. The proposed terraces would vary between two and two and a half storeys, with

accommodation in the roof of the housing. The block of flats would be the largest building on the site in terms of scale, this would also be three storeys.

- 6.3. Building heights for the houses would vary between 5.6 metres measured to the eaves and 9.1 metres measured to the roof ridge in the case of the mid terraced houses; to 5.7 metres measured to the eaves and 10.2 metres measured to the roof ridge in the case of the end terrace houses. The three storey block of flats would measure 7 metres to the eaves and 12 metres measured to the roof ridge. The buildings would be constructed from a mix of natural stone and dark stained timber boarding.
- 6.4. Access to the site would be provided from Butts Lane to the west, a block paved access road is proposed through the centre of the site serving residential parking consisting of 40 spaces in total. A new access and cycle route would be provided to the north east of the site providing a link through the development to the adjoining A40 cycle path.
- 6.5. Minor revisions were made to the submitted plans to incorporating revisions to the garden layouts of Plots 25 and 26; changes to the elevation design one of the proposed terraces of housing; to include the proposed acoustic fencing on the site plan; and to include windows to the side of Plot 10 to improve surveillance over the adjoining parking area to account for concerns raised by Thames Valley Police.

7. RELEVANT PLANNING HISTORY

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

51/00362/M_H - Caravan site for 120 caravans.. Temporary Permission 9th October 1951.

51/00472/M_H - Change of use from agricultural land to caravan site.. Refused 12th January 1951.

54/00383/M_H - Retention of caravan site. Temporary permission 23rd August 1954.

54/00384/M_H - Retention of 3 sanitary blocks. Temporary permission 23rd August 1954.

56/00246/M_H - The stationing of 47 caravans.. Approved 5th April 1956.

61/00046/M_H - Extension of existing caravan site. Refused 14th August 1961.

61/00518/M_H - Extension of permitted use as a caravan site for 48 caravans. Temporary permission 13th June 1961.

63/00007/M_H - Resiting of 13 caravans and erect 1 sanitary block and provide car park.(Outline application). Refused 29th March 1963.

65/00404/M_H - Stationing of 48 caravans in perpetuity.. Approved 14th February 1965.

72/00713/M_H - Permanent use of land for the stationing of residential caravans.. Refused 12th September 1972.

72/01273/M_H - Erection of residential development with access.(Outline application). Refused 12th February 1973.

75/00752/SON_H - Permanent use as a residential caravan site. Refused 15th March 1976.

75/00753/SON_H - Continued use of land for permanent stationing of residential caravans. Refused 15th March 1976.

77/00326/SON_H - Retrospective permission for use of land as a tip together with making safe of the tip at the north-east corner.. Temporary permission 15th August 1977.

80/00106/SON - Permanent use of land for stationing of transit touring caravans and tents between March and September.. Refused 14th May 1980.

82/00091/SON - Permanent planning consent for use of land for the stationing of 2 mobile home units. Refused 23rd June 1982.

91/00349/NF - Change of use from vacant land (former tip) to use as a residential mobile home park (South Oxfordshire District Council Reference P/91/NO/199). Refused 1st July 1991.

91/00929/NF - Change of use from vacant land (former tip) to use as a residential mobile home park. Refused 8th November 1991.

8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan
Design	117-123, 124-132	DH1 - High quality design and placemaking
Conservation/Heritage	184-202	DH2 - Views and building heights 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 H10 - Accessible and adaptable homes H14 - Privacy, daylight and sunlight H15 - Internal space standards H16 - Outdoor amenity space standards SP23 - Marston Paddock
Natural environment	91-101	G2 - Protection of biodiversity geo-diversity G3 - Green Belt G7 - Protection of existing Green Infrastructure G8 - New and enhanced Green and Blue Infrastructure
Transport	117-123	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	7-12	V8 - Utilities

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 30th September 2021 and an advertisement was published in the Oxford Times newspaper on 30th September 2021.

Statutory and non-statutory consultees

Oxfordshire County Council

Highways

9.2. Initial consultation response dated 13th October 2021 raised an objection for the following reasons:

- The application has not been supported by a Road Safety Audit (RSA1) to appraise the safety and suitability of the access arrangements with respect to additional movements as was discussed at pre-app. Without a RSA1, with a view to consider its findings and recommendations, I find the access failing to meet Paragraph 110 (b) of the NPPF.
- The traffic impact assessment is not robust enough - failing to take into consideration the cumulative impact of committed developments.

- 9.3. Following receipt of an RSA, the County Councils revised response dated 11th February 2022 raises no objection to the development.
- 9.4. The County advise that the study report has followed a reasonable methodology in reaching the findings. And on that basis, the study recommends options for improvements of the access roads.
- 9.5. The Transport Assessment (TA) reviews the TA for the site West of Mill Lane (ref: 21/01217/FUL) as a starting point to assess the wider network, particularly the Elsfield Road/ B4150 and Oxford Road/ B4495/ Cherwell Drive junction. Although the traffic assessment did not include trips from the Marston Paddock site, the TA demonstrates that the Elsfield Road/ B4150 and Oxford Road/ B4495/ Cherwell Drive junction would still operate with spare capacity. The LHA agree that the junction would still have sufficient capacity to safely absorb the level of demand likely to be generated and distributed through this junction by the (Marston Paddock) development particularly in both peak periods.
- 9.6. The HA acknowledges that the assessment in the TA supporting the Mill Lane development was based on the previous layout of the Marsh Lane/ B4150/ B4495 mini roundabout arrangement. The mini-roundabouts have since been replaced by a signalised junction arrangement which has since demonstrably seen an improved junction operation. The HA therefore conclude that further junction analysis work on the wider network would not be required.
- 9.7. An obligation to enter into a s278 Agreement will be required to secure mitigation/improvement works, including; Adjusting the existing kerblines and provide new dropped kerbs and tactile paving, in order to assist pedestrians crossing the bellmouth of the junction but also to facilitate enhanced access for pedestrians from the proposed residential development site to the bus stop on the northern side of Elsfield Road; Install dropped kerbs where the existing footway terminates on the western side of Church Lane, in order to facilitate enhanced access to the existing footway network for pedestrians from the proposed residential development site. There would be a requirement to secure that these works are carried out through a Section 278 agreement. The Section 278 agreement should be entered into before implementation of the development, this would be a requirement within the Section 106 agreement.
- 9.8. The LHA advise that a financial contribution will be required totalling £48,075.20 towards improvements to local bus service frequency on the 14A route serving Old Marston, namely to provide a late evening and Sunday service.

Drainage

- 9.9. A holding objection was submitted in relation to the now superseded site wide drainage strategy. The key issues identified were:
- Surface water drainage strategy drawing not detailed.
 - Surface water calculations not detailed.
 - Surface water catchment plans not provided.
 - Proposed levels to be provided on the surface water exceedance plans.
 - Ditch ownership and permission to connect to be provided.

- Clarification required on the infiltration testing results.

9.10. Officers are awaiting the submission of further comments from the Local Lead Flood Authority in relation to the most recent revisions to the site wide drainage strategy, which has been amended in light of the LLFA's comments. Officers hope to be in a position to have received updated comments from the LLFA in advance of the application being heard by members of the Planning Committee.

Thames Water Utilities Limited

9.11. No objection in respect of disposal of foul water and surface water as proposed within the planning application. No conditions required.

Historic England

9.12. Do not wish to comment

Old Marston Parish Council

9.13. This is the third of three housing development within the parish and the cumulative effect on traffic on Elsfield and Oxford Roads is considerable. There is urgent need to deal with this as the main road through the village is a rat run and at peak times is already congested. There are safety concerns for pedestrians and cyclists. Access to the site is via a narrow lane and constitutes an additional hazard. The Parish Council have received numerous pleas for the application to be withdrawn and for a proper consultation process to be enacted. Those living on the caravan park are particularly worried by the prospect on extra cars parking on their site and access and egress arrangements.

Natural England

9.14. Do not wish to comment

Berkshire, Oxfordshire, Buckinghamshire Wildlife Trust

9.15. Objected to the application for the following reasons:

- The development would result in the loss of woodland priority habitat. Development would come close to the edge of the retained woodland.
- Almost all of the scrub habitat and semi-improved grassland would be lost. Development if appropriate at all should be pulled back to the western half, or less of the site.
- Insufficient evidence has been provided that populations of wild bird species would be retained. Concern regarding the loss of woodland and scrub habitat and the impact on birds.
- No evidence is provided that the development would achieve a net gain in biodiversity.

Oxford Preservation Trust

9.16. Made the following comments in relation to the proposed development, as summarised below:

- Questioned whether the layout and location of the public open space is in the optimum position to draw people into the site and be used regularly by existing and future occupiers.
- Consider that the design is sympathetic to the surrounding area but suggest that the ridge line could be amended to break up the overall massing of the building, softening the impact on the wider setting.
- It is unclear what measures are being proposed to protect and enhance the surrounding green belt land as required by Policy SP23.
- Questioned whether the proposals meet the requirements of Policy G2 in terms of securing biodiversity net gain and maximising biodiversity on site.
- The scheme does not appear to show forward or imaginative thinking in terms of sustainable travel options. Car parking is provided, alongside electric vehicle charging points and a pedestrian and cycle access to the north, queried if there are any further links/routes that could be utilised or created on the site.

Thames Valley Police

9.17. Made the following comments in relation to the application as originally submitted raising concerns about a number of matters. The revised response dated 4th February 2022 outlined that concerns relating to the entrance of the apartment block had been addressed although the following points were reiterated and it was recommended that a condition be applied to any permission requiring that the applicants obtain secured by design accreditation:

- Concerns regarding suitability of access and ability of road infrastructure to cope with traffic generation.
- The entrance to the flat block is vulnerable, as there is currently a large narrow recessed area which appears to contain insecure cycle parking. Recommend that the recessed entrance is removed and any entrance door to the building should be recessed no deeper than 600mm. Also noted that several house types also have recessed entrances.
- No details are provided in respect of the physical security of the proposed communal dwellings. Measures are recommended to enhance security of internal and external areas.
- Communal Bin and cycle stores are left vulnerable as they are easily accessible whilst being largely hidden from view with poor surveillance covering them.
- Roller shutters/sliding doors are proposed as a securing method for securing external cycle storage. Provided the shutters are certified to a minimum LPS 1175 SR1 or equivalent, then this is acceptable.
- The parking spaces to the side of plot 10 are vulnerable as they are located in an area without sufficient surveillance and too close to a footpath. Ask that this parking area is redesigned in conjunction with the footpath to create a safe and accessible route into the development.
- Welcomed the addition of a window to the side of Plot 10 to increase surveillance over this area. Additionally, defensible space should be provided to separate the footpath from the parking spaces.
- Concern that there are no rear access routes to the terraced gardens, Creates a risk of residents retro-fitting inappropriate access points to the rear of their

gardens which may undermine the security of the boundary, and also creates a risk of resident's fly-tipping garden waste over the rear boundary.

- A lighting plan has not been provided.
- Pleased to see a window in the kitchen has been added to the side of plots 1 and 40 overlooking Butts Lane. Advised that consideration is given to further improving surveillance by adding an additional window into the living room of each plot.

Public representations

9.18. Friends of Old Marston submitted the following summarised comments in objection to the application:

- Traffic in Old Marston is at dangerous levels, a Road Safety Audit has not been carried out and the traffic impact assessment is not robust.
- The access to the site is too narrow, the site would be most suitable as a car free development.
- Disagree with the assertion in the heritage statement that the development would not result in harm to the Conservation Area.
- There are environmental objections to the application as outlined in the response prepared by BBOWT which make the proposals contrary to the NPPF and other regulations.
- The pandemic has prevented proper consultation with residents.

9.19. A petition has been prepared and submitted by Mr Johnston of 4 St Nicholas Park in objection to the application. The petition has over 390 signatures. The reasons listed for objecting area as follows:

- Lack of residential parking spaces.
- Width of access is inadequate.
- There is no provision for a pedestrian footpath on Butts Lane.
- Increased noise disturbance
- Increased pollution
- Adverse impact on local ecology and biodiversity.
- Drainage
- Environmental impact on trees and surrounding habitats.
- Impact on natural beauty.
- There is not the infrastructure in Old Marston to handle additional traffic.

9.20. 29 local people commented on this application. In summary, the main points of objection were as follows:

Highways

- Concern with respect to use of Butts Lane as means of access due to narrowness of access.
- Concern regarding visibility on Butts Lane, particularly due to the bend on Butts lane between Bricklayers House and Lane Cottage.
- Development would increase traffic on Elsfield Road and other roads in

Old Marston village.

- Concern regarding the width of access along and impact on accessibility for vehicles during the operational and construction phases of the development.
- Concern regarding lack of car parking provision.
- Bricklayers House and the junction of Church Lane and Butts Lane has been excluded from the site plan.
- A separate cycle and pedestrian path is needed on Butts Lane.
- A fire truck would be unable to access the site due to the restricted access between Lane Cottage, 41 Church Lane and Bricklayers House.
- A slip road onto the A40 from Mill Lane should be provided to serve the three major developments proposed in Old Marston.
- The increase in traffic resulting from the development would present a risk to pedestrians and other road users.
- Concern with what will happen to the bus services following the expiry of the five years' worth of funding secured from the development.
- Residents will be dependent on cars to access local services and facilities.
- Concern about impact on parking overspill in Church Lane.
- Concerning regarding cumulative impact of development in Old Marston including at sites adjacent to Mill Lane.
- Larger vehicles currently experience difficulties in accessing Church Lane.
- Concern that the development will increase the risk of injury and accident to pedestrians and other road users.
- There is already excess pressure on key junctions in the area, the development will further add to this pressure.
- The accuracy of the cycling times to local facilities as outlined in the Transport Statement are disputed.
- There is an under-provision of parking on site.

Drainage

- Concern that the development would increase flood risk.
- The approach taken towards SuDS and SuDS design does not follow local and national guidance.
- Justification is not provided for the use of underground geocellular flood storage.
- Consideration should be given to inclusion of a pond or other surface water drainage feature, or justification as to why this would not be possible.

Amenity

- The 10 north west facing dwellings would have an adverse impact on the amenity of existing residents of St Nicholas Park.
- Traffic noise would be intolerable for future residents.
- The development would result in a loss of privacy to adjoining occupiers.
- The daylight and sunlight assessment does not include an assessment of the impact on 27 St Nicholas Park.

Design/Heritage

- The development would result in noise disturbance to adjoining residents.
- Development of the site would harm the rural character of Old Marston and the Conservation Area.
- The proposals are an overdevelopment of the site.
- The development in conjunction with the adjoining sites at Mill Lane would impact negatively on the character of Old Marston village.
- The increase in traffic generation would harm the setting of the 12th Century St Nicholas Church. Traffic generation would also impact negatively on other local historic buildings including Cromwells House (Mill Lane).

Other

- Development should be focussed elsewhere in the city on brownfield, rather than greenfield sites.
- The impact of the development on local services must be taken into account.
- The development will add pollution and noise.
- The development needs to be considered in conjunction with other developments in Old Marston, including Land West of Mill Lane and the Swan School.
- An Environmental Impact Assessment should be provided.
- Concern that the application was submitted and consultation was carried out during the Covid pandemic not the chance for residents and local people to be properly consulted.
- Concerns about the position of the public open space in the centre of the site.
- Concern about noise disruption and disturbance during construction phase.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- Principle of development
- Design, heritage and visual impact
- Amenity
- Highways Impact
- Sustainability
- Ecology
- Trees
- Flooding
- Air Quality
- Contamination

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 for residential development under Site Policy SP23 of the Oxford Local Plan. Policy SP23 requires that the minimum number of homes to be delivered on the site shall be 39 units and a minimum of 10% of the site should also be used for public open space. The policy requires that any development must contribute towards the character of the Conservation Area and compensatory improvements shall be made to the surrounding areas of the remaining Greenbelt Land.

10.5. 40 dwellings are proposed which meets the minimum quantum of development required under Policy SP23 of the Oxford Local Plan. The scope to provide additional units significantly in excess of this figure would be limited given the constraints posed by the trees on the site, access restrictions and heritage sensitivities. Given the sites allocation within the Oxford Local Plan,

policy compliant delivery of housing on the site represents a substantial public benefit as delivery of housing on the site would make a substantial contribution towards meeting local housing need.

Greenbelt Compensation

- 10.6. The application site was removed from the green belt, following the sites allocation for housing development in the Oxford Local Plan. Paragraph 138 of the NPPF outlines the need to provide compensatory measures where land is removed from the Green Belt. Further guidance on acceptable measures to offset the loss of sites from the Green Belt are listed in the NPPG and includes new or enhanced green infrastructure; landscape and visual enhancements; improvements to biodiversity; new or enhanced walking and cycling routes; and improved access to new, enhanced or existing recreational and playing field provision.
- 10.7. The applicants have confirmed agreement to the funding of measures identified by the Councils Community Service team, which includes refurbishment of play facilities in Cutteslowe Park totalling £16,560 and the planting of a new, extensive native hedgerow in Sunnymead Park, totalling £3500. Together these measures equate to an overall financial contribution of £20,060.00 which would be secured through the accompanying Section 106 agreement. These measures, both of which would be delivered in land falling within the Oxford Green Belt would constitute improvements to biodiversity, green infrastructure and recreation provision which aligns with what would be considered acceptable mitigation in accordance with the NPPG.
- 10.8. The application would additionally deliver improved cycle and pedestrian connections through the provision of the new cycle/pedestrian route through the site between Old Marston and the A40 cycle path.
- 10.9. In summary, particularly accounting for the aforementioned enhancements at Cutteslowe and Sunnymead Park, which would be secured through the Section 106 agreement, officers consider that the proposals align with Policy G3 of the Oxford Local Plan; Paragraph 138 of the NPPF and the relevant paragraphs of the NPPG.

Affordable Housing

- 10.10. Policy H2 of the Oxford Local Plan states that on self-contained residential developments where sites have a capacity for 10 or more homes (gross) or exceed 0.5 ha, 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. At least 40% of the overall number of units on a site should be provided as on-site social rented dwellings.
- 10.11. The applicants have confirmed their intention to comply with the affordable housing requirements of Policy H2 of the Oxford Local Plan. It is confirmed that 20 of the units provided would be affordable, 16 of which (80%) would be socially rented and a further 4 dwellings (20%) would be available as shared ownership homes.

10.12. The introduction of the Governments First Homes Policy requires from 28 December that on all sites where affordable housing is to be provided, that a minimum of 25% of all affordable homes are made available as First Homes (homes capped at a maximum price of £250,000 outside of London). In terms of the transition period for decision making, the NPPG outlines that this does not apply for applications for full or outline planning permission, where there has been significant pre-application engagement and are determined before 28 March 2022. In the case of the site subject of this planning application there has been considerable pre-application engagement on the proposed tenure mix of affordable housing prior within the last 12 months, therefore it is considered that there is substantial justification in line with the NPPG to depart from the requirement to provide first homes on this site providing that the application is determined prior to the 28 March 2022.

10.13. Planning Committee should note that after 28th March 2022 any application providing affordable housing will be required to provide for First Homes. This would alter the required tenures of the affordable housing as proposed in the OLP. A minimum of 25% of all affordable housing units would need to be First Homes either on site or a financial contribution for provision elsewhere. Once a minimum of 25% of the affordable housing has been attributed to First Homes, social rented housing should be secured at the same percentage set out in Policy H2 of the Oxford Local Plan. This means that the 80% social rent would reduce to 75%. Therefore if Committee is minded to approve the application and the application is determined after the 28 March 2022 the tenure and mix will need to be adjusted to meet this requirement and the wording of the S106 agreement to ensure compliance with the terms of First Homes set out by Government (including cap on cost at £250,000, local eligibility criteria and securing in perpetuity).

Mix of Units

10.14. Policy H4 of the Oxford Local Plan states that planning permission will be granted for residential development that delivers a balanced mix of dwelling sizes to meet a range housing needs and create mixed and balanced communities. Table 6.1 in the applicants planning statement (copied below) outlines the target mix of dwellings for the affordable element of the development. The target housing mix is outlined in the table below:

Size	Targeted range in Policy H4	Percentage provided as part of application	Number provided as part of application
1 bedroom homes	20-30%	30%	6 (Flats)
2 bedroom homes	30-40%	40%	8 (Flats)
3 bedroom homes	20-40%	20%	4 (Houses)
4+ bedroom homes	8-15%	10%	2 (Houses)
Total		100%	20

10.15. The table above clarifies that the proposed housing mix would comply fully with the target housing mix as required under Policy H4 of the Oxford Local Plan.

Design, Visual and Heritage Impact

Design Approach

- 10.16. 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.
- 10.17. The Old Marston Conservation Area extends up to the edge of the south eastern edge of the site. The Old Marston Conservation Area appraisal defines this part of the Conservation Area as falling within the Butts Lane, Church Lane and Ponds Lane character area. Church Lane includes a number of vernacular buildings, including cottages and larger dwellings, including the Grade II listed Church Farm. These buildings at the historic core of Old Marston are reflective of the 'village' character of Old Marston, though there is no strict uniformity in terms of the overall architectural character of the older buildings within Old Marston. The modern development at Church Lane to the west of the site consists of more generic forms of suburban housing, constructed from a mix of red brick and render.
- 10.18. In terms of the architectural treatment of the housing, the design approach has been developed to reflect elements of the more traditional forms of housing found within the context of the Old Marston Conservation Area, albeit in a contemporary style which does not seek to directly replicate the vernacular architecture of Old Marston. The proposed materials palette incorporates natural stone as the primary material for the walls, with timber boarding used a secondary material. This is reflective of some of the more traditional housing forms in the Conservation Area. The form and proportion of the dwellings has also been informed by a study of traditional housing within Old Marston and feature pitched roofs similar to the more modern and traditional forms of housing in the area. The site layout also incorporates low stone walling which is characteristic of the Conservation Area.
- 10.19. The site layout comprises two tight terraces and a single block of flats arranged around a central street and a central area of public open space. The site layout is constrained by a number of factors including the need to avoid the loss of the existing woodland in the north of the site and along the sites southern boundary, the proximity to existing residential dwellings and height constraints necessitated by the need to limit the visual impact of the development as well as the need to ensure that development is sensitive to the modest scale of surrounding buildings, particularly the more historic forms of development within the Conservation Area. Furthermore there is the requirement under Site Policy SP23 to provide at least 39 units on the site, which necessitates a high density layout.
- 10.20. The terraced houses would be three storeys, albeit that the second floor space would be located in the roof of the building limiting the overall height and scale of housing. It is considered that this would be appropriate within the context of what is predominantly two storey housing to the west on the site.

Officers consider that the scale of the housing would be appropriate and proportionate to that of the surrounding development. The larger three storey flats are further set back into the site and whilst this building is higher than the adjoining terraces officers consider that this would not appear overbearing within the context of the site.

10.21. A substation structure is required in order to serve the proposed development, this would be sited to the west of Plot 40, adjacent to Butts Lane. This would be a relatively small and unimposing structure which would be constructed from buff brick to match the colour of the stone used in the adjacent dwellings. It is considered that this structure which is required is appropriately designed.

10.22. Policy SP23 of the Oxford Local Plan includes a requirement that 10% of the application site made available for use as public open space, with the requirement that active frontages should be provided onto the public open space. This provision is met and the public open space is provided within a central and usable position within the site. The active frontages of a number of properties face onto this space. A further area of public open space is provided in the north eastern corner of the site in an accessible position adjacent to the new cycle and pedestrian route. This space which would incorporate a number of new and existing trees.

10.23. An earlier iteration of the scheme was presented to the Oxford Design Review Panel (ODRP). A copy of the panel's comments is included at Appendix 2 of this report. It is considered that the final proposals presented within this application respond positively in addressing the comments raised by ODRP, where achievable.

10.24. In summary officers consider that the design approach responds positively to the site context and is represents a high standard of design in accordance with Policy DH1 of the Oxford Local Plan.

Visual Impact

10.25. The site is located on the edge of Oxford, albeit that the site is separated from the open countryside to the north by the A40 northern bypass. There is dense boundary screening along the north, east and south boundaries which serves to limit views of the site within the context of surrounding public viewpoints.

10.26. As noted in the above section of this report, the application site has been released from the Oxford Green Belt, however given that the site is adjacent to land that remains in the Green Belt it is important that any development on the site preserves the openness of the Green Belt, as required under Paragraph 137 of the NPPF.

10.27. The application is accompanied by an LVIA, which provides a detailed analysis of the visual impact of the development from a range of public viewpoints, from which the site would be visible. Views from within the Conservation Area, including from Elsfeld Road are assessed in further detail in the heritage section of this report, including the potential implications in terms of

the impact of the development on the significance of the Conservation Area, though views from within the Conservation Area and south would be limited.

- 10.28. The development would be reasonably prominent in views from the A40 from the north east and the eastern approach to the site, though mainly during winter months, where adjoining tree cover is greatly reduced. Prominence during summer months is likely to be limited. The LVIA concludes that the development would have a minor negative visual impact from this viewpoint. For road users the development would be viewed in the context of what would be a continued range of built form incorporating the park homes sites to the north of Old Marston and development along Mill Lane and other modern development along the northern edge of Old Marston. The addition of housing would not appear out of place within the context of the urban edge of this part of Oxford and would be further mitigated through appropriate additional planting within the site along the north eastern edge, including planting of evergreen species to provide screening during winter months.
- 10.29. The LVIA identifies that the site would be visible in views from the north on the opposite side of the A40. This includes views from footpaths 201/13/10 and 201/15/10 to the north west and north east respectively. Though the footpaths are maintained usage of the paths is low as the paths do not provide a continuous route and are cut off by the A40 to the south and the road to the north between Marston and Woodeaton. The submitted winter views indicate that the development would be visible between existing planting along the northern edge of the site. In the summer visibility is likely to be limited to isolated glimpsed views.
- 10.30. The LVIA includes views from the Elsfield viewcone located to the east of Elsfield village approximately 1.8km to the north east of the site. The site falls outside of the Elsfield viewcone, which is identified under Policy DH2 of the Oxford Local Plan as offering significant views towards the historic core of Oxford. The site however is peripheral in these views and would be visible against a backdrop of existing development in Old Marston, including the adjacent St Nicholas Park, which is notably less screened and is more prominent owing to the park homes being of white materials. Also prominent is the three storey Bradlands care home on Mill Lane, which is also prominent due to the use of white render.
- 10.31. The LVIA includes a 3D render of the development, including colour visuals. This indicates that the upper sections of the development would be visible in winter views between the existing woodland screening to the north of the site. During the summer views would be more restricted and would be at most glimpsed views. Views of the site from the Elsfield viewpoint would be very much peripheral given the location of the site and presence of more visible and substantial development. The proposed use of stone and timber materials limit the prominence of the development in this view, compared with other aforementioned developments in the vicinity of the site. Once established the proposed landscaping and additional tree planting would further reduce the visual impact of the development from Elsfield during winter months.

10.32. The LVIA concludes that that the development would have a minor negative impact from year 1 of the development, though it is considered that the development would have a minor positive landscape impact by year 10, once landscape planting particularly in the woodland area to the north east becomes established. This would strengthen the planting compared to the current baseline levels. The indicative landscape plan includes provision for additional planting within this area of the site, details of planting alongside provision for landscaping on the wider site which would be secured by planning condition. The approach taken to the scale and siting of the proposed built form and provision of additional landscaping will limit the visual impact of the development and would preserve the openness of the Green Belt in accordance with Paragraph 137 of the NPPF.

Heritage

10.33. The site falls just outside the Old Marston Conservation Area, which extends up to the southern edge of the site and includes Butts Farm to the south as well as the adjoining paddock to the south east and wider area of open space beyond this to the south west.

10.34. The proximity of the development to the Conservation Area means that development has the potential to impact on the setting and the significance of the Conservation Area. In line with Paragraph 193 of the NPPF consideration must be given to the impact of a proposed development on the significance of this designated heritage asset and 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.

10.35. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 outlines 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, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

10.36. Policy DH3 of the Oxford Local Plan (designated heritage assets) reflects the requirements of the NPPF in respect to development which affects Conservation Areas and heritage assets.

10.37. The site is in the wider setting of two listed buildings. These being the Grade II listed Church Farm and Grade I listed St Nicholas Church. 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.

10.38. The Grade II listed Church Farm is located approximately 68 metres to the west of the site on Church Lane. Recent development on Church Lane and Butts Lane has eroded any visual connection between the application site and Church Farm. Despite the relative close proximity between the site and Church Farm

officers conclude that the proposed development would not impact on the setting of this listed building and its heritage significance. The development would not be perceived to any significant degree within the immediate context of this building and would also not impact on existing public views of the listed building given the extent of recent and historic development within the context of Church Farm. It is therefore considered that there would be no harm to the setting and significance of the Grade II listed building.

10.39. The site is located approximately 100 metres to the north east of the Grade I listed St Nicholas Church. As reflected in the buildings Grade I listed status, this is a building of great heritage significance. The site cannot be seen in views from the Church along Butts Lane owing to the presence of buildings on either side of the road, however the wider setting of the Church must be considered in terms of more distant views from the north.

10.40. The Old Marston Conservation Area extends up to Marsh Lane and the boundary with the A40 northern bypass and includes an adjoining larger area of paddock land to the south east, between the site and Elsfield Road. This land is not accessible to the public, though the submitted LVIA includes an assessment of the impact of the development as experienced in views from the south east towards the site, which is important as the surrounding land forms part of the rural approach from the east into Old Marston Village. The presence of thick hedge and tree screening to the north of Elsfield Road, further screening along the eastern boundary of the larger paddock and screening along the boundary of the site, in addition to existing development at Little Acreage means that the development proposed on the site is unlikely to be perceived in these views from the south east. It is therefore considered that the development would not impact on the rural approach into the Conservation Area when viewed from this particular perspective.

10.41. The development would be visible from a number of short range views from within the conservation area along Butts Lane, as well as from footpaths, cycle paths and roads outside of the conservation area, looking in towards the Conservation Area. From the majority of surrounding views outside of the Conservation Area the mature trees and planting (existing and proposed) along the sites boundary would provide relatively substantial screening particularly once further planting which would be secured by condition has established.

10.42. As referenced in the above section of this report the LVIA shows that the development would not impact on the long distance views and vistas of the historic city centre core within the Elsfield view cone as experienced from the Elsfield hill footpaths. The development would be largely screened by trees within these views, and due to its relatively modest scale and use of appropriate materials it would not appear an incongruous form of development. It would have a minor harmful to negligible impact on the setting of St Nicholas Church with the impact being most apparent within the first year of construction and lessening as the proposed landscaping matures over time.

10.43. By reason of its scale, height and uniform design form, officers conclude that the proposed development would cause a low level of less than substantial harm on the setting of the Old Marston Conservation Area, and on the setting of St

Nicholas Church as experienced in these long distance views, detracting from their special interest and significance.

10.44. 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.

10.45. The public benefits of the proposed development are primarily the delivery of 40 additional homes on a site allocated for residential development within the Oxford Local Plan. Policy H1 of the Oxford Local Plan outlines the importance of the delivery of housing on allocated sites in terms of its contributions towards meeting the city housing needs, therefore delivery of a policy compliant level of housing on this site must be afforded significant weight when assessing the public benefits of the development. Of the 40 homes proposed, 20 of these units would be affordable homes, which would make a substantial contribution towards addressing the significant need for affordable housing in the city. Secondary public benefits include the provision of a financial contribution towards local bus infrastructure in Old Marston, alongside the provision of new cycle and pedestrian routes through the site, which would enhance local active travel connectivity. In addition a financial contribution would be secured towards recreation and biodiversity enhancement measures at Cutteslowe Park and Sunnymead Park. It is considered that these cumulative measures constitute substantial public benefits which would demonstrably outweigh what is considered to be a low level of less than substantial harm to the Conservation Area and the Grade I listed St Nicholas Church.

10.46. In conclusion, great weight has been given to the heritage asset's conservation and it is considered that the development would accord with Policy DH3 of the Oxford Local Plan; NPPF 193 and 202 and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Archaeology

10.47. 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.

10.48. An Archaeological Desk Based Assessment (DBA) has been prepared which notes that the bulk of the site has been subject to ground raising, with the depth of made ground ranging from 2.3 to 4m over much of the site and with an area of perhaps more limited depth (though truncated down onto natural clay) on the western edge (here a 700mm depth was recorded). The DBA advises that the

depth of the made ground means that any archaeological impacts associated with the construction are likely to be limited particularly as no cut and fill is proposed for this site and raft/pile foundations will be used. Officers concur with the assessment of the DBA that the implications of the development on archaeological deposits are likely to be minimal and would not consequently be likely to result in harm. No further mitigation is therefore advised. As such the development accords with Policy DH4.

Residential Amenity

Existing Occupiers

- 10.49. 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.
- 10.50. There are a number of residential dwellings in close proximity to the site, which could be affected by the proposed development. This includes 'The Butts' a bungalow to the south; No.5 Butts Lane and Nos.30 to 32 Church Lane to the west and the No.27 and No.50 St Nicholas Park in the adjoining static park homes site.
- 10.51. The rear gardens of No.5 Butts Lane and No.28 Church Lane run alongside Butts Lane opposite the application site. The floor plan for proposed Plot 1 shows two side facing windows at first and second floor level, both serving bedrooms which would directly face the gardens of these properties. The side facing windows are one of two sets of windows serving bedrooms, as the bedrooms are also served by south facing windows. To ensure that the private amenity spaces of No.5 Butts Lane and No.28 Church Lane are not unacceptably overlooked it is necessary to require that the side facing windows are fitted with obscure glazing. The submitted elevation drawings indicate that these windows would be fitted with obscure glazing, this would be controlled by planning condition.
- 10.52. There are four windows located along the east facing elevation of No.5 Butts Lane facing the site. There would be a separation distance of 13.6 metres between the side elevation of Plot 40, though there are no side facing windows proposed at first and second floor level facing this property. It is therefore considered that there would be no issues of overlooking in respect of this property.
- 10.53. The Design and Access Statement accompanying the planning application identifies that the position of the proposed dwellings on the site is unlikely to result in any overshadowing of the garden areas associated with the nearest adjoining properties in Church Lane and Butts Lane. Analysis is also included in respect of the impact on light to the four windows serving habitable rooms facing the site in the adjoining property No.5 Butts Lane. In respect of the ground and first floor windows in No.5 Butts Lane, the siting of proposed Plot 40 would not breach the 45 degree and 25 degree rule applied under Policy H14 of the Oxford

Local Plan in order to assess loss of light to existing windows serving habitable rooms.

- 10.54. A separation distance of at least 13 metres is afforded between Plot 40 and No.5 Butts Lane; and 8 metres between Plot 1 and the Garden of No.28 Church Lane, officers consider that the siting of the development would not therefore have an overbearing impact on these adjoining properties in terms the relative distance and scale of the proposed houses.
- 10.55. 'The Butts' is a bungalow located to the south of the site. The house itself is located approximately 7 metres from the southern boundary of the site. There is a large area of curtilage associated with this property, though much of the space appears to be used as outdoor storage. There is boundary screening alongside the southern edge of the site, though this is notably reduced during winter months. There would be a minimum separation distance of 12 metres between the rear elevations of the south terrace of proposed units and the boundary of this property and a separation distance of at least 22 metres is retained between the rear elevations of the south terrace and the rear windows of the bungalow on the adjoining site. This is considered to be sufficient distance to ensure that occupiers of this property would not be unacceptably overlooked.
- 10.56. To the north of the site is St Nicholas Park, which comprises single storey park homes. The nearest properties to the application site are No.27 and No.50 St Nicholas Park. There is an area of amenity space associated with No.27 located to the rear of this property. The rear facing windows in this property also face the application site. Plots 1 to 6 face the curtilage area of this property at a distance of between 10 and 15.5 metres. Separation distance varies between opposite facing windows in this existing property and the proposed dwellings and officers note that this property faces the development site at an oblique angle. There is 17.5 metres distance at the closest point measured from the rear windows of Plot 4, this varies to 24.5 metres in the case of Plot 6. Accounting for the oblique angle at which the proposed windows face this property, officers consider that the development would not result in an unacceptable loss of privacy to this property taking account of the relative separation distances. It is further noted that the presence of existing screening would serve to reduce to some degree the extent of overlooking which would occur.
- 10.57. There would be a separation distance of at least 21.7 metres between the rear elevation of the north terrace of houses and the rear elevation of No.50 St Nicholas Park and a distance of at least 17.6 metres between the rear elevation of the north terrace and the private amenity space associated with No.50. This is in addition to dense tree cover, which would provide some degree of screening. Officers consider therefore consider that an acceptable separation distance would be retained and that the amenity of the occupiers of this property would not be unacceptably compromised.
- 10.58. In summary, officers consider that the development would not unacceptably compromise the amenity of adjoining residential occupiers by reason of overlooking, loss of light or the scale and siting of the development and the development is considered compliant with Policy H14 of the Oxford Local Plan.

Future Occupiers

- 10.59. 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 proposed units has been assessed to be compliant with Nationally Described Housing standards and the development and internal spaces are considered to be of an appropriate standard, which would comply with Policy H15 of the Oxford Local Plan.
- 10.60. 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.
- 10.61. Each of the proposed houses would be served by external private gardens which would be of a reasonable size, also accounting for orientation and sunlight. The spaces provided for the rear gardens in the south facing terrace is affected by the location of the adjoining ditch and trees, though it is considered that the gardens are of an acceptable standard for future occupiers. The first and second floor flats would each be served by external balconies. The ground floor flats would each be served by ground floor external areas of private amenity space, which are considered to be adequate in size and quality. Officers consider that the proposed dwellings would be afforded with adequate external amenity provision and the proposals therefore comply with Policy H16 of the Oxford Local Plan.
- 10.62. 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.
- 10.63. The application is accompanied by a noise impact assessment. The main source of noise originates from the A40 to the north of the site. The noise survey undertaken identifies the need to incorporate specific measures within the building design, to achieve acceptable acoustic performance to ensure that future occupiers benefit from acceptable standards of amenity. It is therefore conditioned that the design and structure of the development must achieve 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 LAeq 16hrs daytime and of more than 30 dB LAeq 8hrs in bedrooms at night. The noise impact assessment recommends the installation of acoustic barriers adjacent to Plots

10, 25 and 26. A specification of the barriers will be required by condition alongside a specification of all other boundary treatments to ensure that the barriers achieve required standards and to ensure that the design of the barriers is appropriate.

10.64. To protect existing occupiers from noise disturbance from new plant installation it is conditioned that this equipment is noise attenuated to ensure that noise emitted is 10dB below the existing background level. This will maintain the existing noise climate and prevent 'ambient noise creep'. In respect of protecting against noise disturbance in addition to ensuring control measures are implemented in respect of dust, vibration, lighting and hours of working it will be conditioned that a construction management plan is submitted prior to the implementation of development. Subject to the submission of details required under the aforementioned conditions, officers consider that the development would comply with Policy RE8 of the Oxford Local Plan.

Highways

10.65. Butts Lane provides the only means of vehicle access into the site as direct access onto the A40 to the north would compromise highway safety given that this is a 70mph section of dual carriageway and also lies in close proximity to the Marsh Lane slip road access from Marston.

10.66. 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 are complied with.

10.67. The surrounding area of Old Marston has recently been incorporated into a Controlled Parking Zone (CPZ), this covers the application site, Church Lane and St Nicholas Park. Notwithstanding this, the site is in a somewhat peripheral location on the edge of the city and in relation to existing shops and services. The nearest bus stop is located on Elsfield Road, within 160 metres of the site. This is currently served by the half hourly 14A service to the City Centre and John Radcliffe Hospital. The nearest bus stop benefitting from regular services is located 900 metres away from the site on Marston Ferry Road. The nearest supermarket is 1.2km from the site at Cherwell Drive in Marston. Given the sites relative distance to local services and facilities and the relative irregularity of public transport in Old Marston, it is considered appropriate that parking is provided on site. This would align with the Councils Parking Standards outlined under Policy M3 of the Oxford Local Plan.

10.68. A total of 40 parking spaces are proposed on the site, 27 of the spaces would be allocated and 13 of the spaces would be unallocated. The overall ratio would equate to 1 parking space per unit, this would not exceed the Councils maximum parking standards outlined under Policy M3 of the Oxford Local Plan and is

considered acceptable in principle. The implementation of a CPZ in Old Marston would serve to limit the likelihood of overspill parking in surrounding streets.

- 10.69. In accordance with Policy M4 of the Oxford Local Plan, all of the allocated spaces and 25% of the unallocated spaces should be fitted with electric vehicle charging points. Details of EV charging infrastructure would be required by condition.
- 10.70. The application is supported by a Transport Assessment which includes TRICS analysis. This indicates that trip generation resulting from the development and proposed quantity of parking would result in the equivalent of 17 two way trips during the AM and PM peak hours and 159 two way trips per day. The Transport Assessment also identified a total of 6 two way pedestrian trips and 1 two way cycle trip during the AM and PM peak hours.
- 10.71. Butts Lane is a single track road beyond the junction with Church Lane, this passes between buildings and the curtilage of properties preventing scope for widening or other significant enhancement measures. Site Policy SP23 for the Marston Paddock clarifies that access would need to be provided from Butts Lane as this offers the only viable means of accessing the site. The lane primarily serves St Nicholas Park, a development of 50 park homes, whilst also serving a smaller number of homes adjacent to the junction with Church Lane on the site of the former Bricklayers Arms pub car park.
- 10.72. In terms of the impact on the wider road network, the majority of road users exiting the site would turn left onto Elsfeld Road to access the A40 and Marsh Lane. Beyond Butts Lane the road access on approach to the site is not fundamentally constrained, at least in terms of travelling in an eastern direction. Oxford Road and the routes through Old Marston village are more constrained given the narrowness of the road and issues resulting from on-street parking in this part of the Conservation Area. The County Council as Local Highways Authority (HA) have concluded that the scope of the development on the Marston Paddock site would not place unacceptable pressure on the local highway network, accounting for junction analysis undertaken as part of the planning application for Land West of Mill Lane (21/01217/FUL). It is advised that the B4150 and Oxford Road/ B4495/ Cherwell Drive junction would still operate with spare capacity accounting for the cumulative scale of development in the area including developments at Marston Paddock, Land West of Mill Lane and Hill View Farm. The County Council acknowledges that the assessment in the TA supporting the Mill Lane development was based on the previous layout of the Marsh Lane/ B4150/ B4495 mini roundabout arrangement. The mini-roundabouts have since been replaced by a signalised junction arrangement which has since demonstrably seen an improved junction operation. Accounting for these factors the County Council have advised that further junction analysis on the wider network would not be required.
- 10.73. Acknowledging the constrained nature of the road access into the site via Butts Lane, the HA recommended that a Road Safety Audit (RSA) was needed in order to demonstrate that safe access could be obtained to the development site and that the scope of the development would not pose unacceptable risk to pedestrians, cyclists and other users of the highway. The Road Safety Audit and

accompanying Road Safety Assessment was submitted for consideration on 3rd February 2022. The HA have advised that the methodology employed is sound and have confirmed that on the basis of the submitted Transport Assessment and Road Safety Audit that site access is adequate to serve the scope of development proposed.

- 10.74. In assessing the suitability of Butts Lane as a means of access, it is clear that the access is narrow and does not allow for segregated pedestrian and cycle paths to be provided. The narrowness of the road however serves to naturally reduce vehicle speeds to less than 20 miles per hours. The speed survey undertaken at the site included in the Road Safety Assessment identifies an average speed of approximately 10mph, with the highest speed recorded at 16mph. The narrowness of Butts Lane therefore acts as a self-regulating factor in reducing vehicular speeds, thereby reducing overall risk for other road users including pedestrians and cyclists.
- 10.75. Swept path analysis is presented within the applicants Transport Assessment, which includes tracking for refuse and fire tender vehicles demonstrating that access can be achieved for both vehicles. The swept path analysis also includes tracking for construction vehicles, including small mobile cranes and 9.1 metre muck away trucks demonstrating feasibility of access during the construction phase of development. Accounting for access constraints a Construction Traffic Management Plan will also be required by planning condition in accordance with Policy M2 of the Oxford Local Plan.
- 10.76. The County Council have advised on the implementation of measures outlined in the Road Safety Assessment to improve pedestrian access from the site to Elsfield Road which is an important route for pedestrians from the new development as this provides access to the bus stops on Elsfield Road. Suggested measures include adjustments to the existing kerblines and provision of new dropped kerbs and tactile paving to assist pedestrians in crossing the bellmouth junction of Church Road and Elsfield Road. The RSA also suggests provision of dropped kerbs where the existing footway terminates on the western side of Church Lane, in order to facilitate enhanced access to the existing footway network for pedestrians from the proposed residential development site. The measures would be carried out under a Section 278 agreement with the County Council. The County Council have advised that a Section 278 agreement shall be entered into prior to the implementation of planning permission and have requested that this be included as an obligation with the Section 106 agreement accompanying this planning application.
- 10.77. A new pedestrian and cycle link is proposed in the north west corner of the development site providing a direct and accessible link onto the cycle path and footpath adjoining the A40, this is welcomed as it would improve cycle connectivity from the site and Old Marston more generally. The site layout plan makes provision for cycle storage in accordance with the minimum standards required under Policy M5 of the Oxford Local Plan. Specific details of the cycle parking will be required by planning condition.
- 10.78. Whilst the site is in relatively close proximity to the existing bus stops located on Elsfield Road, the 14A service which currently serves Old Marston operates at

a 30 minute frequency (Monday to Saturday) with no late evening or Sunday service. Contributions have been sought by Oxfordshire County Council for improvement of service 14A from other residential developments in Old Marston (20/03034/FUL and 21/01217/FUL). This is to provide a late evening and Sunday service on the 14A route for a period of five years.

10.79. Based on the requested contribution and the number of dwellings proposed per dwelling contribution rate for this site has been calculated at £1,201.88. The County Council have requested a public transport service contribution of £48,075.20 in relation to this application. This will extend the period of time the contract for late evening and Sunday services will be in operation by approximately one year, beyond the five years funded as part of the aforementioned developments in Old Marston and hence provide maximum opportunity for commercial viability. Beyond this it is anticipated that the scale of the proposed residential development in the area, including other developments at Hill View Farm and Land West of Mill Lane would create sufficient demand for this service to remain viable in the absence of additional funding. It is considered that funding for enhancements to the existing service frequency is reasonably justified in accordance with Policy M1 of the Oxford Local Plan to ensure an uptake in the use of public transport and to enhance the overall sustainability of the site in transport accessibility terms, reducing dependence on private car use a mode of travel.

10.80. In summary, the applicants have adequately demonstrated that safe and suitable access can be provided to the site, notwithstanding the constraints associated with accessing the site via Butts Lane. Parking provision would comply with the Councils maximum parking standards outlined under Policy M3 of the Oxford Local Plan and the County Council as Local Highways Authority have advised that the impact of the development would not be severe when assessed cumulatively in relation to other proposed developments in the immediate vicinity of the site. The development makes provision for cycle parking compliant with standards outlined under Policy M5 of the Oxford Local Plan, whilst improvements are also proposed to cycle infrastructure through the creation of the new route linking the site to the A40 cycle path. A financial contribution is sought to improve existing bus service provision in Old Marston which will assist in improving frequency of services and overall sustainability of the site in line with Policy M1 of the Oxford Local Plan.

Sustainability

10.81. 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. In accordance with the requirements of Policy RE1 the applicants have provided an Energy Statement.

10.82. The submitted Energy Statement outlines that the following energy efficiency measures will be incorporated into the buildings in the development:

- High insulation standards and low air permeability.
- High performance windows and well insulated framing.
- Mechanical ventilation and heat recovery
- 100% low energy lighting.

10.83. The Energy Statement includes the provision of air source heat pumps (ASHPs) for each of the houses and communal ASHPs for the block of flats mounted at ground floor level. Solar PV technology was decided against as a measure given the heritage sensitivities of the site and potential visual impact.

10.84. The development would also meet the water consumption target of 110 litres per day as required under Policy RE1.

10.85. It is confirmed that the combination of sustainability measures would secure a 56% reduction in carbon emissions over the 2013 Building Regulations (or future equivalent legislation) compliant base case and therefore exceeds the 40% requirement outlined under Policy RE1 of the Oxford Local Plan.

Ecology

10.86. 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.

10.87. A Preliminary Ecological Appraisal (PEA) was carried out on the site and submitted in support of the planning application. Officers requested that further assessment work was carried out, as the PEA was produced prior to the development proposals being formalised. The implication is that mitigation measures suggested at the preliminary stage may be, in many cases, no longer applicable. For example, many of the suggested mitigation measures entailed retaining the woodland, scrub and hedgerow habitats which will be partially or wholly lost under the proposed development.

10.88. Two further addendum reports were prepared by the applicants Ecologists providing further commentary on survey work undertaken, habitat classification, as well as the site biodiversity metric used to calculate net gain/loss on site as a result of the development proposals. Officers consider that the additional addendum reports provide sufficient detail to make adequate assessment of the habitat present on site, the sites potential to support protected species, as well as biodiversity net gain/loss as a result of the development.

10.89. In terms of protected species, the reptile surveys undertaken identified a single grass snake during one of the survey visits though no reptiles were observed during the other visits carried out. No records of great crested newts were found on the site. No badger sets were present on site and no signs of recent activity was found in the survey. There were no bat roosts confirmed on the site though bats have been recorded using the site for foraging and commuting. The trees affected by the development were appraised as having low suitability for roosting bats.

- 10.90. The initial assessment presented in the Ecology and Biodiversity overview identified the potential presence of Hazel Dormice within the application site. Surveys were considered impractical given the size of the woodland and retention proposed. However, the Second Addendum Ecological Assessment provides a more detailed assessment of the habitat and concludes a resident population is unlikely to be present. Officers are satisfied that the assessment undertaken is sufficiently robust.
- 10.91. Breeding bird surveys were undertaken and an assessment presented in the Ecology and Biodiversity overview that the assemblage was important at a local scale. Two species of principal importance were recorded, one as a confirmed breeder (Song Thrush) the other as a possible breeder (Marsh Tit). It recommended retaining the woodland, hedgerows and other suitable nesting vegetation within the site, with compensatory planting and nest boxes provided to compensate for any losses arising. Under the proposed development, half the woodland and the entire hedgerow will be lost, with some compensatory planting in the form of scattered trees. The Final Ecology Statement outlines that some breeding bird species will be displaced due to the development, while others may adapt. More detail is provided regarding the priority species in the Second Addendum Ecological Assessment regarding the priority species, with an assessment presented that song thrush may adapt to the urban surroundings while Marsh Tit is unlikely to. In this instance, it is not feasible to directly mitigate or compensate for impacts on the Marsh Tit, as it is understood that conventional nest boxes are used infrequently by the species.
- 10.92. In the Second Addendum Ecological Assessment it is proposed that a variety of nest boxes will be provided, including targeted at house sparrow and swift, two red listed species. Additional tree planting is also proposed in the Landscape Framework Plan and at the site boundaries, with improved management of the retained woodland. The assessment concludes the overall impact on birds as a whole will be neutral. Officers are therefore satisfied that the proposed compensation as a whole is sufficient. The impacts on individual species are harder to assess and there is a risk the Marsh Tit in particular will be impacted through the loss of a territory. The only way to directly address this would be to avoid any impact through the retention of the woodland and a suitable buffer from development, though this likely cannot be achieved whilst meeting the requirements of the site allocation policy, particularly the target quantum of density required.
- 10.93. Policy G2 of the Oxford Local Plan states that compensation and mitigation measures must offset the loss and achieve an overall net gain for biodiversity. For all major developments proposed on greenfield sites or brownfield sites that have become vegetated, this should be measured through use of a recognised biodiversity calculator. To demonstrate an overall net gain for biodiversity, the biodiversity calculator should demonstrate an improvement of 5% or more from the existing situation. Offsetting measures are likely to include identification of appropriate off- site locations/projects for improvement, which should be within the relevant Conservation Target Area if appropriate, or within the locality of the site. When assessing whether a site is suitable for compensation.

- 10.94. When assessed in line with the revised biodiversity metric undertaken by the applicants (second addendum to the Ecological Appraisal), for the proposals to be capable of delivering a 5% biodiversity net gain and to achieve compliance with Policy G2, the application will need to provide biodiversity offsetting in the form of 2.75 habitat units and 0.315 hedgerow units.
- 10.95. Officers have assessed the feasibility of delivering offsetting measures within the vicinity of the site, including within the Marston area. As the applicant does not own adjacent land or land within the immediate vicinity of the site, direct offsetting on land under the applicants ownership would not be possible.
- 10.96. The applicant has a provisional agreement with the Trust for Oxfordshire's Environment (TOE) as a third party broker to deliver biodiversity net gain. The additional deficit in biodiversity units which cannot be provided on site would be delivered by TOE as offsite provision as part of suitable identified projects in Oxfordshire, with priority given to schemes in close proximity to Oxford. The selection of sites for offsetting, and the specific details of offsetting, including the offsetting provider, as well as future maintenance and management of new habitats created would be detailed within a biodiversity scheme secured under the Section 106 agreement. Should an agreement not be reached with TOE or another local offsetting provider then the applicants could agree offsetting to be delivered through the Environment Bank, a national offsetting provider of biodiversity net gain credits. This approach aligns with the Government's Environment Act 2021 and Policy G2 of the Oxford Local Plan in terms of securing biodiversity net gain through offsetting, giving priority to local biodiversity projects.

Trees

- 10.97. The application is accompanied by an Arboricultural Impact Assessment (AIA), this includes a survey of existing trees on the application site. The AIA indicates that 43 trees are located on the site, the majority of these are category B trees, whilst 10 of the trees are classed as category C and there is 1 category U tree.
- 10.98. In total it is proposed that 14 trees would be removed, consisting of 13 category B and 1 category U tree resulting in a reduction to the total canopy cover of approximately 34% (4,674m² to 3,081m² (before any replacement planting). The proposed tree removals are from the southern edge of the shelter belt, and subject to appropriate replacement shrub planting within the remaining area of the shelter belt, it is considered that the visual and functional (screening) implications should be negligible. Other indirect and potential arboricultural implications could be satisfactorily controlled through a tree protection condition to secure measures set out in the application's arboricultural submission.
- 10.99. A landscape framework scheme has been prepared for the site which proposes an outline strategy for replacement and provision of new trees. This proposes 47 new trees within the development boundary including native species such as hornbeam, birch, hazel, alder, lime, holly, yew, oak, hawthorn, blackthorn and wild cherry. The existing boundary buffer belt of trees along the northern boundary to the Northern By-Pass is proposed to be enhanced with

additional native tree and shrub planting. A condition could secure full details of planting species, stock types and sizes and tree pit design details.

10.100. The application includes a Tree Canopy Cover Assessment in accordance with Policy G7. The assessment reports an initial loss of canopy cover of circa 50% after ten years, but a 66% net gain in canopy cover over 25 years as a result of the establishment and growth of new tree planting within the site. The proposals would in the long term provide a significant net gain in canopy cover, which in officer's view would mitigate the loss of the existing trees on the site shown for removal. The development would therefore comply with the provisions of Policy G7 of the Oxford Local Plan.

Flooding

10.101. 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.

10.102. 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.

10.103. The application site is located in Flood Zone 1 and is therefore considered to be at low risk of flooding. A site wide surface water drainage strategy was prepared in support of the planning application which has been subject of further revisions which include the reinstatement of a drainage ditch to the north east of the application site. The surface water drainage strategy would incorporate permeable paving used for the existing roads, parking spaces and pedestrian accesses, this would be discharged via a flow controlled discharge system into an interception ditch along the north eastern boundary of the site which falls within the wider catchment of the Bayswater Brook.

10.104. Officers consider that the revised drainage strategy submitted by the applicants provides a viable strategy for managing site wide surface water drainage in principle, subject to a final drainage strategy being agreed by way of planning condition. The County Council's objection relates to the previously submitted drainage strategy. Officer's recommendation is subject to the County Council's agreement that all outstanding matters of concern have been adequately addressed within the latest revised drainage strategy; or within an

updated document should further minor revisions be required, which fall within the scope of the revised drainage strategy.

10.105. A new connection would be required to the Thames Water foul water network. A new pumping station would be located on the site, which will discharge to the Thames Water sewer.

10.106. In summary it is considered that the proposals make adequate provision in principle for the disposal of foul drainage and surface water drainage in accordance with Policies RE3 and RE4 of the Oxford Local Plan, this is subject to the matters raised by the Local Lead Flood Authority being addressed and delegated authority is sought to resolve these outstanding matters if they have not already been resolved in advance of members resolution. Approval will also be subject to a final drainage strategy being agreed by way of planning condition.

Air Quality

10.107. 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).

10.108. The baseline assessment shows that the Application Site is located within the Oxford city-wide Air Quality Management Area (AQMA), declared by Oxford City Council (OCC) for exceedances of the annual mean NO₂ air quality objective (AQO). Analysis of DEFRA's urban background maps and of all pollutant concentrations at monitoring locations in the surrounding area of the application Site and along the A40, show clear compliance with the annual mean NO₂ AQO. The site is at a 30m distance from the A40. 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.

10.109. The energy statement outlines that energy provision for the building is to be via individual and communal Air source heat pumps (ASHPs). There will therefore be no combustion plant on site and therefore no associated combustion emissions and no potential impact on local air quality.

10.110. According to the Transport Statement and Air Quality Assessment, traffic generation is expected to be below the IAQM EPUK guidance screening criteria for locations within an AQMA at all roads except for the east of Elsfeld Road. Based on current and expected levels of air pollutants in the area, and the provision of Electric Vehicle Charging points for 31 of the 40 spaces proposed, the effect of road traffic associated with the development is considered to be 'not significant' and additional assessment or mitigation is not required.

10.111. The impacts of demolition and construction work on dust soiling and ambient fine particulate matter concentrations have been assessed in the AQA. The risk of dust causing an impact on local amenity and increased exposure to PM₁₀ concentrations has been used to identify appropriate mitigation measures.

Provided these measures are implemented and included within a dust management plan, the residual impacts are considered to be not significant.

- 10.112. It is therefore considered that the air quality impacts associated with the development can be appropriately managed and there would be no conflict with Policy RE6 of the Oxford Local Plan.

Contamination

- 10.113. Historical mapping and the Ground Condition Assessment report indicates that the site has been landfilled in the past which could give rise to significant potential contamination risks. The submitted Ground Investigation Report has identified potential contamination risks at the site which would need appropriate mitigation. There would be a requirement to confirm the intended remedial approach for the site (although the Outline Mitigation Measures in Section 5.4 of the Stantec Ground Investigation Report are considered appropriate), which may include removal of contaminated soils and the importation of clean soil for garden areas and landscaped areas of amenity space.

- 10.114. Planning conditions are to be required to ensure that a formal Remediation Strategy is submitted prior to the commencement of development and remediation works are validated before any dwellings on the site are occupied. Subject to these conditions, it is considered that the risks associated with on-site contamination could be appropriately managed in accordance with Policy RE9 of the Oxford Local Plan.

Health Impacts

- 10.115. 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.

- 10.116. The application is accompanied by a Rapid Health Impact Assessment (HIA). It is considered that the design of the development and corresponding infrastructure based improvements that would be delivered in conjunction with the housing takes account of key social, economic and environmental sustainability based outcomes expected of major developments which is outlined within the Rapid HIA provided. It is considered that the development makes adequate provision to ensure acceptable health outcomes for existing and future residents. The development is therefore considered to comply with Policy RE5 of the Oxford Local Plan.

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 site is allocated for development within the Councils Local Plan under Site Policy SP23, which includes a requirement to deliver a minimum of 39 dwellings. The proposals would deliver a total of 40 dwellings, which would exceed the minimum number of units required under the site policy. Policy H1 of the Local Plan outlines that the majority of the Councils housing need will be met through delivery of housing on allocated sites, which includes the site at Marston Paddock. The proposed development is therefore considered essential in terms of delivering the Councils housing needs. The delivery of 40 dwellings, including 20 affordable homes would represent a substantial public benefit, which should be afforded significant weight.
- 11.4. The proposals are considered to be of a high design standard and careful consideration to the context of the site and the character of the Old Marston Conservation Area has been given which is consistent with the requirements of Policy DH1 of the Oxford Local Plan. The development would preserve the amenity of existing occupiers, whilst making appropriate provision for future occupiers in accordance with Policies H14, H15 and H16 of the Oxford Local Plan.
- 11.5. It is identified that the development would result in a low level of less than substantial harm to the setting of the Old Marston Conservation Area and the Grade I Nicholas Church, by reason of the presence of the development in views into the Conservation Area from the north, particularly from the Elsfield public right of way. When assessing the public benefits of the development in accordance with Paragraph 202 of the NPPF, it is considered on balance that the identified low level of less than substantial harm would be demonstrably outweighed by the public benefits of the development, including much needed housing, particularly affordable homes and the provision of a financial contribution towards enhancing public transport.
- 11.6. Access to the site via Butts Lane is constrained in terms of width, however the applicants Road Safety Audit confirms that the existing access would not be unsafe and could accommodate the scale of development proposed given the relatively low level of traffic generation. It is accepted that parking would be

required on site due to infrequent bus service and distance to facilities and services. The level of parking provided would not exceed the Councils maximum parking standards and comply with Policy M3 of the Oxford Local Plan. To improve access to public transport and to encourage a modal shift away from private car use in accordance with Policy M1 of the Oxford Local Plan, a financial contribution is sought towards increasing the frequency of the 14A bus service. Cycle parking is also proposed on site to a policy compliant level, whilst provision is made for new cycle connections to the adjacent A40 cycle path.

- 11.7. The development makes provision for a combination of on-site and off-site biodiversity enhancements, the latter of which would be secured through an appropriate off-setting provider to secure a 5% net gain in biodiversity in accordance with Policy G2 of the Oxford Local Plan. Satisfactorily new landscaping and tree planting would be provided to mitigate tree loss and provide increased tree canopy cover over time. Whilst the development is close to the A40 appropriate noise mitigation measure could be secured by condition and as such the development accords with RE7 of the Oxford Local Plan.
- 11.8. It is confirmed that the combination of sustainability measures would secure a 56% reduction in carbon emissions over the 2013 Building Regulations (or future equivalent legislation) compliant base case and therefore exceeds the 40% requirement outlined under Policy RE1 of the Oxford Local Plan.
- 11.9. Officers consider that the revised drainage strategy submitted by the applicants provides a viable strategy for managing site wide surface water drainage, subject to a final drainage strategy being agreed by way of planning condition. It is therefore considered that site wide surface water drainage can be appropriately managed in accordance with Policies RE3 and RE4 of the Oxford Local Plan. Noting that the County Council have maintained an objection to the previously submitted drainage strategy, officers recommendation is subject to the County Council's agreement that all outstanding matters of concern have been adequately addressed within the latest revised drainage strategy, or within an updated document should further minor revisions be required.
- 11.10. Subject to appropriate mitigation, it is considered that on risks from site contamination risks can be appropriately managed in accordance with Policy RE9 of the Oxford Local Plan.
- 11.11. 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 and to ensure an acceptable development as indicated on the submitted drawings in accordance with policy S1 of the Oxford Local Plan 2016-2036.

Materials

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

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

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.

The Phase 1 (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) and Phase 2 (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) have been completed and are approved.

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

The development shall be carried out in accordance with the approved measures.

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 any approved remedial works have been carried out and a full validation report has been submitted to and approved by the local planning authority.

Reason- To ensure that any ground and water contamination is identified and adequately addressed to ensure the site is suitable for the proposed use in accordance with the requirements of policy RE9 of the Oxford Local Plan 2016 - 2036.

6. Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on that part of the site affected shall be suspended and a risk assessment carried out by a competent person and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development (or relevant phase of development) is resumed or continued.

Reason- To ensure that any soil and water contamination is identified and adequately addressed to ensure the site is suitable for the proposed use in accordance with the requirements of policy RE9 of the Oxford Local Plan 2016 - 2036.

Air Quality

7. No development shall take place until the complete list of site specific dust mitigation measures and recommendations that are identified on chapter 6 "Mitigation" (pages 17-18) of the Air Quality Assessment that was submitted with this application are included in the site's Construction Environmental Management Plan (CEMP). The CEMP will need to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and the approved measures implemented.

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

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;
 - The amount of electric car charging points should cover at least 25% of the amount of all unallocated spaces, and 100% of the allocated ones.
 - 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 first in operation 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.

Trees/Landscaping

9. A landscape plan shall be submitted to, and approved in writing by, the Local Planning Authority prior to first occupation or first use of the development hereby approved. The plan shall show details of treatment of paved areas, and areas to be grassed or finished in a similar manner, existing retained trees and proposed new tree, shrub and hedge planting. The plan shall correspond to a schedule detailing plant numbers, sizes and nursery stock types.

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

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

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

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

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

12. The development shall be carried out in strict accordance with the tree protection measures contained within the planning application details shown on drawing number 20-MAR-DRW-TTP and Arboricultural Method Statement document reference MP-DOC-INF-AIA-01, unless otherwise agreed in writing beforehand by the Local Planning Authority.

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

Noise

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 35 dB LAeq 16hrs daytime and of more than 30 dB LAeq 8hrs in bedrooms at night.

Reason: To ensure that the amenities of future occupiers are protected in accordance with Policy RE8 of the Oxford Local Plan.

14. Prior to commencement of the development hereby approved, a construction management plan shall be submitted to and approved in writing by the Council. 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 07:00 – 19:00 Monday to Friday daily, 08:00 – 13:00 Saturdays No works to be undertaken on Sundays or bank holidays, 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: To ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise, vibration, dust, lighting or other emissions from the building site

15. In respect of any proposed air conditioning, mechanical ventilation or associated plant, the applicant shall ensure that the existing background noise level is not increased when measured one metre from the nearest noise sensitive elevation. In order to achieve this the plant must be designed / selected or the noise attenuated so that it is 10dB below the existing background level. This will maintain the existing noise climate and prevent 'ambient noise creep.

Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise from plant/mechanical installations/ equipment in accordance with Policy RE8 of the Oxford Local Plan.

Secured by Design

16. 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.

Transport/Parking

17. 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.

18. Prior to the first 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. The parking spaces and the necessary manoeuvring and turning areas as shown on the approved plans 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.

Boundary Treatments

20. Prior to first occupation of the development, details of all boundary treatments, including the proposed acoustic fencing 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 and to ensure the acoustic fencing provides suitable noise attenuation for future occupiers in accordance with Policy DH1 of the Oxford Local Plan and Policy RE8 of the Oxford Local Plan.

Energy Statement

21. The development shall be carried out in accordance with the recommendations outlined within the Energy Statement prepared by Stantec dated August 2021 reference 49719/2501 Revision 2. 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.

Permitted Development Rights

22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) no structure including additions to the dwelling house as defined in Classes A, B, C, D, E of Schedule 2, Part 1 of the Order shall be erected or undertaken without the prior written consent of the Local Planning Authority.

Reason: The Local Planning Authority considers that even minor changes in the design or enlargement of the development should be subject of further consideration to safeguard the appearance of the area and the amenity of neighbouring properties and occupiers of the dwellings in accordance with policies DH1, DH3, H14 and H16 of the Oxford Local Plan.

Obscured Glazing

23. Prior to the first occupation of the development, the following windows in the development shall be fitted with obscured glazing and shall be retained in that condition thereafter:

- Plot 1 - First and second floor side elevation (south west facing) windows serving bedrooms 1 and 3.
- Plot 25 – First floor bathroom window located on the south facing elevation.

Reason: In the interests of preserving the amenity of existing and future occupiers in accordance with Policy H14 of the Oxford Local Plan 2016-2036.

Ecology

24. 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.

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

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed, both on and off-site;
- b) Ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;

- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- g) Details of the body or organization responsible for implementation of the plan; and
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. Long-term management shall be for a minimum of 30 years.

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

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

26. Prior to the commencement of development, a scheme of ecological enhancements shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall demonstrate how 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. 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 scheme of enhancements and all agreed enhancement measures 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.

27. 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.

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.

28. The protected species surveys undertaken at the site shall be considered valid for no longer than one year past the date of determination. Should work not commence within a year, updated surveys must be undertaken and the results provided to the Local Planning Authority, unless otherwise agreed in writing with the Local Planning Authority. Should ecological conditions have changed, an updated biodiversity impact assessment metric shall be provided to ensure the approved net gain in biodiversity is achieved.

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.

29. No more than 6 months prior to commencement of any works, a badger walkover shall be undertaken. Should any new badger activity be recorded within the site, full surveys and a badger mitigation strategy will be produced and submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the mitigation measures within the mitigation strategy as approved. If necessary, a licence shall be obtained from Natural England for works to proceed lawfully.

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.

Drainage

30. 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.

31. 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.

13. APPENDICES

- **Appendix 1** – Site location plan
- **Appendix 2** – ODRP letter

14. HUMAN RIGHTS ACT 1998

14.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 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.

This page is intentionally left blank