

Oxford City Planning Committee – 24<sup>th</sup> May 2022

<b>Application number:</b>	21/02776/RES		
<b>Decision due by</b>	9th March 2022		
<b>Extension of time</b>	TBA		
<b>Proposal</b>	Details of Reserved matters (layout, scale, appearance and landscaping) for Phase 2 and 4 of Barton Park pursuant to Condition 3 of outline planning permission 13/01383/OUT. These works comprise of residential units (Use Class C3) and commercial units (Use Class E) with associated public realm and highway works including landscaping, cycle and car parking.		
<b>Site address</b>	Land At Barton, Northern By-pass Road, Oxford, Oxfordshire – see <b>Appendix 1</b> for site plan		
<b>Ward</b>	Barton And Sandhills Ward		
<b>Case officer</b>	Sarah Orchard		
<b>Agent:</b>	Mr Paul Comerford	<b>Applicant:</b>	Countryside Properties
<b>Reason at Committee</b>	Major Development		

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## 1. RECOMMENDATION

1.1. Oxford City Planning Committee is recommended to:

1.1.1. **approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 12 of this report and grant approval to the reserved matters; and

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

- Finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary, and
- Finalise the landscaping proposals, plans and planting schedule prior to the issue of the decision notice, and
- Authorise the Head of Planning Services to agree the change in the affordable housing mix set out in the S106 agreement associated with application 13/01383/OUT in writing, to be issued with the decision notice, and issue the decision notice.

## **2. EXECUTIVE SUMMARY**

- 2.1. This report considers a reserved matters application following the grant of outline planning permission for an urban extension to the east of Oxford on allocated land off the A40 bypass in October 2013. That application included a maximum of 885 dwellings amongst other uses and was the subject of a Design Code to deliver a high quality development. To date, Phases 1 and 3a have been approved and dwellings are either occupied or some of Phase 3a is currently being built out on site. Phase 1 was approved under an application for 237 residential units and Phase 3 was approved under application 19/00518/RES for 207 residential units. This leaves a remaining 441 residential units.
- 2.2. This proposal relates to Phases 2 and 4 of the phasing masterplan, with only Phase 3b left to be built out. The scheme would provide 434 dwellings in the centre of the site in a mix of 2 to 5 bedroom units in 2 and 3 storeys dwellings and apartment blocks of up to five storeys. The proposal also includes the commercial centre for the development within Phase 2.
- 2.3. The application would involve the redevelopment of a greenfield site that benefits from outline planning permission. The site has also been removed from the greenbelt. The residential development would make a significant contribution to meeting the overall housing need as set out in the Oxford Local Plan 2036.
- 2.4. The development would accord with the aims and objectives of the National Planning Policy Framework (NPPF) in that it has an objective to significantly boost the supply of homes (paragraph 60), and to promote an efficient use of land to meet the need for homes. It would constitute sustainable development, and, given conformity with the development plan as a whole, paragraph 11 advises that development should be approved without delay. Furthermore there are not any material considerations that would outweigh the compliance with these national and local policies.

## **3. LEGAL AGREEMENT**

- 3.1. The outline application is subject to a legal agreement to cover (amongst other matters) the delivery of affordable housing. This requires 40% of the development to be delivered as affordable housing with a specific mix of unit sizes. The legal agreement allows changes in the mix of affordable housing to be agreed by the Council in writing. This application seeks to vary the specific mix of affordable housing and this would be dealt with through an exchange of letters between the Developer and the Council in accordance with the provisions of the legal agreement.

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

- 4.1. A CIL payment is not required as outline planning permission was granted before the introduction of the CIL charging regime within the city.

## **5. SITE AND SURROUNDINGS**

- 5.1. The site is located within Barton Park to the north of the A40 and to the west of Barton village. Barton Park was an allocated greenfield site and was formerly agricultural land. The outline planning permission granted for up to 885 residential units a maximum of 2,500 sqm gross Class A1, A2, A3, A4 and A5 uses (with a maximum of 2,000 sqm gross foodstore Class A1); a maximum of 50 extra care housing units; a maximum of 7,350 sqm GEA hotel (Class C1); a maximum of 3,000 sqm GEA Class D1, D2 floorspace (community hub and primary school); in development blocks ranging from 2 to 5 storeys with associated cycle and car parking, landscaping, public realm works, interim works and associated highway works.
- 5.2. Phases 2 and 4 comprise an area of approximately 8.45 hectares which sit centrally within the site and are primarily located to the west and east of SSE land containing electricity pylons, south of Barton Fields Road. There is also a residential parcel which sits to the north of Barton Fields Road and south of the Bayswater Brook.
- 5.3. The parcels are primarily flat without any trees. They contain ditches which would form the drainage channels connecting to the rest of the site.
- 5.4. See site location plan below:



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 Ordnance Survey 100019348

**6. PROPOSAL**

6.1. The application seeks to discharge the reserved matters (layout, scale, appearance and landscaping) secured by condition 3 of outline planning permission 13/01383/OUT for phases 2 and 4 of Barton Park. Whilst the application also contains information for these other matters reserved by

condition at outline stage, they would be agreed through a separate approval of conditions application. The works comprise of 434 residential units (Use Class C3) and commercial units (Use Class E) with associated public realm and highway works including landscaping, cycle and car parking.

- 6.2. The proposed development would be accessed from the main primary street through Barton Park (Barton Fields Road) through a series of secondary and tertiary streets, a principle that was set out in the outline planning permission.
- 6.3. The commercial centre would comprise of 589m<sup>2</sup> of retail units fronting onto Barton Fields Road to the west of Phase 2 with apartments above and dwellings and apartments to the rear. Dwellings would be 2-3 storey and the density of the development is set to comply with density and scale parameters set at outline stage. A hotel and more extensive retail centre is no longer proposed.
- 6.4. Forty per cent of the residential units are proposed as affordable housing, in compliance with the Section 106 legal agreement connected to the outline consent, providing 174 affordable units. These units would be entirely social rented units for the use by persons on Oxford City Council's housing register.
- 6.5. The layout, siting, form and design have been the subject of consideration and discussion at pre-application stage including a presentation to Oxford Design Review Panel.
- 6.6. The outline planning application was accompanied by an Environmental Statement (ES) and the Environmental Information (EI) was taken into consideration prior to granting that permission. As a reserved matters application the Council must consider whether the EI it already has is adequate to assess the environmental effects of the development. The applicant has submitted a statement of conformity to the ES which confirms that the proposals within this Reserved Matters application have been developed within the parameters of that document and that the development would not give rise to any significant effects over those considered at the time of the outline.
- 6.7. Details have been submitted as part of the reserved matters application which are required to discharge a number of conditions imposed upon the outline permission. These would be 6 (materials); 9 (landscaping and public realm); 11 (tree protection measures); 12 (landscape management plan); 15 (lifetime homes standards); 16 (car parking standards); 17 (cycle parking standards); 20 (highways: travel plan); 23 (sustainability); 25 (phased surface water drainage); 26 (foul water drainage); 27 (flooding); 28 (ground contamination and remediation); 32 (noise attenuation); 38 (repeat ecological surveys); 39 (habitat creation). Whilst details are included with this application, they cannot be approved under a reserved matters application and need to be dealt with and approved under a separate approval of conditions application(s). However, it is acknowledged that some of the conditions matters run alongside the reserved matters. Where they are not yet resolved, this is highlighted in the report below.

## **7. RELEVANT PLANNING HISTORY**

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

13/01383/OUT - Outline application (seeking means of access) for the erection of: A maximum of 885 residential units (Class C3); a maximum of 2,500 sqm gross Class A1, A2, A3, A4 and A5 uses (with a maximum of 2,000 sqm gross foodstore Class A1); a maximum of 50 extra care housing units; a maximum of 7,350 sqm GEA hotel (Class C1); a maximum of 3,000 sqm GEA Class D1, D2 floorspace (community hub and primary school); in development blocks ranging from 2 to 5 storeys with associated cycle and car parking, landscaping, public realm works, interim works and associated highway works. (Additional information - Landscape and Cultural Heritage Statement). PERMIT 18th October 2013.

14/03201/RES - Details of reserved matters (layout, scale, appearance and landscaping) for a scheme of Enabling Infrastructure Works (such as utility services, earthworks, drainage/attenuation and roadworks), pursuant to conditions 3 and 4 of the outline planning permission for the mainly residential development of the site (13/01383/OUT). More specifically these works comprise:-

- a) the primary street, street furniture, on-street parking, street lighting, surface water drainage swales, associated landscaping and surface finishes;
- b) green infrastructure, the linear park, greenways, hard and soft landscaping, footpaths, cycle paths and ecological improvements;
- c) landscaping details for the approved A40 junction;
- d) buried services and utilities, foul and surface water drainage, water channels, ponds, sustainable urban drainage systems and underground storage tanks.

This reserved matters application (14/03201/RES) is accompanied by the following additional submissions in relation to conditions and non-material amendments to the above mentioned outline permission:-

- i) condition 11 - tree protection (13/01383/CND2);
- ii) conditions 24 - site-wide surface water drainage scheme (13/01383/CND3);
- iii) condition 25 - enabling infrastructure phased surface water drainage system (13/01383/CND2);
- iv) condition 26 - site-wide foul water drainage strategy (13/01383/CND3); and,
- v) non-material amendments to approved A40 junction e.g. omission of splitter island (13/01383/NMA). PERMIT 23rd February 2015.

15/03642/RES - 15/03642/RES Details of reserved matters (layout, scale, appearance and landscaping) for the first phase of the Barton Park development, pursuant to Condition 3 of outline planning permission 13/01383/OUT. The works comprise the construction of 237 residential units (Class C3) with associated means of access and highways works; car and cycle parking; hard and soft landscaping; public realm works and ancillary structures. (Amended plan). PERMIT 10th March 2016.

16/00067/RES - Details of reserved matters (access, appearance, landscaping, layout and scale) for the community sports facilities comprising a relocated natural turf adult sports pitch, multi-use games arena, 3G pitch lit by 12 x 10m light columns and a natural turf pitch adjoining the community hub, along with associated car parking, fencing, and vehicular and pedestrian access together with locally equipped area of play. PERMIT 13th April 2016.

16/00442/RES - Reserved Matters approval for improvements to the existing allotments and outbuilding, associated fencing, services and associated car parking together with a community garden including pedestrian and cycling links and new tree planting and associated landscaping. PERMIT 20th May 2016.

16/02002/RES - Erection of community sports pavilion with associated car and cycle parking and landscaping (Reserved Matters of outline planning permission 13/01383/OUT). PERMIT 14th December 2016.

19/00518/RES - Details of reserved matters (layout, scale, appearance, and landscaping) for third phase of the Barton Park development, pursuant of condition 3 of the outline planning permission 13/01383/OUT. The works comprise the construction of 207 residential units (Class C3) with associated means of access and highways works; car and cycle parking; hard and soft landscaping; public realm works and ancillary structures, including a substation. (Amended). PERMIT 16th August 2019.

19/00962/RES - Reserved matters of outline planning permission 13/01383/OUT for the erection of an electricity substation (retrospective). PERMIT 18th July 2019.

19/01209/RES - Details of reserved matters (layout, scale, appearance and landscaping) for the widening of the Phase 1 eastern Tertiary Street by 1.2m. PERMIT 17th July 2019.

20/01154/RES - Details of reserved matters (layout, scale, appearance and landscaping) for the completion of the Phase 1 eastern Tertiary Street loop road pursuant to outline permission 13/01383/OUT. PERMIT 10th August 2020.

## 8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Oxford Local Plan 2036	Barton Area Action Plan
Design	126-136	DH1, DH2, DH4, DH6, DH7	BA13,
Housing	60-67	H1, H2, H4, H10, H14, H15, H16	BA8, BA9,
Commercial	87, 90	V1	BA10,

<b>Natural environment</b>	154-158, 167, 169, 174, 180, 183-188	G1, G2, G7, G8	
<b>Social and community</b>	92, 98, 100	V8, V9	BA4, BA20
<b>Transport</b>	111-113	M1, M2, M3, M4, M5	BA1, BA5, BA7,
<b>Environmental</b>	119-120, 124	RE1, RE2, RE3, RE4, RE5, RE6, RE7, RE8, RE9	BA12, BA15, BA16, BA17, BA18
<b>Miscellaneous</b>	2, 7-12, 47	S1, S2,	MP1

## 9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 24th November 2021 and 16<sup>th</sup> March 2022 and an advertisement was published in The Oxford Times newspaper on 17th March 2022.

### **Statutory and non-statutory consultees**

#### Oxfordshire County Council (Highways)

9.2. Initial objection. Parking provision is higher than current standards but lower than that set out at outline stage. With a CPZ (as required by condition at outline stage) this should not be a problem. Felt parking could be reduced further. Electric Vehicle parking on site would now need to be in line with the Oxfordshire Electric Vehicle Infrastructure Strategy which states any plot with off-street parking must have at least 1 EV charging space and 25% off all unallocated parking must be EV charging bays. Concerns raised by the Road Agreements Team that further detail was required on plans, streets would need to comply with a design guide. These issues were addressed through discussions and submission of further detailed plans and the objection was removed. Some of the concerns raised related to roads already implemented or matters that had already been agreed at outline stage.

#### Oxfordshire County Council (Drainage)

9.3. No objection.

#### Historic England

9.4. No comment.

#### Natural England

9.5. No comment.

#### Environment Agency

9.6. No comment.

Thames Water

9.7. No comments received.

SSE

9.8. No comments received.

South Oxfordshire District Council

9.9. No comments received.

Thames Valley Police

9.10. Initial objection due to concerns with natural surveillance of streets and security of footpaths and parking areas. This was addressed through the discussion to clarify what has been proposed and why and the receipt of amended plans.

Barton Fields Allotment Association

9.11. No comments received.

Barton Community Association

9.12. No comments received.

Oxford City Ramblers

9.13. Objection to the loss of footpath 57.

Headington Heritage

9.14. Objection due to too much parking through official and unofficial hard surfacing, lack of green space and flood risk on site is exacerbated by the current provision of plastic lawn in the MUGA area.

**Public representations**

9.15. 3no. third party comments received (addresses in Peacock Road, Ramsay Road and 1no. address not given).

9.16. In summary, the main points raised were:

- An insufficient number of bird and bat boxes is to be provided.
- No details are given of the scale of the wildlife pond.
- Loss/diversion of footpath 57.
- Swift bricks should be installed in accordance with best practice guidance, however an insufficient number is being provided.

**Officer response**

9.17. Where these matters relate to material planning considerations they are addressed in the report below.

## **10. PLANNING MATERIAL CONSIDERATIONS**

10.1. Officers consider the determining issues to be:

- Principle of Development
- Housing Mix and Affordable Housing
- Character, Site Layout, Scale and Appearance
- Residential Amenity (Noise, Daylight/Sunlight and Privacy)
- Highways
- Flooding and Drainage
- Trees and Landscaping
- Biodiversity
- Air Quality
- Land Quality
- Energy Strategy

### **a. Principle of Development**

10.2. The principle of development of a maximum of 885 dwellings and up to 2,500m<sup>2</sup> of retail floorspace (of which a maximum 2,000m<sup>2</sup> can be food retail) has been established through the granting of outline planning permission under application 13/01383/OUT in October 2013.

10.3. Phase 1 was approved under application for 237 residential units and Phase 3 was approved under application 19/00518/RES for 207 residential units. This leaves a remaining 441 residential units. A total of 434 units are proposed, leaving 7 remaining units which could be built under Phase 3b.

10.4. The National Planning Policy Framework (NPPF) sets out a presumption in favour of sustainable development (paragraph 11). It promotes the effective use of land to meet the need for homes while safeguarding and improving the environment and ensuring safe and healthy living conditions. In order to achieve this aim, it encourages the development of under-utilised land where it would meet an identified need for housing where land supply is constrained.

10.5. More significantly, the NPPF places great emphasis on the Government's objective to significantly boost the supply of homes, recognising that this requires a sufficient amount and variety of land to come forward where it is needed, and that land with permission is developed without unnecessary delay (paragraph 60). Moreover, local authorities should identify sites suitable for housing, including specific, deliverable sites for a five year period.

10.6. These principles are also supported by policies S1 and H1 of the Oxford Local Plan 2036 and the site is also allocated for development under the Barton Area Action Plan which was saved when the Oxford Local Plan 2036 was adopted. The principle of development is therefore still considered to accord with these aims despite the fact that it has already been accepted through the grant of outline planning permission under a previous Local Plan.

10.7. Phase 2 contains the commercial centre. The indicative plans at outline stage showed that this would cover the whole of the block in which it sits. At pre-application stage justification for the reduction in scale of the commercial centre was sought. The outline planning permission granted a maximum of 2,500m<sup>2</sup> of commercial floorspace of which a maximum of 2,000m<sup>2</sup> could be a food store. Whilst only 589m<sup>2</sup> of commercial space is now proposed, minimum standards were not set at outline stage and the applicant has advised that there is a lack of commercial interest in the site. Whilst this is disappointing, minimum standards were not set and commercial space is still being delivered to serve the development and is therefore acceptable in principle.

**b. Housing Mix and Affordable Housing**

10.8. Policy H4 of the Oxford Local Plan 2036 states that planning permission will be granted for residential development that delivers a balanced mix of housing to meet projected future household need, where feasible. This suggests proposals for 25 or more dwellings outside of the city or district centres to comply with a mix of 20-30% 1 bed, 30-40% 2 bed, 40-50% 3 bed and 8-15% 4+ bed on the affordable element.

10.9. Policy BA8 of the Barton Action Plan states that planning permission will be granted for development that delivers a mix of housing suitable for a range of different households including families, single people, older people and those with specialist housing needs. Across the site the overall balance of 1 beds should be 5-10%, 2 beds 25-30%, 3 beds 40-55% and 4 beds or more 15-20%, where feasible.

10.10. The proposed development seeks to deviate from the ideal mix set out in the policies which was also set out in the S106 agreement attached to application 13/01383/OUT which was in line with the requirements of policy BA8 of the Area Action Plan. The agreement allows for the location and form of the Affordable Housing to be varied from time to time with the prior written consent of the City Council.

*Number and percentage of affordable homes proposed:*

Affordable Home Numbers	Number of Homes	% of total affordable homes proposed (rounded)
1 bed	20	11.5%
2 Bed	50	28.7%
3 Bed	58	33.3%
4+ Bed	46	26.4%

Total	174	100.0%
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*Number and percentage of all homes proposed:*

Total Homes	Number of Homes	% of total homes proposed (rounded)
1 bed	59	13.6%
2 Bed	100	23.0%
3 Bed	150	34.4%
4+ Bed	125	28.7%
Total	434	100.0%

10.11. When this is compared with the delivery of housing across the whole of Barton Park in relation to policy BA8:

	1 bed	2 bed	3 bed	4+ bed
AAP Policy BA8 target range	5 to 10%	25 to 30%	40 to 55%	15 to 20%
Current Overall mix	9%	28%	36%	27%
Departure from range	Within range	Within range	4% below	7% above

10.12. The main difference is the impact on the percentage of 3 bedroom dwellings to 4 bedroom dwellings. This increase in 4 bedroom units and drop in 3 bedroom units is due to discussions with Affordable Housing Officers at the Council. There is an identified need for all dwelling sizes within Oxford City. Whilst there is a high demand for 2 bedroom homes, they have a high turnover rate and are readily available whereas there is need for larger 4 bedroom homes but they are not often available. Barton Park is also ideal for the delivery of 4 bedroom homes as more central sites are constrained and tend to deliver flats which are less suitable for families.

10.13. Given that the mix is not a significant deviation from the approved mix, there would still be a broad range of unit sizes creating a balanced and mixed community and the mix has been developed in consultation with housing officers who are aware of demand. The proposed mix is considered acceptable in accordance with policies BA8 and H4.

10.14. The location of the Affordable Housing units is submitted with the application. Concerns were initially raised that the affordable units were concentrated in areas close to the SSE land and adjacent to the A40. Following the receipt of revised plans, clusters were broken up further and spread more evenly across the phases. This provides a good balance between convenient clustering for management and integration of affordable units into the wider development. The natural assets of the site, its location and the strong public realm strategy mean that there are no 'bad locations' on the site and so the affordable housing

proposal is considered to be positively designed to achieve a balanced community.

10.15. The proposal is therefore considered acceptable in relation to the design code at outline stage and policies BA8 and H4 of the Oxford Local Plan 2036. Should Committee be minded to approve the reserved matters application, it is recommended that delegated authority is given to the Head of Planning Services to amend the mix of the affordable within the S106 in writing accordingly, via exchange of letter.

### **c. Character, Site Layout, Scale and Appearance**

10.16. Paragraph 130 of the NPPF requires new development to function well and add to the overall quality of the area; be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; be sympathetic to local character and history, including the surrounding built environment and landscape setting; establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.

10.17. Policy DH1 of the Oxford Local Plan 2036 also requires high quality design that creates or enhances local distinctiveness and takes into account views, design of external areas and secure by design.

10.18. The delivery of a high quality development at Barton Park, in both its urban design and architecture, was secured at the outline application through a series of Parameter Plans and a Design Code which forms the framework to subsequent reserved matters applications. Prior to the submission of this application, there has been a series of pre-application discussions with the applicant and review by ODRP in order to deliver the best architectural response to this phase of the development. Discussions and negotiations have also taken place during the course of the application in order to attempt to resolve remaining issues.

#### *Character areas*

10.19. The design code sets out key character areas and sets of scale parameters and materials that can be implemented in these areas. Phases 2 and 4 contain elements of all transects; T1 Green Edge to the north of the site, the lowest density fronting onto the already implemented communal park and to the east of the SSE land (except fronting onto the A40), T2 Suburban, medium density housing to the east of the commercial centre and north of the primary street, T3 Higher Density Residential along the primary street and T4 General Urban, the highest density in the commercial area to the west of the site. This helps the site act as a transition from the high density Hill development to the west of the site to the lower density Redrow development to the east of the site with Barton beyond.

10.20. The proposed development has been designed to largely comply with the design code and where this has not been possible, justification has been provided. One of the main deviations from the design code is the introduction of

an apartment block to a T2 Suburban area to the west of the SSE land. This has been done to avoid having too many dwellings with gardens fronting onto the SSE land containing pylons. This approach was supported by the Oxford Design Review Panel. Whilst officers had concerns with this, the design was amended to break up the massing of the building and articulate the frontage of the block to read as individual dwellings. The building is still deeper in plan than neighbouring properties with a flat roof but is on balance considered acceptable. Concerns were however raised by Officers and Thames Valley Police that a parking area to the rear of this building would not have enough natural overlooking. Due to these concerns amended plans were received to relocate the parking to the front of the building.

### *Layout*

- 10.21. The proposed site layout is formed of a hierarchy of routes with perimeter blocks that address the streets upon which the dwellings front, enabling a permeable site with high accessibility and ease of movement around. The perimeter blocks and dwellings fronting the streets provide surveillance of public areas and follows good urban design principles. Concerns were raised by Thames Valley Police about the lack of windows on corner plots overlooking adjoining streets and windows were added to side elevations to address this issue and enhance surveillance further. Concerns were also raised by Officers about the number of properties with inactive frontages at ground floor (e.g. a bathroom as the sole front window). The number of properties with kitchen windows to the front were increased to address this concern. The hierarchy of streets distinguish between the primary routes, the secondary routes and the more informal narrower tertiary routes and this in turn creates a legible environment.
- 10.22. Along the primary street within the higher density residential area and the secondary street, the layout of houses is stronger with a defined edge and a regular building line. Beyond that, through to the suburban areas and green edges, whilst retaining a perimeter block layout, the shape of the streets beyond are more fluid and softer.
- 10.23. This layout also enables high permeability through provision of access footpath links to the linear park along the northern perimeter of the site, as well as the along the greenways that run north to south through the site and to the allotments to the south east. Further, the phases contain 2no. pocket parks which are easily accessible from adjoining properties and neighbouring streets.
- 10.24. Concerns were also raised by Thames Valley Police in relation to the security of rear passageways. These are essential to provide access for residents to bin and bicycle storage and maintenance of the acoustic fence around the SSE land. This concern was raised at pre-application stage and wherever possible these rear access runs have been kept as short as possible and a commitment has been made to secure these with key code entrance gates to prevent unauthorised access. However due to the density approved at outline stage, in some cases it has not been possible to shorten the runs any further without removing units. A request was also received that the rear parking court to apartment blocks to the north of the primary street should be secured with a gate

due to the lack of natural surveillance. This design seeks to replicate an apartment block from Phase 1 (Hill development) and Officers feel it would not be wise to have a security gate as it could trap people inside the parking court rather than allowing them to escape if they felt threatened and this has therefore not been incorporated. This justification was provided to Thames Valley Police and they advised our concerns were understood.

### *Scale*

- 10.25. The building heights comprise of two and three-storey dwellings across the site which respond to the varying character areas that are set down in the design code. Apartment blocks are also proposed at up to four storeys in height. The largest block being Apartment Block A above the commercial units, a total height of 15.4 metres.
- 10.26. The scale of the buildings as already mentioned reflects the design code with the tallest buildings with the largest massing being located on the primary street and the two storey dwellings being located to the east of the SSE land to the east of the site which reflects the scale of the Redrow development. Whilst there are apartments located in a tertiary area they would not appear out of character and the scale of buildings within each transect would comply largely with the design code.

### *Appearance*

- 10.27. The appearance of the buildings has been the subject of discussion to ensure that the new housing integrates sensitively with the existing neighbouring phases of Barton Park, Phase 1 (Hill) to the west and Phase 3a (Redrow) to the east). As established in the Design Code, Phases 2 and 4 are to consist of apartment blocks to the primary street and commercial centre with terraced, semi-detached and terraced houses on the secondary and tertiary streets. The density is designed to be highest in the west decreasing towards the Redrow development in the east.
- 10.28. The proposal seeks to build on the successes of the Hill development to the west and successfully transition to the Redrow character in the east whilst identifying with the established character of Barton Park overall which includes the use of balconies on both apartments and first floor terraces on dwellings and triangular oriel windows adding character to properties.
- 10.29. A large number of properties have dual pitched roofs with gables, maximising opportunities for the use of solar panels except for in the higher residential areas and apartment blocks where flat roofs are used, which is considered a stronger architectural response to the primary street which has already been adopted in neighbouring phases.
- 10.30. Marker buildings are proposed also throughout the development to provide further visual variety. These are used to signify road junctions or are located at the end of vistas.

- 10.31. The palette of materials is likely to comprise of variations of light coloured buff, darker brick on marker buildings and a dark grey brick on the commercial centre in accordance with the design code. The roof materials would primarily be a fibre cement slate tiles to match that of Phase 1. Whilst it is disappointing that natural slate hasn't be proposed in accordance with the design code, given this hasn't been implemented in other phases it would be unreasonable to insist on this in this phase. The final materials and their locations would be reviewed on site with samples and agreed through an approval of conditions application.
- 10.32. The hardworks landscaping drawings submitted with the application contain boundary enclosures shown throughout the development with principally brick walls in public domain and close boarded fences to rear gardens. Apartment blocks on the primary street would have terraces which are required to be enclosed by metal railings. The plans submitted do not clearly show these included therefore further details are required to be submitted by condition prior to the occupation of the development. Whilst the materials are considered acceptable and in keeping with the wider Barton Park development, formal approved is required by condition application.
- 10.33. Whilst it is felt that more could be done to improve the proposal to accord with the design code in further in some area areas, significant amendments have been carried out to the scheme at pre-application and application stages and officers would no longer be in a position to raise significant concerns with the scheme that would warrant a recommendation for refusal of the application.
- 10.34. The application is therefore on balance considered acceptable is relation to policy DH1 of the Oxford Local Plan 2036, the NPPF and the Barton Park Design Code.

#### **d. Residential Amenity**

##### *Indoor and Outdoor Space Standards*

- 10.35. In March 2015, the Government introduced a 'Nationally Described Space Standard'. Policy H15 of the Oxford Local Plan 2036 requires new development to comply with this standard. Policy H16 sets out standards for outdoor space. Policy H14 requires that development should provide reasonable privacy and daylight for the occupants of both existing and new dwellings and guards against overbearing development.
- 10.36. Following the receipt of amended plans, all units proposed now comply with the national minimum described space standards and are considered to provide a comfortable and practical layout. In terms of outdoor space, all the proposed houses have private gardens of a reasonable size, equivalent to the footprint of the dwelling. Some of these are one large open space to the rear of the dwelling whilst in more urban contexts these are split between a rear outdoor area and a roof terrace at first floor level, similar to that which has been implemented in phase 1. Bikes and bin storage for the houses are provided for each property and accessed either through a side or rear gate to the back garden.

10.37. For the apartments, at first and second floor balconies are proposed on the front or rear of apartments and at ground floor, there is access to external areas. For bins, storage is within the envelope of the building to avoid being unsightly add on additions or external areas. Cycle storage is also provided at ground floor also within buildings.

10.38. In relation to accessible and adaptable homes, the outline planning permission required homes to be constructed to lifetime homes standards. Given that this is now a superseded standard, officers consider that it is reasonable to accept the new building regulations standards of M4(2) and M4(3) for wheelchair accessible homes in accordance with the requirements of policy H10 of the Oxford Local Plan 2036.

#### *Privacy*

10.39. The development is considered to have adequately safeguarded amenity for neighbouring dwellings in Phases 1 and 3a of Barton Park and results in comfortable relationships between existing and proposed development. The development has been designed so that there is no direct overlooking between habitable rooms and where windows of apartment have the potential to overlook gardens of proposed neighbouring dwellings, the windows have been designed to have obscure glazing.

#### *Daylight/Sunlight*

10.40. The development is considered to have adequately safeguarded amenity for neighbouring dwellings in Phases 1 and 3a of Barton Park and results in comfortable relationships between existing and proposed development. During the course of the application concerns were raised with the relationship of Apartment Block E to plot 127 (a proposed dwelling directly to the north) and the relationship between Apartment Blocks B and C and the dwellings to the north. Following these concerns the design of the blocks were amended to ensure they properties to the north of apartment blocks would receive adequate light and would also not create an overbearing impact or sense of enclosure.

#### *Noise*

10.41. The application has been accompanied by a Noise Impact Assessment, as with many other technical matters which affect the application, this is required in order to satisfy a condition of the outline planning application. Officers have reviewed this and considered the proposal to be acceptable in accordance with condition 32 of the outline planning permission which requires the development to achieve acceptable internal and external ambient sound levels during daytime and night-time periods within the proposed development.

10.42. The proposal is therefore considered acceptable in relation to policies H14, H15, H16, RE7 and RE8 of the Oxford Local Plan 2036.

#### **e. Highways**

10.43. The NPPF states that all developments that generate significant amounts of movement should be supported by a Transport Statement. The Oxford Local Plan 2001-2016 also requires Transport Assessments from development that is likely to have significant transport implications. The NPPF also states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.

#### *Traffic Generation*

10.44. The traffic generation associated with the level of development proposed within the outline application was accepted as part of the approval for that application. Therefore no objection can be raised on grounds of highways impact and the County do not object on traffic generation.

#### *Access*

10.45. The principal access points into the development is via the core Primary street that runs through the development as a spine road and approved in the outline application, connecting the strategic site with the A40 bypass with a new junction at Phase 1 linking through to Barton Village.

10.46. The primary street has already been delivered. A series of secondary and tertiary streets lead off the main street and reflect the scale of buildings located on them. In tertiary streets road junctions and landscaped build outs have been designed to reduce speed of cars and other vehicles. Street widths also follow a hierarchy too with the tertiary streets being narrower to flag to motorists to reduce their speed as they navigate through the development.

10.47. Whilst initial concerns were raised about visibility at some junctions and the design of the street these were addressed during the course of the application through explanation of the proposal and submission of amended plans and the highway objection was removed by the County Council.

10.48. To the south of the site a public right of way enters into the SSE land and exits through its northern boundary into the application site before crossing the primary street and into the Redrow Development. The development would slightly affect this public right of way as it would currently be located in a rear garden of the proposed dwelling. This could be slightly diverted to the east through the parking area and would be largely unaffected. The application however indicates that the preferred option would be to relocate the public right of way entirely out of the SSE land through the development to the east of the SSE land and would reconnect with the original public right of way at the Redrow site. Either option would need to be sought through a separate public right of way application if this permission is granted.

#### *Car Parking*

10.49. There are a total of 562 car parking spaces proposed across the site, proposed as a mix of allocated on plot parking bays, residential permit holder off plot parking and visitors' permit controlled parking. This is a ratio of 1.29 spaces per unit. 65 visitor spaces are also proposed taking the ratio to 1:1.44. Whilst this

exceeds the M3 policy requirement of 1 space per dwelling maximum or car free in sustainable locations (within 800 metres of a food store, 400 metres of a regular bus service and within a controlled parking zone), this is below the maximum standard of 1:1.9 approved at outline stage. It also sits between the approved parking at Hill (1:1.37) and Redrow (1:1.8) sites. Hill had a lower parking allowance due to it being a higher density more urban development and Redrow had a slightly higher parking allowance due to its more suburban character. It is therefore considered that the proposed number of parking spaces is suitable in terms of the site's character and the outline planning approval.

10.50. During the course of the application amendments were requested to plans as it was evidence that some properties benefitted from a double garage and could also potentially fit a car on the driveway. The garages were therefore reduced in depth to ensure that they would only accommodate one vehicle to ensure parking on site would not exceed 2no. spaces which would contradict the design code.

10.51. The County Council whilst raising initial concerns on the level of parking proposed appreciate that the standards were set and the scheme was designed at outline stage and appreciate that significant efforts were undertaken to keep parking to a minimum at pre-application and application stage and it has removed all objections to the scheme.

#### *Cycle parking*

10.52. The Cycle Parking Strategy for the development is that all properties would have secure parking on plot within private gardens of houses and within a communal area on plot to the apartments. This includes the provision of 3 spaces for dwellings of 3 or more bedrooms and 2 spaces per dwelling with up to two bedrooms in accordance with the requirements of policy M5 of the Oxford Local Plan 2036.

#### *Construction Environmental Management Plan*

10.53. A Construction Environmental Management Plan has not been submitted with the application but is a requirement of the outline permission to be submitted and implemented accordingly.

#### *Travel Plan*

10.54. A Travel Plan has been submitted with the application for approval under the terms of the condition on the outline permission. This is a matter being dealt with under the accompanying conditions application.

### **f. Flooding and Drainage**

10.55. The NPPF states that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere (paragraph 167), supported where appropriate by a site-specific flood-risk assessment. Oxford Local Plan Policies RE3 and RE4 states that development will not be permitted that would lead to increased flood risk elsewhere, or where the

occupants would not be safe from flooding. Policy BA15 of the AAP seeks to reduce flood risk. Policy BA16 details the use of SUDS on site. Condition 25 of the outline application states that prior to the commencement of any phase of the development, details of the surface water drainage system shall be submitted for approval.

10.56. There are no objections to the development on flooding grounds. A site wide drainage strategy was approved under the outline planning permission. The attenuation provision has been designed in line with criteria approved within Barton Park wide strategies and shown to be sufficient to manage surface water without significant flooding up to and including a 1 in 100 year event + 40% Climate Change. The surface water run-off as a result of the proposed development would be managed through attenuation SuDS features; porous paving, attenuation basins and porous subbase to highway to be installed in public areas. The Phases 2 and 4 Surface Water Management Strategy form part of a wider SuDS train to manage surface water for the Barton Park development. Surface water run-off from the site will be attenuated and discharge into Thames Water adopted sewers. The surface water sewers form part of the Barton Park site-wide SWMS and feed into strategic level attenuation features including large tanks beneath the sports grounds and the ponds running alongside Bayswater Brook. Ultimately, surface water would discharge to Bayswater Brook at rates outlined in the technically approved Surface Water and SuDS Statement.

10.57. The submission of this detailed drainage strategy for each phase is a requirement of the outline planning conditions and would therefore be approved under a separate approval of conditions application.

10.58. The proposal is therefore considered acceptable in relation to policies RE3 and RE4 of the Oxford Local Plan 2036 and BA15 of the Barton AAP.

#### **g. Trees/Landscaping**

##### *Arboricultural Implications*

10.59. Policies G1 and G7 of the Oxford Local Plan 2036 require existing green infrastructure features to be protected wherever possible. Phases 2 and 4 of Barton Park have been cleared of trees as agreed for pre-enabling infrastructure works under the outline planning permission 13/01383/OUT. A willow tree sits to the north of the SSE land and overhangs into the application site. Officers are satisfied that the site has been designed to ensure that this tree would not be harmed. A tree protection plan is recommended by condition to ensure that any trees bordering the site during construction would not be harmed.

##### *Canopy Cover*

10.60. Policy G7 of the Oxford requires canopy cover to be taken into consideration. In this case, outline planning permission was granted prior to the adoption of this policy which allowed for the removal of existing trees. It is evident that the scheme naturally involves net gain in canopy cover from the current situation.

## *Landscaping*

- 10.61. The layout for Phase 2 and 4 of Barton Park here provides a rare opportunity for high quality well-designed urban tree planting, at scale. Planting proposals are presented in a series of Softworks Plan Sheets. Concerns were raised during the course of the application that the list of species used was too small for the size of the development and also the number of tree plantings. Also the reliance on such a small number of principal tree species, repeated again and again, creates an excessively symmetrical and regimented result, which militates against the site having a genuinely distinctive identity. Concerns were also raised with the reliance on cultivars and non-straight-native plants which do not contribute to biodiversity and also are prone to disease and the use of oversized trees in constrained spaces.
- 10.62. Revised landscaping details were submitted during the course of the application which largely resolved this issue. Whilst the landscaping proposals are broadly acceptable it is considered that the proposed species needs further improvement to maximise native species and biodiversity interest. Officers consider that this could be resolved prior to the issuing of a decision and therefore request delegated authority to finalise this matter. Subject to the satisfactory approval of the landscaping plans the proposal would be considered to comply with policies G1, G7 and G8 of the Oxford Local Plan 2036.

### **h. Biodiversity**

#### *Mitigation and Management*

- 10.63. An updated ecological walkover survey was undertaken by Sweco in August 2021, the results of which are presented in the Ecological Mitigation and Management Strategy. The majority of the site is identified as cleared ground with recolonising ephemeral/perennial vegetation. Areas of tall ruderal vegetation and grassland remain in the east of the site.
- 10.64. No opportunities for protected species are identified. However, precautionary vegetation clearance is recommended to ensure no impacts arise on nesting birds and reptiles. This approach is appropriate in principle; however, it was raised during the course of the application that the proposed clearance of the grassland should be amended to ensure any potential protected species would not be harmed during vegetation clearance. It is agreed that in the absence of any sheltering opportunities within the grassland, cutting over winter would be acceptable. However, during the reptile active season, the proposed single cut to ground level is not appropriate. A stepwise cut should be undertaken, with grassland first cut to a height no lower than 10cm, with a second cut to ground level. Temperatures should be at least 9°C but preferably warmer. This was taken on board and the Ecological Mitigation and Management Strategy (EMMS) was updated accordingly.

#### *Habitat Creation*

- 10.65. The proposed hedgerow planting included widespread *Lonicera nitida*. This was falsely identified as a UK native species in the Habitat Creation Plan. It has

no real value for wildlife and can spread quickly in the wild. It was therefore requested that this should be removed from the planting proposals. The hedgerows and greenways now include native trees and shrubs.

10.66. From an ecological perspective, genuinely native trees – and not cultivars of the species – should form the majority of the tree planting, as echoed in the landscaping consideration. This is especially important adjacent to retained or created semi-natural habitats, which are mostly located at the site boundaries. The landscaping proposals therefore require amendment to significantly reduce the extent of cultivar and non-native tree planting.

10.67. No details of the proposed wildlife pond were provided. Further information were requested in the Habitat Creation Plan, including details of what marginal and aquatic planting would be undertaken. Native species should be utilised. In addition, the plans show amenity grassland being delivered immediately adjacent to the pond, which would reduce its value. Officers have advised that this patch of grassland should instead be created and managed for the benefit of wildlife, however it is acknowledged that useable outdoor amenity space is also required. This would be resolved by condition 39 of the outline planning permission for habitat creation.

10.68. The Habitat Creation Plan states lighting would be minimised adjacent to the proposed bat boxes. No illumination of the boxes themselves would be acceptable. A finalised lighting plan is requested by condition to check that this would be the case.

10.69. Seven bat boxes and six bird bricks were proposed through Phases 2 and 4 of the development. This represents a marked decrease on the rate of provision in Phase 1, in which 20 bat boxes/tubes were installed and “70 opportunities” for nesting birds delivered (the total box number was not provided). Additional boxes and bricks should therefore be incorporated into Phases 2 and 4. In addition, specific details were requested of the type of boxes to be delivered. Further details were received of 20 bat boxes/tubes and 70 bird boxes and this has now been resolved, however details of their exact locations would need to be finalised by the outline planning condition.

10.70. In response all the concerns raised the proposals have been amended and the proposed species are still being negotiated and also considered under the outline planning conditions submission. Subject to satisfactory details being received the development is considered acceptable in relation to policy G2 of the Oxford Local Plan 2036. The recommendation for approval is subject to the final resolution of the proposed landscaping and species through delegated authority to maximise the opportunity for native species wherever possible.

#### **i. Air Quality**

10.71. Policy RE6 of the Oxford Local Plan requires for developments to consider the impact they would have on air quality during and after construction and also the air quality that future inhabitants would be subject to. An air quality assessment was provided at outline stage and was approved. This indicated that air

pollutants concentrations would be below their relevant air quality objections which makes the application site to be considered suitable for its intended use.

10.72. Condition 29 of the outline planning permission required that prior to the commencement of development air quality monitoring programmes shall be submitted following the occupation of the 300<sup>th</sup>, 550<sup>th</sup> and 800<sup>th</sup> residential units. At the time of submission of this application the developer advised that 206 units were occupied so monitoring is not yet required.

10.73. The submitted energy statement shows that the dwellings would be powered by air source heat pumps and solar PV. Since these technologies are zero emission, they would not have an impact on local air quality.

10.74. According to the site's transport statement, on-plot parking would be provided with electric cabling to facilitate the easy installation of an electric charging point at a future date. Ducting would also allow for passive provision for 25 percent of all on-street and rear courtyard parking spaces, and two electric charging bollards would be installed within the visitor spaces along the western Pocket park centrally to Phase 4. This could be secured by condition.

10.75. A Construction Environmental Management Plan (CEMP) for the wider Barton Park development has been produced (WSP, 2015a) and approved by Oxford City Council as per application 13/01383/CND5. This document already includes the details of the methodologies required across the wider site to minimise the impact of construction on the wider community.

10.76. The approved CEMP sets out a number of management and communication strategies aimed at reducing the impact of construction on the surrounding area, including all the mitigation measures that were agreed to deal with construction dust. It is therefore highly recommended that this reserved matters applications adopts that already approved CEMP that was approved on the outline application.

10.77. The proposal is therefore considered acceptable in relation to policy RE6 of the Oxford Local Plan and paragraphs 170, 180 and 181 of the NPPF.

#### **j. Land Quality**

10.78. The Council has a statutory duty to take into account, as a material consideration, the actual or possible presence of contamination on land. As a minimum, following development, land should not be capable of being determined as contaminated land under Part 2A of the Environmental Protection Act 1990. The following planning legislation and policies apply:

- Town and Country Planning Act 1990
- National Planning Policy Framework, paragraphs: 119, 174, 183 -185
- Oxford Local Plan 2016-2036 - Policy RE9 - Land Quality

10.79. The areas at Barton Park designated for Phase 2 and 4 development were previously greenfield and historical site investigation work has confirmed that

ground contamination risks are low in these areas. It is likely that no specific remediation is likely to be required in these areas unless unexpected contamination is encountered. However in accordance with the approved Remedial Method Statement (RMS), further investigation was proposed in Phase 4 at the location of the 2m high overgrown soil mound. It was recommended in the RMS that a 'further 14no. samples are undertaken by mechanical excavation and samples obtained towards the base of the material prior to the soil mound's removal or stockpiling'.

10.80. This has not been carried out so must be completed to confirm contamination risks.

10.81. It is also recommended that further confirmatory contamination testing of near surface soils is carried out post site clearance in those areas in Phase 4 that have been utilised for the storage of materials, fuels and temporary car parking. This is to confirm the contamination status of soils, especially in those areas destined for gardens and public open spaces, and to determine whether or not any remediation work may be required.

10.82. 3. To ensure that this work is carried out and the risk assessment is updated, Conditions are recommend that a further phase of ground contamination risk is carried out, a watching brief is undertaken during construction works and that any remedial works (if necessary) are carried out.

10.83. Subject to these conditions the proposal is considered acceptable in relation to policy RE9 of the Oxford Local Plan 2036 and the NPPF.

#### **k. Energy Strategy**

10.84. The outline planning approval, 13/01383/OUT, was subject to a condition that all new dwellings should meet energy efficiency requirements as set out by policy CS9. This policy is now superseded but required 20% of energy requirements to be delivered through on-site renewable or low-carbon energy sources. Policy RE1 of the Oxford Local Plan 2036 has now replaced this policy, which requires that residential floorspace must achieve at least a 40% reduction in carbon emissions from a 2013 Building Regulations (or future equivalent legislation) compliant base case. This reduction has to be secured through on-site renewable energy and other low carbon technologies (which would be broadly be equivalent to 25% of all energy used) and/ or energy efficiency measures. Whilst this is the current standard, the outline planning condition set the required standard which the adoption of policy RE1 cannot supersede.

10.85. Despite this, during the course of the application a revised energy statement was received with SAP calculations with the higher standards contained within policy RE1 of the Oxford Local Plan 2036. The scheme has been designed to maximise the reduction of Carbon Dioxide (CO<sub>2</sub>) emissions through the incorporation of passive design measures, energy efficient mechanical and electrical systems and finally the use of renewable technologies (primarily solar PV) to contribute to onsite renewable energy production.

10.86. In relation to the commercial unit, there was a commitment that commercial units would meet a BREEAM 'Very Good' standard. In relation to policy RE1 of the Oxford Local Plan 2036, this requires commercial developments of over 1,000m<sup>2</sup> to meet a BREEAM 'Excellent' standard. This proposed commercial development in this case would not be required to meet a certain standard as it constitutes less than 1,000m<sup>2</sup>. At this stage it is not possible for the developer to demonstrate compliance with a certain BREEAM rating as an end user for the commercial unit(s) has not yet been agreed. It is therefore considered reasonable that a condition requiring that prior to the occupation of the unit(s), it is demonstrated that the unit would meet a standard of at least BREEAM 'Very Good' in accordance with the outline planning permission.

## **11. CONCLUSION**

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

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

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

11.4. In summary, the proposed development would be an acceptable development, the principle already established by the outline permission and would also make an efficient use of the site. The proposals are suitable in design terms and comply with policies DH1 and paragraphs 129-130 of the NPPF. The proposals would not result in any harm to neighbouring amenity and are compliant with RE7 of the Oxford Local Plan 2036. The proposal would also have an acceptable impact on the highway network in accordance with policy RE7 of the Oxford Local Plan 2036. Consideration has also been given to impact on trees and landscaping under policies G1, G7 and G8 of the Oxford Local Plan 2036, biodiversity under policy G2 of the Oxford Local Plan 2036, drainage under policies RE3 and RE4 of the Oxford Local Plan 2036, contaminated land under policy RE9 of the Oxford Local Plan 2036, archaeology in accordance with policy DH4 of the Oxford Local Plan 2036, air quality in accordance with policy RE6 of the Oxford Local Plan 2036 and energy efficiency under policy RE1 of the Oxford Local Plan 2036. These matters largely relate to matters reserved by condition at outline planning stage and are being dealt with as a separate application.

11.5. Therefore officers consider that the proposal would accord with the development plan as a whole subject to the approval of the required outline conditions.

*Material consideration*

11.6. The principal material considerations which arise are addressed above, and follow the analysis set out in earlier sections of this report.

11.7. National Planning Policy: the NPPF has a presumption in favour of sustainable development.

11.8. NPPF paragraph 11 states that proposals that accord with the development plan should be approved without delay, or where the development plan is absent, silent, or relevant plans are out of date, granting permission unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole; or specific policies in the framework indicate development should be restricted.

11.9. Officers consider that the proposal would accord with the overall aims and objectives of the NPPF for the reasons set out within the report. Therefore in such circumstances, paragraph 11 is clear that planning permission should be approved without delay. This is a significant material consideration in favour of the proposal.

11.10. Officers would advise members that, having considered the application carefully, the proposal is considered to be acceptable in terms of the aims and objectives of the National Planning Policy Framework and relevant policies of the Oxford Local Plan 2026, when considered as a whole, and that there are no material considerations that would outweigh these policies.

11.11. Therefore it is recommended that the Committee resolve to grant planning permission for the development proposed subject to the conditions and informatives set out in Section 12 of this report.

## **12. CONDITIONS**

- 1 The development subject to this application shall be implemented strictly in complete accordance with the specifications in the application and the submitted plans.

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

- 2 The development the subject of this application shall not be used or occupied until details of the implementation of the Residents' Parking Zone have been submitted to the local highway authority and until they have been approved in writing by the local highway authority and thereafter the approved parking controls shall be implemented,

maintained and enforced until such time as the roads are adopted by the local highway authority.

Reason: In the interests of highway safety and operation of the site in accordance with principles agreed at outline planning stage.

- 3 Prior to the occupation of the development the subject of this application, bicycle and bin storage as shown on the approved plans shall be provided on site and retained thereafter for the storage of bins and bicycles.

Reason: In the interests of sustainable travel and the character and appearance of the site in accordance with policies M5 and DH7 of the Oxford Local Plan 2036.

- 4 Prior to the commencement of the development the subject of this application, other than that required to undertake contamination risk assessment, a further phase of ground contamination 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.

The additional phase of investigation shall include further intrusive investigation in order to characterise the type, nature and extent of contamination present in proposed garden and landscaped areas of the site, the risks to receptors and to inform the remediation strategy proposals. Should any potentially significant ground contamination be identified then a remediation strategy, validation plan, and/or monitoring plan shall be submitted to and approved in writing by the local planning authority prior to the occupation of the development to ensure the site will be suitable for its proposed use.

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

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

- 6 Throughout the course of the development, a watching brief for the identification of unexpected contamination shall be undertaken by a suitably competent person. Any unexpected contamination that is found

during the course of construction of the development the subject of this application 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.

- 7 Prior to the commercial unit(s) being brought into use, an energy statement demonstrating compliance with 'BREAAAM Very Good' as a minimum shall be submitted to and approved in writing by the Local Planning Authority. The energy efficiency measures in the energy statement shall be installed on site and retained thereafter.

Reason: In the interests of energy efficiency and the approved design code in accordance with policy RE1 of the Oxford Local Plan 2036.

- 8 Prior to the commencement of the development the subject of this application, details of secure by design measures to be incorporated into the development shall be submitted to and approved in writing by the Local Planning Authority, and the approved details shall be provided on site and retained thereafter.

Reason: In the interests of secure by design in accordance with policy DH1 of the Oxford Local Plan 2036.

- 9 Prior to the installation of any external lighting, a lighting design strategy for biodiversity shall be submitted to and approved in writing by the local planning authority. The strategy shall:

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

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. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To comply with the Wildlife and Countryside Act 1981, The Conservation of Habitats and Species Regulations 2017 (as amended) and the National Planning Policy Framework

- 10 All works shall be carried out in accordance with the details contained in the Precautionary Method Statement in the Ecological Mitigation and Management Strategy Revision C02 produced by Sweco UK Limited and dated February 18th 2022 as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason: To comply with the Wildlife and Countryside Act 1981.

- 11 A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the occupation of the development. The content of the LEMP shall include the following.

- a) Description and evaluation of features to be managed.
- 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.
- 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.

Reason: To comply with the Wildlife and Countryside Act 1981.

- 12 Prior to the occupation of the residential units, the electric vehicle charging infrastructure and charging points shall be provided on site in accordance with the submitted details and retained thereafter.

Reason: In the interest of air quality in accordance with policy M4 of the Oxford Local Plan 2036.

- 13 Prior to the occupation of the apartment blocks, details of means of enclosure of terraces and balconies shall be submitted to and approved in writing, provided on site and retained thereafter.

Reason: In the interests of the amenity of the occupiers in accordance with policy H16 of the Oxford Local Plan 2036.

### **13. APPENDICES**

- **Appendix 1 – Site plan**

### **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.

**Appendix 1 – Site Plan**



**Barton Park - Phases 2 & 4**  
 Countryside Properties



Based upon the 2011 Ordnance Survey  
 Mastermap vector data with the permission of  
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**Proposed Block Plan**  
 10001: 126-0126A AMP L&A P022  
 Scale @ A1: 1:5000 FOR PLANNING  
 10/01/17

