

Oxford City Planning Committee

19th July 2022

Application number: 21/01176/FUL

Decision due by 1st October 2021

Extension of time To be agreed

Proposal Redevelopment of the Former Dominion Oils site and adj. land to provide residential development comprising 100% affordable housing (50 houses and 40 flats) and open spaces. Estate road, access, footpaths, landscaping, and car parking. (ADDITIONAL INFORMATION, AMENDED DESCRIPTION AND AMENDED PLANS)

Site address Former Dominion Oils Site, Railway Lane

Ward Littlemore Ward

Case officer Clare Gray

Agent: Mr Nik Lyzba **Applicant:**
Cantay Estates
Ltd And Oxford
City Housing
(Development)

Reason at Committee The application is a major development

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 13 of this report and grant planning permission subject to:

- the satisfactory completion of a legal agreement under section.106 of the Town and Country Planning Act 1990 and other enabling powers to secure the planning obligations set out in the recommended heads of terms which are set out in this report;

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;
- 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 the development of this vacant previous industrial site located at the end of Railway Lane, Littlemore for the erection of 90 dwellings coming forward as 100% affordable housing. This report considers that the development site is highly constrained in its shape, and position with a significant level change across the south west of the site towards the railway that runs parallel with the site's southern boundary.
- 2.2. The report considers that the site has been vacant in excess of 10 years and is a brownfield site that has been left to become vegetated. Until recently the site appeared to have significant tree coverage however, the site was cleared and trees felled prior to this planning application being submitted with evidence of stumps that remain around the site.
- 2.3. The report considers that the site also has biodiversity value through its redundant vegetated state and large population of slow worms. However this value has been impacted through the significant site clearance that has been undertaken prior to the application being submitted.
- 2.4. Notwithstanding the above, the development of this site will bring forward 90 units all of which will be affordable housing. The development of the site for this number of homes would constitute a windfall development in the context of the Councils five year housing land supply as the site is not allocated in the Local Plan, despite in previous Local Plan documents, being allocated for residential housing. The report recognises that the delivery of housing is an important strategic objective of the Oxford Local Plan 2036 and would deliver vital housing which would address the urgent need for housing in the city. The report also considers the development would bring forward a previously developed site within the City's boundary which accords with the overarching planning objective of the NPPF which is a presumption in favour of sustainable development.
- 2.5. The report considers the proposal against the site's constrained and irregular shape and considers the character of Railway Lane and proximity to Littlemore Conservation Area, which is located to the east of the application site as well as the proximity to Beenhams Barn as a Grade II listed building. In considering the layout of the scheme it is considered that through the amendments made to the application that the layout is acceptable in respect of the pattern of development in the area which is largely defined by infill development with a cul-de-sac form. The dwellings, whilst being simple in

appearance would not be objectionable and the scale of houses would mirror adjoining domestic scale buildings, and the flats would be sited on lower ground to the west of the site. Officers consider that whilst the landscape framework plan is broadly a masterplan and is not specific would assimilate the development into its surroundings, would reinforce the existing tree belt along Railway Lane and would create attractive views from within the conservation area, and would thus be a positive development, enhancing public realm from its current neglected state.

- 2.6. The report has regard to residential amenity and recognises that overall the development would enable occupiers of the development and residents adjoining to have a reasonable level of privacy and not have an unacceptable outlook, or the proposal be overbearing. However, it is recognised that there is sensitivities in terms of the relationship with the adjacent building at 4 Railway Lane. These sensitivities relate to overlooking of rear gardens from a small balcony that is used by these occupiers for amenity. The solution considered by the applicant is the planting of a pleached tree to provide screening opportunities, and whilst tree planting is not ideal, equally it is recognised that this could provide such a solution and has been used as an approach at Barton Park. On balance, whilst it is recognised that it is not ideal, that considering the benefits of maximising the site for housing and for bringing forward 100% affordable housing, that this solution could be acceptable on this basis.
- 2.7. The report considers the additional impact of developing the site for housing on the local highway network and recognises the former industrial use of the site. Taking this into account and the proposed development, Oxfordshire County Council as Highway Authority have considered the submitted Transport Assessment and consider that subject to securing a package of contributions towards public transport services, real time passenger display and bus shelter, travel plan monitoring and a S278 and S38 to secure the access road, and a raised table at the junction of Chapel Lane and Railway Lane the development is acceptable in highway terms.
- 2.8. The site is not located in a CPZ and parking at 1 space per 1 unit is a maximum standard. In this instance the report considers a lower parking provision across the site and supports the lower parking as being compliant with the modal shift away from using cars to more sustainable forms of transport. Cycling and electric vehicle charging will be secured through conditions.
- 2.9. The report considers the former treed nature of the site and its biodiversity value and recognises that the site was unfortunately cleared prior to the application being considered. In respect of trees, regrettably because the site was cleared Officers are unable to ascertain the tree canopy coverage on site prior to any development. This therefore means that it is impossible to place a quantitative assessment on what is necessary to compensate for lost trees. However, it is considered that the landscape framework plan provides the opportunities to mitigate this loss and that this tree and soft planting will establish and offset the lost tree coverage. It is further recognised that the

trees that were on site were unlikely to be significant as they were mostly self seeded.

- 2.10. Officers also considered the biodiversity impact of clearing the site which is regrettable. Through the use of Biodiversity Metric 3.0 a pre clearance baseline has been established and is calculated that for the applicant to compensate what has been lost on site, and to provide a minimum of 5% Biodiversity Net Gain, that the development would need to secure some mitigation on site and the majority of mitigation off site, utilising the offset process that has been utilised for schemes where their loss on site cannot be mitigated on site. Through extensive discussion on this and with Trust for Oxfordshire's Environment confirmation, this can be secured as a financial payment between the applicant and TOE secured via a S106 Agreement. In recognition of a substantial amount of slow worms on site, there will need to be a translocation programme secured too. In respect of all other protected species there is considered no adverse impact.
- 2.11. The report considers the existing contamination and that the site has been subject to some remediation but requires further remediation to bring it to the acceptable standard for residential use having regard to its previous use an oil depot and railway sidings. This can be required through appropriate conditions.
- 2.12. The dwellings would be all electric, incorporating PV panels on the flats and Air Source Heat Pumps (ASHP) to the houses which with other measures will enable a 41% reduction in carbon in accordance with the 2013 Building Regulations.
- 2.13. The report has regard to the impact on flooding, waste, archaeology, air quality and impact on social infrastructure, being education and health provision and consider the proposal is acceptable to that end subject to conditions.
- 2.14. The report has also had regard to noise and vibrations and considered the impact on future occupiers amenity by reason of its siting next to the freight line. The report considers this impact is acceptable.
- 2.15. Therefore on balance, it is considered that having regard to the policies of the Local Plan and the NPPF that planning permission is recommended to be granted, subject to a S106 to secure 100% affordable housing; a financial contribution to offset 16 habitat credits and a biodiversity gain plan detailing mitigation on site and 5% net gain; financial contribution to public transport, bus shelter, real time display and Travel Plan; a financial contribution towards waste; S278 and S38 for the access onto Railway Lane and a raised table at the junction of Chapel Lane and Railway Lane, it is recommended to Oxford City Planning Committee that planning permission is approved.

3. LEGAL AGREEMENT

- 3.1. This application is subject to a legal agreement to cover the provision of 100% affordable housing.

- 3.2. A financial contribution to secure biodiversity offset off site through a payment from the applicant to Trust for Oxfordshire's Environment for 16 habitat credits and a plan to show the mitigation on site for 1.96 credits and 5% biodiversity net gain.
- 3.3. There is further a highways requirement to secure the following:
- £94,590 towards public transport for the continued provision of public transport services to Littlemore, specifically the retention and improvement of the 3A bus service as the main service to the city centre.
 - £17,678 towards public transport infrastructure contribution towards a shelter and real time passenger information at the Oxford bound bus stop.
 - £1,446 as a Travel Plan monitoring fee
- 3.4. There is a household waste requirement to pay a financial contribution of £8,456.40
- 3.5. An obligation to enter into a S278 Agreement will be required to secure the proposed new vehicular access on Railway Lane as indicated on the site plan and for a raised table at the junction of Chapel Lane and Railway Lane. This is to be secured by means of S106 restriction not to implement the development until the S278 agreement has been entered into. The trigger by which time S278 works are to be completed shall also be included in the S106 agreement. Identification of areas required to be dedicated as public highway and agreement of all relevant landowners will be necessary in order to enter into the S278 agreement.
- 3.6. An obligation to provide a central minor access road as identified in Section 5.2 of the Transport Assessment and indicated on Site Plan No.21/3508/1 will be required for the development. The S106 agreement will secure delivery via future completion of a S38 agreement. The S106 agreement will identify the following for the purpose of the S38 agreement; approximate location of the central minor access road and information as to provision eg minimum width of carriageway, footways etc as appropriate, timing, which may be staged, additional facilities and payments, such as on-site bus infrastructure and related payments.
- 3.7. The S106 agreement will also need to secure the 30 year management of the habitat creation, given the length of the period required for management

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 4.1. The proposal is liable for CIL. However, it is likely that as the application is for 100% affordable housing that the development could be exempt from CIL. The applicants haven't applied for any exemptions at the time of writing this report.

5. SITE AND SURROUNDINGS

- 5.1. The site is located to the end of Railway Lane, Littlemore. Railway Lane is a narrow, mainly residential lane, that leads from the Sandford Road down towards the disused railway, which runs in an east west direction at the end of Railway Lane. At the end of Railway Lane, to the west, is a former employment site, last used by Dominion Oils, which is a substantial site and encompasses a significant area of land located adjacent to the railway and to the rear, and south of, the residential streets of Chapel Lane and Gwyneth Road, as well as to the south of Sainsburys Heyford Hill.
- 5.2. The site has been vacant in excess of 15 years and thus had become vegetated, and rich in biodiversity. However, the site was cleared from tree cover prior to the application being submitted in April 2021, believed to be in Winter 2020. There are some isolated trees that remain around the perimeter of the site.
- 5.3. To the south west of the site, is a significant change in land levels with an overall change in levels of 6m towards the south west.
- 5.4. Beyond the railway, to the south at St Nicholas Place is an Abbey Development scheme that is under construction.
- 5.5. The site sits outside of, but adjacent to Littlemore Conservation Area. On Railway Lane is Beenhams Barn which is Grade II listed.
- 5.6. See location plan below:



6. PROPOSAL

- 6.1. The application proposes to redevelop this disused site for residential development. The scheme proposes to bring forward 90 units to be provided as 50 houses and 40 flats. All 90 units will be provided as 100% affordable.
- 6.2. The mix of dwellings proposed is as follows:

8 x 1 bed flats

32 x 2 bed flats

6 x 2 bed houses

34 x 3 bed houses

9 x 4 bed houses

1 x 5 bed house

- 6.3. The houses are proposed to front onto Railway Lane and a linear road through the site, off which includes 2 cul-de-sacs. The flats are proposed to be provided as 4 separate blocks at the end of the internal road to the west of the site. The buildings are to be constructed in brick.
- 6.4. Open space is proposed throughout the development off the internal road. Parking is provided on street and not on plot, adjacent to the road providing a total of 76 spaces.
- 6.5. An access footpath is proposed from the development to connect with Thomson Terrace/Chapel Lane. A ramped/stepped footpath leading up to Sainsburys Heyford Hill is proposed to the west of the site on the northern boundary. A further potential link to St Nicholas Place south of the railway is shown to the south between Blocks C and D.
- 6.6. Various amended plans have been received during the course of the application. These amended plans have been submitted to include the following changes:
- to improve the relationship of buildings on the frontage of the site with Railway Lane through turning the buildings 90 degrees, as well as detailing the inclusion of a stone wall to address the adjacent Conservation Area and a frontage wall and railings;
 - removal of a unit on the frontage to address the relationship of the proposal with 4 Railway Lane in respect of amenity;
 - removal, and subsequent reinstatement of a dwelling on the northern boundary adjacent Thomson Terrace;
 - modify a point of future access to Abbey development to south of the railway from the end of the cul-de-sac to between blocks C and D;
 - amendments to cycle stores to address concerns by Cyclox;
 - amended plans to remove PV panels on houses to respond to the revisions to the Energy Statement;
 - amended revision to windows on the side elevation of Blocks C and D and thus address overlooking between the respective blocks;

- revised windows to rear of Block B.

6.7. A series of additional information has been submitted during the course of the application by way of the following:

– submission of amended Energy Statement to remove gas boilers and introduce air source heat pumps (ASHP) all electric scheme;

- Submission of Biodiversity Metric January 2022 and July 2022.

7. RELEVANT PLANNING HISTORY

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

54/00439/M_H - Garage. Approved 7th September 1954.

63/00089/M_H - Site for extension of depot for storage and distribution of petroleum products.. Approved 21st November 1963.

64/00042/M_H - Depot for storage and distribution of petroleum products.. Approved 21st February 1964.

97/00310/NF - Change of use of Oil Store to Offices (Class B1) business use ancillary to oil storage depot including external alterations & enclosure / modification of loading bay to form 2 storey link / entrance between existing & proposed offices.. PERMITTED 28th May 1997.

04/02477/OUT - Demolition of Station House off Railway Lane and Garages off Thompson Terrace. Outline application (seeking siting and means of access) for residential development, nominally consisting of 33 houses (9 x 2 bed, 13 x 3 bed, 11 x 4 bed); 64 flats (20 x 1 bed, 44 x 2 bed); and 8 x 3 bed live/work units. Provision of 110 car parking spaces, landscaping and public open space.. REFUSED 29th June 2005.

07/01186/FUL - Demolition of Station House off Railway Lane and garages off Thompson Terrace. Erection of 85 residential units (11x1 bed flats, 27 x 2 bed flats, 8 x 2 bed houses, 23 x 3 bed houses, 14 x 4 bed houses and 2x 5 bed houses). Provision of 114 parking spaces and 6 garages, landscaping and public open space (Amended plans and description).. Finally Disposed Of 31st March 2009.

20/02654/CT3 – Erection of 3 x 2 bed dwellinghouses (C3). Provision of private amenity space, car parking, bin and bicycle stores. Land to the rear of Thomson Terrace – Approved 1 March 2021

8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Other planning documents	Neighbourhood Plans:
Design	119-125, 126-136	DH1, DH2, DH3		
Conservation/ Heritage	189-208	DH3		
Housing	60-80	S1, H1, H2, H7, H14, H15, H16		
Commercial	170-183	E1		
Natural environment	152-173	G2, G7, G8, RE1, RE2, RE3, RE4, RE7		
Social and community	81-85			
Transport	104-113	M1, M2, M3, M4, M5	Parking Standards SPD	
Environmental	152-173, 174-188	RE1, RE2, RE3, RE4, RE7	Energy Statement TAN	
Miscellaneous	7-12		External Wall Insulation TAN,	

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 28th July 2021, 14th February 2022, 14th March 2022, 15th June 2022 and an advertisement was published in The Oxford Times newspaper on the 29th July 2021; 3rd February 2022; 2nd March 2022; and 16th June 2022.

9.2. The consultation responses received in relation to the application are summarised below. Officers would make members aware that copies of all the consultation responses listed below are available to view in full on the Council's public access website.

Statutory and non-statutory consultees

- 9.3. Oxfordshire County Council Highways: The site is in a sustainable location with relative close proximity to a number of services, although links to and from services particularly via active travel modes could however be better provided for. The site is not currently in a controlled parking zone (CPZ) and that the parking provision is consistent with adopted local policy. It is noted there are concerns regarding impact on the local network. Whilst it is acknowledged, in considering the prior use at the site and in context of wider vehicle flows on the network, the County Council does not consider the additional vehicle trips to be of an unacceptable level, particularly considering the site's previous use. However, it will be necessary to secure a number of measures along Railway Lane and at the Chapel Lane/Railway Lane junction to assist in alleviating visibility, pedestrian accessibility and cycle priority measures as well as traffic calming. Therefore no objection subject to the applicant entering into a S278 agreement to secure mitigation and improvement works, including a new vehicular access on Railway Lane as indicated on the plans and a raised table at the junction of Railway Lane and Chapel Lane
- 9.4. Oxfordshire County Council Strategy: The site is being brought forward by Cantay Estates and Oxford City Homes Ltd (OCHL) expressly for the purpose of providing affordable housing. The site is not allocated in the current adopted Oxford Local Plan, but it is explained in the applicants planning statement that the lack of allocation arose out of the then landowner's intention to not develop the site in the immediate future (thereby making it difficult for the City Council to show that the site was deliverable). The previous Local Plan had the site allocated for housing. The Housing and Economic Land Availability Assessment (HELAA) in November 2017 found the site suitable for residential development.
- 9.5. Oxfordshire County Council Education: The proposed development is estimated to generate 6 additional nursery pupils requiring funded early learning places; 27 additional primary school pupils; 18 additional secondary school pupils including sixth form and 0.5 additional pupils requiring special school provision. Schools serving the area would be expected to have sufficient capacity to accommodate the expected pupil generation from the proposed development. As such no s106 contributions are required.
- 9.6. Oxfordshire County Council Local Lead Flood Authority (LLFA): No objection subject to conditions.
- 9.7. Oxfordshire County Council Waste: No objection subject to S106 contributions towards expansion and efficiency of Household Waste Recycling Centres.
- 9.8. Natural England: No comments
- 9.9. Environment Agency: No objection subject to a condition requiring submission of remediation strategy as a condition.

- 9.10. Historic England: Do not wish to offer any comments. Suggest that you seek the views of your specialist conservation and archaeological advisers as relevant.
- 9.11. Berkshire, Buckinghamshire, Oxfordshire Wildlife Trust (BBOWT): Objection. The application does not provide a net gain in biodiversity. The application has not provided any detail about how the offsite measures are to be provided, and in the absence of any net gain calculation relating to off site mitigation, it is impossible to assess whether or not the requirement to provide biodiversity net gain set out in planning policy G2. For this reason, consider that the application in its current form is in contravention of the Oxford City Council Local Plan and should be refused. Evidence relating to the offsite mitigation should be submitted allowing the opportunity for this to be consulted on prior to the determination of the application.
- 9.12. Network Rail: No objection in principle to the proposal but due to the proposal being next to Network Rail land and infrastructure and to ensure that no part of the development adversely impacts the safety, operation and integrity of the operational railway have included asset protection comments.
- 9.13. Crime Prevention Design Adviser: Whilst in general terms the layout of the site is not objectionable, it is felt that there are a number of improvements that could be made to improve the development from a crime prevention through environmental design perspective. This development is located in a higher crime area of Oxford and as such every opportunity must be taken to design out crime.
- 9.14. Thames Water: No objections. With regard to surface water network infrastructure capacity, would not have any objection to the above planning application, based on the information provided. With regard to foul water sewerage infrastructure capacity would not have any objection based on the information provided. There are public sewers crossing or close to the development. Thames Water will need to ensure that the development doesn't limit repair or maintenance activities or inhibit services. The proposed development is located within 15m of underground waste water assets and as such would like an informative attached to any approval. Thames Water recognises this catchment is subject to high infiltration flows during certain ground water conditions. The scale of the proposed development doesn't materially affect the sewer network and as such have no objection, however care needs to be taken when designing new networks to ensure that they don't surcharge and cause flooding.
- 9.15. Cyclox (original plans): Cyclox objects to the current application on the grounds that it does not prioritise walking, cycling and public transport, has unambitious targets for modal shift and does not provide adequate or compliant facilities for safe, secure and convenient cycle storage.
- 9.16. Comments in particular are the cycle stores set out in Blocks A, B and C are too small for the number of cycles to be stored; the spacing for each cycle is inadequate; the proposal to use semi-vertical racks is not compliant; there is no provision for three wheeled vehicles; there is no provision for non-standard

cycles to accommodate people with mobility impairment which should be 5% of the space provided; there is inadequate space for manoeuvring cycles; the TA is unimaginative; the assessment is silent on the subject of e-bikes and scooters.

9.17. Cyclox (amended plans): Cyclox welcomes the changes made to the cycle storage provision to make it compliant with LTN 1/20. Still believe that the inclined racks specified are not suitable for most cyclists because of the strength required to hoist the bikes in position. The experience of this type of rack in the communal area of the Blackbird Leys towers shows the problem. With respect to the Transport Plan Cyclox believes that the target of a 5% reduction in single occupancy car journeys in the first 5 years is very unambitious.

9.18. Littlemore Parish Council (original comments):

1. The issue of access to the area to be developed and the number of dwellings to be constructed associated with the density of vehicles requiring parking spaces and entering and leaving the site along a narrow roadway with limited visibility.

2. This volume of additional traffic will be coming onto the Oxford road, which is already heavily trafficked, posing risk to other motorists, cyclists and pedestrians. Although the speed limit is set at 20 mph through the village this is not adhered to, or enforced, which increases the level of risk to other road users.

3. The application makes reference to a nearby bus service and to the frequency of buses, which is not the case as they only run every 30 minutes and not on Sundays, or Bank holidays.

4. Although the transport assessment makes reference to 'the usual services' for residents of this development, this statement is ill-defined and, given that Littlemore is poorly provided for in terms of services, such as a doctor's surgery, dentist and specialist shops we do not agree that such infrastructural benefits are available as 'usual services'.

5. Reference is made in the planning document to 'a potential new station' on the Cowley line that would be accessible from this development. Apart from the fact that no plans have been announced for a passenger service to be opened on this line, we understand that the Littlemore station will be located at the Science Park and that this does not involve a halt accessible from the development.

6. Concerns have been raised by members of the Parish regarding contaminated land at this site and whether this has been addressed satisfactorily. The reports that accompany the application do not clearly indicate that this land is safe for properties to be built on, and for families to be safe from chemical contamination risks.

7. Finally, our Parish is being overburdened with housing developments without any mention of infrastructure projects to accompany the large increase in population and cars. Nothing has been proposed for improvements to services or to road and transport networks. In addition, with regard to the climate emergency, where are the measures to ensure sustainable building, reduce carbon emissions and pollution in our community. Gas heating appears to be the chosen method for use in these houses, but as a population we are advised to move away from gas boilers.

9.19. Littlemore Parish Council (second comments):

1. Littlemore Parish Council is very concerned by the proximity of this large development to the conservation area in Littlemore, particular with reference to the historic barn, which is located in Railway Lane and will be subjected to the large increase in traffic passing along the lane, with the associated pollution and vibration.

2. LPC is also concerned regarding ecological studies carried out on the flora and fauna in the area, and the destruction of habitats, already damaged by the developer. The preliminary ecological study was conducted after the ground had been disturbed and the trees cut down (report dated February 2021) and the survey was described as conducted at a suboptimal time. The site was also surveyed after the land had been cleared, when wildlife would have been disrupted. The addendum to the earlier report (dated November 2021) indicates populations of slow worms (protected species) and bats logged at the site. In conclusion, there appears to be no evidence of plans for a net biodiversity and ecological gain in this application.

3. It is not clear from the application what the level of sustainability of these houses will be, for example the level of insulation and heating systems to reduce Carbon emissions.

9.20. County Councillor Cllr M Paule: As a County Councillor I am focusing on the failure to address transport issues, in summary: I am concerned that the revised plans do not take into account the bus service changes, and do not address concerns about accessibility. The transport assessment states that 'Access to frequent bus services is available a short distance from the site'. Bus services have been cut and routes changed since this document was produced, but there is no update. While it points out that there are some "quiet off road national cycle routes providing connection to the City's facilities" the access including the bridge remains putative. We have no way of predicting if and when this would come about, and its absence means the site is not adequately connected.

9.21. The transport document state that there is "a variety of day-to-day facilities all within convenient walking distance". This is optimistic at best, and misleading at worst. In Littlemore there is no health centre or GP surgery, and no dental surgery; shopping beyond Sainsbury's is lacking. In reality most residents will travel to Cowley for such "everyday facilities". This is not within convenient

walking distance for young families or those with limited mobility. It will necessitate car use. The impact on the existing Oxford Road bottleneck will be significant.

- 9.22. The impact of construction traffic on Railway lane is glossed over. Concerns expressed over the initial plans have not been addressed. This narrow Victorian street cannot accommodate such traffic without an impact on residents that will be detrimental and significant.

Public representations

- 9.23. Letters of comment have been received from the following addresses

- 1, 18 Astrop Lane
- 7 Brocklesby Road
- 5, 7, 8, 9, 15, 17 Chapel Lane
- 31, 130 Cowley Road
- 2, 9, 11 David Nicholls Close
- 12, 30 Dudgeon Drive
- 13, 23 Kempson Crescent
- 2, 3, 5, 8, 9, Old Coach House, Lanham Way
- 85 Leafield Road
- 4, 9 Longwall
- 5, 14, 23, 32 Gwyneth Road
- 20, 83 Mandelbrote Drive
- 9, 20, 86, 120 Medhurst Way
- 14 Newman Road
- 4, 10, 20, 35C, 37, 70, 72, 80, anon, Oxford Road
- 4, Beenhams Cottage, Campion Cottage, Mulberry House, Old Post Office, Railway Lane
- 8, 22, 23 St Georges Manor
- 9, Corpus Christi Farmhouse, The Manor House, Sandford Road
- Lower Farm, Sandford on Thames
- 38 Spring Lane
- 2, 5c, 12, 22 Thomson Terrace
- Littlemore Community Association
- No address (9)

- 9.24. In summary, the main points of objection were:

- The size and density of the development is not appropriate for the site
- The construction of 588 homes from all of the other developments in Littlemore cannot be viewed in isolation from each other.
- There will be a need for more infrastructure – GP surgeries; frequent bus services. The community cannot absorb this level of development without sustainable improvements to amenities and infrastructure
- The development will cumulatively add to pressure in Littlemore with several other residential developments underway. There would be a conflict with Policy RE7

- The rate of growth in Littlemore is not sustainable, and needs to be mitigated by way of improved infrastructure
- Littlemore has already had a number of newish estates – Lawn Upton Close, David Nicholls Close, Medhurst Way, Astrop Lane. There are new estates at Barberi Close, Hillsale Piece, Milvery Way, Ripley Furlong, St Nicholas Place, Newman Place, St Georges Manor, Oxford Science Park, and Kassam Leisure Complex. Each development places pressure on the Littlemore highways and infrastructure network
- There have been previous applications refused on grounds the site is contaminated land, poor public transport etc, and would not provide a good quality environment for residents; development in part on greenfield land, overdevelopment, inadequate open space provision
- The land is contaminated with asbestos, lead and many more contaminants which makes the area unsuitable
- The need for housing was calculated pre pandemic where working patterns were different. There can be more flexibility as to where housing is developed in the UK let alone Oxford
- There needs to be rigorous methods in place to ensure appropriate decontamination is undertaken given this is going to social housing
- The development could result in a threat to the Littlemore Village Hall, community asset, from any parking controls on street
- There is not enough green space in Littlemore. This development should provide more substantial and attractive green space
- Thames Valley Police object on anti-social behaviour grounds
- The development will have an adverse impact on the conservation area
- The design is not very imaginative. It is bog standard housing
- The site is landlocked at the end of a narrow lane
- Railway Lane and its junction with Sandford Road has a number of Listed Buildings around it. These include examples of rare stone barns. None of these buildings have modern foundations and so the development could damage these.
- The increase in traffic will have an adverse impact on the historic appearance and peaceful environment of this part of Littlemore
- The flats will overlook the rear gardens of Gwyneth Road
- The access via Railway lane is already at capacity for residents of Chapel Lane, Thompson Terrace, Gwyneth Road, Kempson Crescent and Brocklesbury Road
- The increased traffic generation from this scheme will impact on the safety of the road network
- There will be wider impacts on the Eastern bypass from this and the other schemes in and around Littlemore
- The transport statement submitted is disingenuous, and does not assess the cumulative impact of development in Littlemore
- The LTNS have caused more pressure in Littlemore.
- There is not adequate public transport in Littlemore for residents or to help mitigate impact of this development
- Railway Lane is a single track road with unrestricted parking on it.

- The construction traffic will cause disruption
- There is not enough parking provided. The scheme is below standard (should be 137 space for 91 units), but only 79 spaces are assigned. There is no visitor spaces and only some of the 79 are electric charging points
- The development is not engineered for pedestrian and cycle safety
- The development will place pressure on Sandford Road without adequate crossing points for pedestrians and cyclists.
- A new access road should be provided over the railway line to the ring road via St Nicholas Place
- There should be a pedestrian and cycle connection over the railway
- The existing foul and surface water drainage cannot cope without upgrade
- The site is at risk of flooding, because Sandford Road floods in heavy rainfall
- The new housing will impact on the existing drainage systems ability to absorb surface water
- Will the houses conform with latest climate change requirements
- The proposal is seeking to use gas boilers which are not carbon neutral
- The energy statement does not go far enough to use all available technologies
- The site has rewilded whilst being vacant, but this has been stripped without any consideration to environmental impact assessments. It remains an area with potential for restoration.
- There will be a loss of protected trees
- There was a lack of public consultation on this scheme prior to submission
- The relationship between the city councils housing company and Cantay would appear to be conflicted
- The site would be better used for a community area or park
- The development should be paused until a community plan for Littlemore is drawn up which identifies precisely the infrastructure needs for Littlemore
- The site density should be reduced by 50%; direct access should be provided to the A4074; the site should be utilised for more parking for surrounding residents; green space / play space; and for a doctors and dental surgery
- The application as originally submitted has not included a biodiversity net gain improvement of 5%
- The biodiversity metric should be calculated to how it was before the site was cleared of vegetation
- A previous appeal case in Berkshire made clear that the mitigation hierarchy should be based on existing situation pre-clearance

9.25. 1 letter of support was received. The salient points are:

- The proposal will develop a derelict brownfield site into 100% affordable housing
- It is better to have developments like this than sprawling into new commuter villages which are car centric
- There is a dire need for social housing and so support this more than open market

- The number of cars needs to be controlled
- The path gets opened up to Sainsburys which will be of benefit

9.26. The following comments were made in response to the public consultation undertaken in March 2022

- The amendments do not address previous concerns
- The cumulative impact of development on Littlemore still needs to be assessed
- There will be pressure on local services and not addressed by the revised proposals
- These developments will increase traffic generation in the area
- The reduction in number of houses from 91 to 90, and also the number of car parking spaces is the opposite of what residents have sought
- The statements in the document 'additional information / revisions' are not accurate
- The traffic generation will have an adverse impact on the conservation area
- Railway Lane will not be a low traffic route
- Railway Lane cannot cope with the traffic generated by the scheme
- The parking pressure the scheme will place on Railway Lane will have an adverse impact on the existing pedestrian footpaths to the detriment of those that use them.
- The impact on the conservation area will not be positive as suggested by the applicant
- The amendments do not address long standing concerns over the contamination of the site
- The 40% reduction in carbon is based on outdated metrics
- The development is still using gas boilers
- The energy statement is not being ambitious enough in terms of the 40% reduction
- No response given to building an access road to the A4074
- The concerns over lack of bus services remain
- How affordable will the houses be in reality
- The developer has already removed trees and ecology
- There is a lack of parking in the scheme
- The access to the site is still inadequate
- There is still a lack of meaningful consultation of local residents
- There is no provision in the amended plans for a water pumping station to be provided in Railway lane, which is needed given Railway Lane is below the existing system
- The biodiversity net gain assessment is inadequate as highlighted by BBOWT
- The scheme is still an overdevelopment of the site
- No air quality monitoring has been undertaken
- The construction traffic will be significant and will need to remove a lot of material from the site. This will be beyond the 7.5 tonne limit
- There was a lack of public consultation prior to submission of the application
- There will be a negative impact on the Grade II listed buildings in the vicinity of the site.

9.27. The following comments were made in respect of the public consultation undertaken 1st June

- The very minor changes that the developer has made to the recent plans in no way addressed the numerous and significant concerns raised by the local community, local councillors and other stakeholders such as Littlemore Parish Council, the Littlemore Community Association, Thames Valley Police and BBOWT
- The issues connected with the previous application still remain – lack of local infrastructure, the density of the planned development, and significant contamination are still present with the new contamination
- Concerns about contamination still not have been addressed
- Poor access
- Concerns about cumulative impact of this and other large developments
- Lack of provision for parking, poor transport links, prior clearance of biodiversity and lack of 5% biodiversity net gain, and site not allocated in the Oxford Local Plan.
- The Transport Assessment (TA) considers this to be a sustainable location which is at odds with the previous refusals on this site.
- The TA suggests that traffic flow will not be as much as the previous use, which was a fuel depot some 20 years ago. This was before a number of additional houses were built in the area
- Concerned about the report from Thames Valley Police regarding the potential for the development to increase crime and antisocial behaviour due to design and layout. The Thames Valley Police are objecting on grounds of impact on crime and anti social behaviour
- The development will still impact on the rural charm of the lane and thereby conservation area
- The TA suggests that the provision of a bridge across the railway is not necessary for this development. However the provision of a bridge, particularly for vehicles would solve the issue of access on Railway Lane
- Railway Lane is still a narrow road and is already busy with people going to work and school. The impact of construction vehicles will make this unsafe. There will be an estimated 1000 lorry movements required to remove the contamination. This will damage the lane.
- Not enough parking across the site
- The amendments do not address concerns about impact on local services and infrastructure
- The density is still too high
- The shoe horning of development in is still contrary to the green agenda
- The scheme has not demonstrated how the 5% biodiversity net gain will be provided. There is a loss of green space and wildlife habitat.
- Not well served by public transport and not frequent enough
- Increased light, air and noise pollution for increased human activity
- The question of impact on infrastructure and services is still unanswered. Pressure on local schools and GP services which are already overrun.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- Principle of development
- Affordable housing
- Mix of affordable housing
- Self build
- Impact on the character and appearance of the area
- Impact on Heritage Assets
- Impact on Residential Amenity
- Outdoor Amenity
- Indoor Amenity
- Highway Impact
- Biodiversity
- Flooding Impact
- Land Quality
- Air Quality
- Archaeology
- Other considerations

Principle of the development

10.2. Paragraph 60 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 S1 of the Local Plan reflects this objective set down in the NPPF of a presumption in favour of sustainable development and work proactively with applicants to find solutions which means that applications for sustainable development can be approved where possible, and to secure development that improves the economic, social and environmental conditions in the area.
- 10.5. 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. In this instance, the application site is not allocated for development in the Local Plan, and thus is considered a windfall site. In the previous Sites and Housing Plan, the site was allocated under SP48 for residential development but a scheme did not come forward in that Plan's lifetime. The site was not promoted for development by the landowner in the preparation of the current Local Plan and thus was not allocated for development.
- 10.6. The Local Plan makes clear that addressing the need for housing is the number one priority for the City Council and that the Council will seek to ensure this housing need is delivered in order to meet the needs of the city.
- 10.7. In this instance, whilst the site is not allocated for development in the Local Plan, the site has been anticipated for coming forward for residential development for a lengthy period as detailed above. Moreover, this is a vacant and redundant brownfield site which is not contributing socially or economically to the community or the city. Therefore, the principle of this previously developed site being brought forward for housing would accord with the national and local objectives which supports the presumption of sustainable development and would accord with the strategic objectives of the Local Plan to boost and deliver much needed housing.
- 10.8. In terms of residential development, the principle of the provision of 90 dwellings would contribute positively to meeting Oxford's housing needs of which there is a considerable need. The principle of housing having regard to the former Local Plan strategy for Oxford and the ongoing need for housing in the city, would thus be addressed through the provision of 90 units.
- 10.9. It is also important to have regard to the site's former use as an employment site. Policy E1 of the Oxford Local Plan identifies employment sites across the city and utilising the Appendix of the Local Plan, it is clear that this site has the scope to be considered a Category 3 site. Policy E1 states that proposals for residential development will be assessed by a balanced judgement which will take into account a series of objectives including the desirability for much needed housing within the city; the need to avoid loss or significant harm to the continued operation of locally useful businesses; the essential importance of creating satisfactory residential living conditions and a pleasant environment

and the desirability of achieving environmental improvements such as biodiversity and remediation, highway improvements amongst others.

10.10. In this instance, the site is redundant having been vacant for a substantial period of time. It is considered that the provision of housing on this site would provide much needed housing for the city and would provide an opportunity to remediate this site which has a history of contamination from its former use as an oil depot and railway sidings. Further the use of the site for housing would be compatible with adjacent land uses that bound the site. In this context, it is considered that that the proposal would address those objectives set out in the policy.

10.11. Having regard to both the residential and employment policies of the Local Plan set out in S1, E1 and H1, it is considered that the scope for the provision of residential dwellings on this site is an appropriate and acceptable use of the site providing much needed housing and thus the principle of the scheme is considered favourable. However, it falls to an assessment of the proposal against the development management policies in the Local Plan which is dealt with below.

Affordable Housing

10.12. Policy H2 of the Oxford Local Plan requires provision of a minimum of 50% affordable housing on sites of 10 or more units or sites which exceed 0.5 hectares.

10.13. In this instance all 90 units, 100% of the development, are to be provided as affordable housing in the context of the Oxford housing market. This would be provided as 80/20% social rented/intermediate housing. The proposed housing mix would comply with Policy H2 of the Oxford Local Plan. The provision of affordable housing at 100% would be secured through a Section 106 agreement.

10.14. As the proposal comprises 100% affordable housing, the proposal is exempt from First Homes.

Mix of affordable housing

10.15. Policy H4 of the Oxford Local Plan requires that new developments of 25 or more units outside of the City Centre and District Centres provide a mix of dwelling sizes, though this is only for the affordable element of developments. The target housing mix is expected to be as shown below:

1 bedroom 20-30%

2 bedroom 30-40%

3 bedroom 20-40%

4+ bedroom 8-15%

- 10.16. In this instance, the proposed scheme shows there will be 9% 1 bed, 42% 2 beds, 38% 3 beds and 11% of 4+ beds. This shows there is an undersupply of 1 beds and a slight oversupply of 2 beds. It is noted that this would represent a deviation from the target mix of 1 and 2 bedroom units outlined under Policy H4.
- 10.17. The City Councils Housing team have advised that the target mix has been developed on the basis of current housing need, which is greatest for two and three bedroom accommodation. It is noted that other City Council led sites within the City Centre and District Centres have recently delivered a high percentage of 1 bedroom units, on such sites where delivery of three bedroom units is complicated by the spatial constraints of City and District Centre sites. On balance accounting for the context of the site, a design approach which is more focussed on the delivery of family sized dwellings is accepted accounting for the character of the surrounding area. Notwithstanding the deviation from the target mix outlined under Policy H4, it is considered that the proposals provide a balanced mix of affordable units and is considered acceptable on this basis.

Self Build

- 10.18. Policy H7 of the Local Plan states on sites of 50 units or more, 5% of the site area developed for residential should be made available as self-build plots. The requirement for this extends from the Government's agenda to increase supply and to tackle the housing crisis.
- 10.19. In view of this policy, the applicant has been asked to respond to this requirement, given that none of the site area has been identified for self build.
- 10.20. The applicants response is that the scheme is providing 100% affordable housing which is considerable against the minimum requirements of the Local Plan to provide 50%. Therefore this would be providing a considerable additional supply of houses for those residents in need, contributing to the housing objectives of the Local Plan and to meet the needs of the Oxford residents. The agent for the applicant argues that against the need for affordable housing, the need for self-build is not matched. Therefore in view of the considerable amount of affordable housing being delivered, the agent argues that this is a material consideration to set aside policy H7.
- 10.21. Officers note that policy H7 does not list 100% affordable housing schemes as an exception to policy H7, however they recognise too that the self build would normally be brought forward from the market element of any residential scheme, of which there is none in this proposal. There could be a case that land is set aside for self-build that falls within the affordable housing definition but equally this is considered unlikely to be feasible given that it is unlikely those residents on the housing list will pursue self-build. Crucially, setting aside 5% of the site too would mean less affordable housing units coming forward, of which there is a significant desire to provide.
- 10.22. Overall, in considering the argument as presented by the agent for the application, regard has been given to the provision of 100% affordable housing

on site and the unlikely nature that self-build would be feasible in a scheme without market housing. Further the set aside of land for self-build would result in a reduction of affordable housing units. Given the considerable need for affordable housing, and the strategic objective to deliver affordable housing, it is considered this is a material consideration in the determination of the application against policy H7. Overall, it is considered that the requirements of policy H7 for the provision of self-build can be set aside. However in order to ensure that the site comes forward as 100% affordable housing to justify the set aside of policy H7, a Section 106 agreement must be entered into to secure the site as 100% affordable housing.

Impact on the character and appearance of the area

- 10.23. The NPPF states in paragraph 126 “The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieved. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”
- 10.24. Policy DH1 of the Oxford Local Plan 2036 states planning permission will only be granted for development of high quality design that creates or enhances local distinctiveness.
- 10.25. All developments will be expected to be supported by a constraints and opportunities plan and supporting text and or visuals to explain their design rationale in a design statement proportionate to the proposal in accordance with the checklist in Appendix 6.1. Planning permission will only be granted when proposals are designed to meet the key design objectives and principles for delivering high quality development.
- 10.26. Policy RE2 relates to efficient use of the land and recognises that land is a scarce resource in Oxford. The policy states planning permission will only be granted where development proposals make efficient use of the land. Development proposals must make best use of site capacity in a manner compatible tithe the site itself, the surrounding area and the broader considerations of the needs of Oxford as well as addressing a range of criteria.
- 10.27. The site is located at the end of Railway Lane and occupies a length of the Railway Lane frontage as it is sited adjacent to and parallel with the road. The site has been boarded up for a significant period and has been a redundant site that became vegetated, with trees, green infrastructure and rich biodiversity. The site has however been substantially cleared of vegetation only leaving a few trees left largely on the perimeter of the site, and leaving a visible band of trees to the railway siding at the end of the Railway Lane and along the length of the railway, visible through the site’s entrance and above the hoarding from Railway Lane. In recent times the site appears to be used for waste materials.
- 10.28. Context: Railway Lane links the former village of Littlemore to the railway line that runs along the southern boundary of the site. Railway Lane itself is a linear no through road characterised by a mix of old traditional buildings and

more modern infill plots and cul-de-sacs immediately opposite Railway Lane at Astrop Lane, and a cluster of dwellings to the rear of Chapel Lane adjacent to the northern boundary of the site. This creates a distinctly residential character with a varied layering of house typology and urban grain.

- 10.29. The site bounds Littlemore Conservation Area which is located to the east of the site. There are views from the Conservation Area down Railway Lane towards the site and the railway beyond. This view is characterised by a belt of trees that align the railway sidings and dominate the backdrop to the site.
- 10.30. The site is located at the end of Railway Lane abutting the railway line. The site is of an awkward, contorted shape and the Design and Access Statement recognises the opportunities and constraints of developing this site, most notably being its constrained nature caused by its irregular awkward shape, narrow in the middle, with a site wide change in levels in topography, as well as the position of the railway line.
- 10.31. Layout: The proposed layout has been formed in response to this irregular constrained site and proposes a single vehicular access into the site off Railway Lane and a linear street aligned in a north-west south-east direction on which houses are proposed with dwellings fronting onto the street. Off the street are clusters of dwellings facing onto a cul-de-sac. To the end of the road, are proposed 4 blocks of four storey flats. Car parking is proposed off plot but adjacent to the road.
- 10.32. The proposed layout is considered to maximise the use of the site and work within the site's constraints, in a manner that fits with the urban grain of its surroundings. A variety of house types and flats have been proposed and positioned off the main route through the development in a manner that is logical and responds to the site's shape and topography with the larger buildings proposed further into the site.
- 10.33. The most significant component of the development in design terms is how the scheme relates to, and addresses Railway Lane as this is the primary entrance into the site and effectively forms the end of the conservation area. Following discussions on design, the applicant amended the entrance buildings from the original scheme by turning them 90 degrees so that plots 1 and 90 turn and front Railway Lane. This is considered a positive amendment, and additional plans indicate that a dwelling has been removed on this frontage, which will enable the proposals to be set back from Railway Lane enabling some meaningful landscaping to be incorporated at this sensitive edge which will go some way to mitigate for the loss of considerable green views out from the conservation area that currently exist.
- 10.34. Much concern has been received through the public consultation in respect of developing the site at a high density which they consider to be out of keeping with the area. It is recognised that this site is a vacant and redundant site that presently is not being used in an efficient manner. Therefore in accordance with policy RE2 as outlined above, it is recognised that the site has the scope to be developed in a manner that would maximise the use of this site and contribute positively to Oxford's need for growth and housing. The density of

the development proposed is considered to maximise the use of the site and is considered in layout terms to reflect the pattern and form of development that surrounds the site's boundaries.

- 10.35. Overall, the proposed layout is considered to maximise the use of the site representing an efficient use of the land and the layout is considered to mirror existing street layouts of Gwyneth Road and Astrop Lane which are primarily cul-de-sac street forms. The proposed layout is considered acceptable in respect of the site's characteristics and the wider pattern of urban grain in Littlemore.
- 10.36. Scale: The proposed dwellings are 2 storey in height and the flat blocks are of 4 storey. The flat blocks are proposed to the west of the site where site levels are lower and thus has greater scope to accommodate buildings of a greater scale, in order that the visual impact of these buildings is minimised. A condition is suggested that requires further details of levels to be submitted in order to control this. However, it is considered that the principle of building at this height to the west of the site is acceptable. It is important to note that the development on St Nicholas Place includes an apartment block towards the rear of that site adjacent to the railway at 3 storeys height. Whilst the proposed block is a storey higher, officers do not consider this scale to be unacceptable in this urban context with the site surrounding by development. The scale of the development responds in a manner that addresses the character of the site and its location.
- 10.37. Appearance: The proposed houses vary in typology from terraced to semi-detached, but all take on a traditional and conventional form with pitched roofs, and are considered appropriate to the site's context. However, given the siting of the development adjacent to the Littlemore Conservation Area, it will be necessary to ensure that the materials are of a high quality and that the facing bricks are multistock, and not wire cut, to ensure the appearance of the bricks are elevated to provide a level of variation and texture. This detail can be controlled by condition.
- 10.38. In respect of the flats, the buildings are flat roof and more contemporary in appearance. The blocks are considered to be articulated well and provide sufficient detail to create an acceptable design.
- 10.39. There is a lack of detail regarding boundary enclosures throughout the development but a streetscene elevation has been provided detailing the treatment of the frontage dwellings. These plans indicate that the frontage dwellings will be bound by a low brick wall with railings above, and stone walls enclosing rear gardens. The inclusion of stone walls reflects the stone walls that feature in Railway Lane, and bound Astrop Lane opposite, which is a benefit as this is characteristic of Littlemore Conservation Area. It is considered that the choice of traditional materials including brick with brick detailing and projecting bays, as well as slate for the roofs and stone for the means of enclosure is considered positive. However some concerns remain with regards to how well the two brick types will sit together. Omitting the use of buff brick may be the best solution, and this will need to be carefully considered as part of any condition.

- 10.40. Further details of boundary enclosures such as between properties and fronting public open space would be required as a condition to any approval.
- 10.41. During the course of the application amendments were received in respect of the fenestration that has been incorporated into the flat blocks. This is a positive change and helps to provide interest and a sense of domesticity to the blocks. The projecting bays and brick detailing also help to avoid an overly monotonous appearance.
- 10.42. Landscape: A revised landscape framework plan has been submitted with the application which indicates a range of tree planting and green infrastructure along the frontage with Railway Lane and throughout the development, along the length of the principal access road through the site. Car parking adjacent to the road is proposed with intermittent tree planting as well as planting on corners of the street which works to break up the dominance of hardstanding for car parking and the road surface. Frontages too are defined with soft planting as are the areas of open space. Cumulatively the proposed soft landscape strategy has the scope to provide an attractive setting to the development, subject to securing a robust landscape plan as a condition to any consent.
- 10.43. Existing tree planting along the railway is outside of the site and will be maintained. Additional tree planting within the site along the southern perimeter will reinforce this tree belt.
- 10.44. Whilst the general landscape approach is considered positive, Officers have long considered that the public open spaces appear disjointed given that they are spread through the site. It would be more advantageous if the open space was consolidated so to provide one more useable area. There has also been concern raised in respect of how useable the main open space areas are north and south of the access road as these too perform the function of swales. However, it is recognised that is a constrained site, and its development presents constraints and challenges, such that this the open space strategy is considered on balance acceptable.
- 10.45. Further information has been requested on the swales and their compatibility for public open space. The information received indicates these are mainly dry swales and that any storage of water is likely only to be at times of extreme weather and very infrequently. The drainage consultants advise the swales are compatible for useable open space and the landscape framework plan has been updated to show these areas graded for use as a swale.
- 10.46. However, it will be necessary to impose a separate condition that requires a maintenance plan to be submitted which addresses how the open space and the storage crates within the open space will be maintained over the life time of the development and be assured that the open space is continued to be provided as functional open space.
- 10.47. Impact on visual appearance of Railway Lane and Thomson Terrace: The site is a former employment site that has been vacant and redundant for many years. To develop this site would bring about a considerable enhancement to

the public realm than its current vacant state and enhance Railway Lane. It is considered that through modifications to site layout at the entrance through turning the proposed dwellings through 90 degrees so that front Railway Lane, the site has a positive relationship with Railway Lane addressing the public frontage and the street. Views from Railway Lane into the site are also positive, and the landscape proposed creates an attractive environment.

- 10.48. The dwellings have also been set back to enable views of the belt of trees that define the end of Railway Lane, as well as for additional tree planting which will enable some meaningful landscape to be incorporated at this sensitive edge which will go some way to mitigate for the loss of considerable green views out from the conservation area that currently exist, creating a softened edge. The response is adequate and considered here.
- 10.49. In respect of views from Thomson Terrace, through the creation of footpaths through from the site to Thomson Terrace, the site will be visible from the north in public views. The buildings however will be seen behind existing housing and in the urban context of Littlemore. The development of this site in this context is considered to be appropriate to Littlemore.
- 10.50. Crime Prevention Design: The layout has been assessed by Thames Valley Police Crime Prevention Design Adviser (CPDA). The CPDA notes that the site is located in a higher crime area and thus makes recommendations for areas of improvement. These areas relate to the seating area adjacent to plot 41 and the ability for loitering; lack of maximum parking arrangements; concerns over lack of surveillance between blocks C and D over the access path.
- 10.51. In response, it is considered that the provision of less than maximum of parking arrangements is compliant with policy M3 and reflects the modal shift of transport policies away from car reliance, thus it is unreasonable to expect the development to provide car parking at 1 to 1 as a means to control neighbour disputes. In respect of the seating area adjacent plot 41, the applicant's agent states that these seats will be fixed so they cant be removed, but if required could be omitted from the scheme controlled through a hard surface condition. Officers consider this would be appropriate so that the steps and link is dissuaded as somewhere to gather.
- 10.52. In respect of surveillance over the footpath and the space between blocks C and D, side windows serving habitable rooms have been reintroduced (having first been shown aligned and in clear glass allowing overlooking, and then being made obscure glazed). The windows are now offset and overlook this area with clear glazing which will provide the necessary
- 10.53. Overall it is considered that the scheme is not objectionable on policy grounds and would be not conflict with policy DH1 of the Local Plan.

Impact on Designated Heritage Assets

- 10.54. The NPPF requires proposals to be based upon an informed analysis of the significance of all affected heritage assets. These asset are an irreplaceable

resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

- 10.55. Paragraphs 195 to 199 of the NPPF have regard identifying and assessing the significance of any heritage asset that may be affected by a proposal including by development affecting the setting of a heritage asset. In determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets; the positive contribution that conservation of heritage assets can make to sustainable communities and the desirability of new development making a positive contribution to local character and distinctiveness. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation.
- 10.56. Policy DH3 of the Local Plan states that planning permission will be granted for development that respects and draws inspiration from Oxford's unique historic development, responding positively to the significance character and distinctiveness of the heritage asset and locality. For all planning decisions for planning permission affecting the significance of designated heritage assets, great weight shall be given to the conservation of that asset and to the setting of that asset.
- 10.57. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. A finding of harm to the setting of a listed building gives rise to a strong presumption against planning permission being granted. The presumption can be outweighed by powerful material considerations.
- 10.58. Paragraph 206 states Local Planning Authorities should look for opportunities for new development within Conservation Areas, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution (or which better reveal its significance) should be treated favourably.
- 10.59. The application lies outside of Littlemore Conservation Area but adjacent to its boundary, its boundary being to the east of the application site and comprising the first 2 thirds of Railway Lane and terraces fronting Chapel Lane. A Grade II listed building also is sited on Railway Lane to the east of the site at Beenhams Barn.
- 10.60. A Heritage Statement has been submitted with the application and has regard to the impact of the proposal on designated heritage assets, including the impact on Littlemore Conservation Area. The conservation area is appraised and states "Railway Lane is a narrow gently curving village land with an intimate character and rural charm. The space is defined by boundary walls and buildings fronting directly onto the pavement." It goes onto state "Beenhams Barn is a historic reminder of the agricultural use that once dominated the village. The stone barn dates from 17th Century and is

characterised by a steep pitched red roofed tile and is slightly set back from the roadside. The remainder of Railway Lane suffers from a neglected character: the small industrial area towards the southern end of the road and the garages to the rear of the terraces of Chapel Lane are both areas that could benefit from some work or improvement”.

- 10.61. The Heritage Statement notes that the characteristics of the Conservation Area is that the line of Railway Lane includes a mix of traditional buildings and infill development on large plots, with boundary walls, predominately stone. However it notes that the remainder, or the southern end of the lane is neglected, and lacks any positive contribution to the Conservation Area. This is certainly reflected by the current treatment of the site which is a cleared industrial site, which has been used for dumping materials. Thus the site does not currently make a positive contribution to the character of Railway Lane or to the setting of the adjacent conservation area.
- 10.62. The development has sought to build upon these existing characteristics of Railway Lane, and has turned the frontage dwellings 90 degrees so that these dwellings address and relate to the lane. Amended plans have also been received which indicate that the walls that enclose the gardens to the front would be constructed in stone to reflect the overarching existing boundary feature.
- 10.63. A further characteristic of views out of the conservation area towards the site and down Railway Lane is of the trees that define the length of the railway in the background. Amended plans allow for reinforcing this verdant character by planting new trees along the frontage of the site in addition to the removal of the house on the frontage which will enable further grassed area.
- 10.64. By incorporating these described features into the proposal it is considered that these features of the development serve to enhance the setting of the conservation area from its current neglected and undesirable state, to providing a betterment allowing the characteristics of the Conservation Area to be better revealed in accordance with the guidance in the NPPF. These amendments to the scheme will thus have a positive effect on the setting of Littlemore Conservation Area and will not result in harm to its significance. The proposals are considered to accord with policy DH3 of the Oxford Local Plan. Further it is considered that the proposal would not have an adverse impact on the setting of Beenhams Barn as a Grade II listed building. The barn reflects the agricultural past and previous rural character, but that the infill proposal would be seen behind existing modern development as viewed from Railway Lane, and would not impact further on the setting of the barn. The proposal would thus satisfy policy DH3 of the Local Plan.
- 10.65. Special attention has been paid to the statutory test of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses under sections 66 respectively of the Planning (Listed Building and Conservation Areas) Act 1990, which it is accepted is a higher duty. It has been concluded that the development would preserve the listed building.

10.66. Subsequently, the proposal is considered to accord with section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, paragraphs 195, 199 and 206 of the NPPF, policies DH1 and DH3 of the Oxford Local Plan 2036.

Impact on neighbouring residential amenity

10.67. Policy RE7 and H14 of the Oxford Local Plan seeks to ensure that development does not have an adverse impact on, amongst other things, neighbouring amenity including loss of privacy, overshadowing and overbearing impacts. Policy H15 ensures a good quality living accommodation is provided for new developments in accordance with National Spaces Standards. Policy H16 ensures dwellings have direct and convenient access to private open space: 1 and 2 bed flats should have a private balcony/ or shared garden; all houses should have an adequate sized private garden least equivalent in size to the original building footprint.

10.68. The application site is surrounded by residential land uses that back and side onto the application site, at Gwyneth Road to the north, Thomson Terrace to the north east, 2 storey housing on Railway Lane to the east and Astrop Lane to the south.

10.69. It is considered that the principle of residential development on this site in terms of its use will be compatible with the adjacent residential character of the area and would be an improvement over its previous industrial use.

10.70. In respect of the impact of the development on residential amenity, this has been closely assessed, in particular in respect of the proximity and relationship between proposed houses on the entrance into the development with existing housing to the immediate east on Railway Lane. This relationship in particular has been closely examined in respect of the position of existing houses and a maisonette on this eastern boundary.

10.71. In this area there is an existing close knit building relationship with existing houses overlooking existing gardens on the eastern boundary and as such the proposals will be no more harmful in terms of the windows within the front and rear of these dwellings over and above the existing relationship. Officers note that in respect of 6 and 8 Railway Lane that there are plain flank walls to the side of these properties adjacent to the existing boundary, and given this existing tight relationship of housing, it is considered that the proposed dwellings which back onto these houses would not materially harm the occupiers of these dwellings through overlooking or reduction in privacy.

10.72. However, there has been a concern raised throughout the application of the impact of the proposed housing on 4 Railway Lane which is a first floor flat over car parking spaces beneath, and is located adjacent to the entrance into the site with 2 windows on the western side elevation, unlike other dwellings on this boundary such as nos. 6 and 8 mentioned above. The case officer understands from the occupier of this property that the two windows serve a hallway to the left of the elevation when looking from the site and a kitchen window to the right of this elevation. There is further a balcony on the northern

elevation which provides the access up to the first floor front door and provides a small outside amenity space.

- 10.73. The entrance into the development has been altered during the course of the application so that the proposed properties are positioned so as to address Railway Lane. However, there has been the concern that the floor plan of the unit on the front entrance into the site would have an unacceptable relationship with 4 Railway Lane due to the presence of bedroom windows on the eastern elevation in close proximity to the existing windows within the side elevation of 4 Railway Lane. However, this unit on the entrance has now been removed so that there is no direct overlooking of windows to this dwelling and that further modifications have been made so that the unit on the entrance has had a bathroom window placed in the side elevation so there is no direct overlooking from a habitable room. The combination of these measures are considered to remove overlooking from the development directly into 4 Railway Lane. However, there is concern still with the presence of a balcony on the northern elevation of this property. Whilst its purpose is principally to provide an access into the property which is on the first floor, there is scope for this balcony to be used for amenity space as it has the potential for a small bistro table and chair to be accommodated. Officers have been in discussion with the applicants regarding this and the applicant has suggested that the potential for overlooking of this area could be ameliorated by the planting of a pleached tree that would provide screening so that the occupiers of 4 Railway Lane are prohibited from overlooking the rear gardens of the immediately adjacent property and vice versa.
- 10.74. Usually it is not considered sufficient to plant a tree to remedy an amenity impact. However, it is also recognised that this would provide screening benefits and has been utilised as an approach elsewhere to remove overlooking and interlooking such as on Barton Park. It is further noted that as the applicant would also be managing the accommodation, that it is reasonable that the tree would remain as planted and would not be under pressure for removal. In view of this and that it is acknowledged there is already a close knit relationship of buildings on this boundary that the proposed layout of dwellings to the east of the site on the entrance into the development would have an acceptable impact on residential amenity as measured against policy H14 of the Local Plan. Further it is recognised that in delivering a form of development that responds positively with residential amenity that this needs to be balanced with delivering the best layout that responds positively to the character of the area whilst maximising affordable housing and housing delivery. Against this, it is considered the approach taken here to designing the site reflects that balanced approach. It is further recognised that a pleached tree to a first floor window height may take time to establish, and it is recognised that there may be an initial unacceptable relationship, but this is considered to be acceptable against the delivery of affordable housing.
- 10.75. There is a further bedroom window to Plot 1 shown on the eastern elevation as obscure glazed which will need to be secured as a condition to any approval. This would be acceptable for the amenities of this unit as there is a principal window to that room with an aspect to the front (south). This will be

acceptable to these occupiers as there is a principal window to the front providing an outlook to that room.

- 10.76. In respect of existing houses on Thomson Terrace and Gwyneth Road, as well as on Astrop Lane, it is considered that the proposed layout is in a form that enables satisfactory separation distance such that this would not have a materially harmful impact on residential amenity.
- 10.77. Within the development itself, it is also considered the layout enables appropriate separation to ensure that the amenity of future occupiers of the development.
- 10.78. It has been recognised that an impact could occur between existing blocks C and D through proposed windows on the side elevations serving lounges facing each other's side windows. Previously the applicant had shown this to be obscure glazed and fixed shut, but following comments from the Crime Prevention Design Adviser regarding overlooking of this area, the applicant has amended these windows again to be off set from each other so they will not allow direct overlooking lounge to lounge, but will allow overlooking of the external area below.
- 10.79. Subject to imposing conditions on the specification/planting/retention of a pleached tree(s), and condition to windows to require obscure glazing/fixed shut, it is considered that the development would accord with policy H14 of the Local Plan.
- 10.80. In respect of outlook and overbearing it is considered the development is designed in a manner that serves to ensure the relationship of buildings is not unreasonably harmful to resident's amenity of the proposed dwellings or buildings outside of the site, in accordance with policy H14 of the Local Plan.

Noise

- 10.81. Policy RE8 of the Oxford Local Plan states 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 that will generate unacceptable noise and vibration impacts.
- 10.82. The application site is located adjacent to a railway line that is used for freight transport only. A Noise and Vibration Report was submitted with the application and details the results of environmental noise and vibration surveys undertaken in order to measure prevailing background levels and proposed internal noise impact. At the time of the survey the background noise was identified as being dominated by road traffic noise from the A4142 220m west of the site and occasional contribution from the adjacent railway line.
- 10.83. The railway runs parallel to the southern boundary of the site. The dwellings nearest to the southern boundary are predominately those flats in Blocks B, C and D and Plot 82. Block B is approximately 13.5m distant from the centre of the branch line, Block C is 9.4m and Block D is 9.9m. Plot 82 is 7.8m.

- 10.84. In the case of the flats, the flats are largely designed so that their aspect is to the front of the building with kitchen and bathroom windows to the rear. So for Blocks C and D, their balconies and bedroom/lounge windows front to the north, and kitchen and bathroom windows to the rear. In the case of Block B, there is a secondary gable window to the side serving a lounge, with balconies, bedroom and lounge windows to the front. To the side of Plot 82 are no habitable room windows.
- 10.85. A noise survey and vibration survey were undertaken between 15:30 26 January 2021 and 14:30 29 January 2021 and recorded background levels accordingly. The results of this is that the without mitigation, the levels for external amenity space would be exceeded. Therefore it is proposed that acoustic attenuation by way of a solid timber screen will be necessary of a height between 2.5m to 2.8m will be necessary in places, including the north west boundary with Sainsburys car park, parts of the open space on the southern boundary and to the rear of plots 82 to 84. For all other gardens away from the rail line and supermarket, it is considered that no mitigation is necessary.
- 10.86. In respect of internal levels, regard has been had to the use of masonry which will contribute to a significant reduction in ambient noise levels. For windows on noise sensitive plots, levels are indicated for the glazing and will require installation of high performance glass as well as potential for acoustic trickle ventilation. These elements can be controlled by a planning condition.
- 10.87. In terms of vibration, the survey captured a number of freight train passes consistent with the freight timetable. From that, the survey identified that in the night time period the impact on those buildings nearest to the rail line could be of a concern. It is considered those buildings in excess of a distance of 20m away from the track vibration levels are not considered to be impacted. In assessing vibration, it is understood that a number of factors can impact on vibration such as building foundations and the difficulty with assessment, is that vibration surveys do not replicate the same assessment as a building. For example solid ground and foundations will be more accurate than assessments on soft ground, not on foundations. However, officers have indicated that notwithstanding this, a scheme can be designed that provides mitigation and prevent any adverse vibration impact. This is suggested as a condition.
- 10.88. Overall it is considered from the perspective of noise and vibration that with mitigation identified that levels will be acceptable for those occupiers of the development.
- 10.89. Subject to the receipt of satisfactory details regarding noise and vibration conditions requiring mitigation, it is considered the proposal would comply with policy RE8 of the Local Plan.

Indoor amenity

- 10.90. Policy H15 of the Local Plan states planning permission will only be granted for new dwelling that provide good quality living accommodation for the intended use. All proposals for new build market and affordable homes must comply with the Nationally Described Space Standard.
- 10.91. The applicant has provided the internal floor areas for all 90 proposed units and having compared this information against the space standards, the internal floor areas comply with the minimum standards. The internal floor areas are considered to provide a good standard of internal accommodation and would comply with policy H15 of the Oxford Local Plan.
- 10.92. Policy H10 of the Local Plan states that for proposals for all affordable dwellings that dwellings are constructed to Category 2 Standard set out in the Building Regulations Approved Document M4. Further, 5% of all dwellings for which the City Council is responsible for should be provided to Category 3 standards (wheelchair user).
- 10.93. In response to Category 2, a lift is shown to be provided in each flat block allowing ease of access to the respective units. In respect of wheelchair access, the applicant has confirmed that plots 8, 20, 74, 75 and 82 will be offered as Category 3 units. The provision of 5 units would comply with the policy requirement for 5% of the development.
- 10.94. It is considered the proposal complies with policy H10 of the Oxford Local Plan.

Outdoor Amenity

- 10.95. Policy H16 of the Oxford Local Plan states planning permission will only be granted for dwellings that provide direct and convenient access to an area of private open space (in addition to bin and bike storage) in accordance with a list of criteria. The accommodation provides both flats and houses. For flats, a private balcony should be provided. For houses, a private garden of adequate size and proportions for the size of house proposed should be provided.
- 10.96. The proposed houses range from 2 bed to 5 bed homes thus including family homes. The garden sizes to serve the dwellings are considered to be of a reasonable size and will allow for direct access and be of a size that will provide reasonable circulation and area for drying clothes.
- 10.97. The proposed flats are 1 and 2 bed and have all been provided with a private balcony on the front elevation which should enable an area for an airer and a table/chair.
- 10.98. It is considered the outdoor amenity provision accords with policy H16 of the Oxford Local Plan.

Highways

- 10.99. Policy M1 states that planning permission will only be granted for development that minimises the need to travel and is laid out and designed in a way that prioritises access by walking, cycling and public transport. In accordance with policy M2, a Transport Assessment for major developments should assess the impact of the proposed development and include mitigation measures to ensure no unacceptable impact on highway safety and the road network and sustainable transport modes are prioritised and encouraged. A Travel Plan, Delivery and Service Management Plan and Construction Management Plan are required for a development of this type and size.
- 10.100. Policy M3 sets out the Council's policy for motor vehicle parking in areas outside Controlled Parking Zones (CPZ) of a maximum of one space per unit (regardless of size). Policy M4 requires Electric Vehicles charging points for all allocated parking and 25% of non-allocated parking. Policy M5 and Appendix 7.4 set out minimum cycle parking standards and shower facilities for development
- 10.101. The site is located at the end of Railway Lane, which is a narrow no through lane off Sandford Road. There has been substantial objection to the proposal on highway grounds in respect of the capacity of the local road network and infrastructure to accommodate the development.
- 10.102. Oxfordshire County Council as Local Highways Authority are responsible for assessing the development proposal in respect of the adopted Local Plan policies and have advised on the proposal. The County have also been attendance in community meetings to discuss the impacts of this development and the cumulative impact of other schemes with this on the local road network, as well as concerns held locally regarding the access via Railway Lane, the impact of heavy vehicles during preparation stages and construction, and parking deficit.
- 10.103. Highway Network and Impact: The application is accompanied by a Transport Assessment (TA) which is considered an appropriate level of analysis for the quantum of development proposed.
- 10.104. The TA presents a detailed capacity analysis of the junction of Railway Lane and Sandford Road, which demonstrates that this junction will continue to operate comfortably within capacity when the proposed development is in place. The Highways Authority advises that the data and methodology used in the analysis reflects standard practice, and the results and conclusion are considered sound. As a consequence, the Highways Authority consider that the proposed development is unlikely to have a significant adverse traffic impact on the surrounding road network.
- 10.105. Following concerns from local stakeholders, a meeting was held and the County Highways Officer was in attendance. The Highways Authority note that there is a level of local concern regarding the impact of additional vehicle movements on the local network. Whilst this is acknowledged, in considering the prior use at the site and in the context of wider vehicle flows on the

network, the Council County does not consider the additional vehicle trips to be of an unacceptable level, particularly taking into account the site's previous use. Due to the narrow nature of Railway Lane, lack of off-street parking for a number of residents, it is advised that the strategy team does consider it appropriate that traffic calming and pedestrian priority measures are delivered as part of the development along Railway Lane. This could be delivered as additional double yellow line markings at and around junctions to aid visibility, subject to safety checks.

- 10.106. County advise that the Chapel Lane/Railway Lane junction in particular is currently compromised by poor visibility, poor pedestrian accessibility and cycle priority measures. Additional vehicle pedestrian and cycle trips generated by the development risk further exacerbating this issue. County suggest that to help alleviate this, a traffic calming feature is required which improves pedestrian and cycle priority and amenity, is provided at this junction. A raised table is suggested as an appropriate response and this is sought by the County as mitigation of the proposal to be secured through a S278 agreement.
- 10.107. In respect of the vehicular access to the development, this is to be taken from Railway Lane at a point opposite Astrop Lane. The TA advises that visibility at this access point onto Railway Lane meets highway standards.
- 10.108. Active Travel: The County's adopted Oxford Local Cycling and Walking Infrastructure Plan (LCWIP) provides the basis of the County's aspirations on walking and cycling for the wider city area. Railway Lane and Thomson Terrace which are directly accessible from the site sit on the OXR18 route designated in the LCWIP. This route is already a well-used active travel link albeit the desirability of this route for users could be significantly improved.
- 10.109. The proposed development seeks to provide footpath links from the north east of the site to Thomson Terrace and Chapel Lane, as well as to the north west of the site up to Sainsburys. The provision of these routes is considered a positive feature providing accessibility beyond the site and promoting walking, and sustainable forms of movement. Equally an opportunity for a future link has been shown to be provided on the southern boundary that has the potential to link the development with St Nicholas Place south of the railway line. This link is shown between Blocks C and D, and plans have been amended to create a footpath between the blocks. This scope for connecting the two developments over the railway line has been a long established requirement for developing this site as it would link the two developments to Littlemore and was a requirement in the former site allocation in the Sites and Housing Plan. The County advise that they strongly support this active travel link across the Cowley Branch Line, and whilst the County recognises that the provision of the bridge is not an appropriate requirement for this development to provide, note the strong local desirability for this bridge to be realised at a later date.
- 10.110. In terms of any future bridge, Network Rail have been consulted on the proposal and are aware that there is an aspiration for this to be realised. Whilst there are no details of any bridge as no bridge is proposed as part of

the application, Network Rail have commented. Their comment considers earlier iterations where previous plans considered the use of Network Rail to access the site be it either as a footpath or bridge abutments, prior to the amendment of the footpath to its current position between blocks C and D. Network Rail comments on the previous iteration were that they are unable to confirm one way or the other whether the land could be used for either a footpath or abutments of a bridge as there is a formal regulated clearance process needed to go through to essentially dispose of railway land. A formal consultation with railway stakeholders would need to consider any proposal and this is likely to take several months to reach a formal agreement. However in planning terms Officers have secured the necessary provision of a route on site to ensure that a link of whatever form could come forward at a later date.

- 10.111. Parking: The proposed development site is not located in a controlled parking zone nor is it an employer linked housing area. Therefore the parking standards set out in policy M3 of the Local Plan, Appendix 7.3 would be relevant. This standard sets a maximum of one space per unit. Policy M4 requires electric vehicle (EV) charging provision for all allocated spaces and at least 25% of the non-allocated spaces.
- 10.112. The site plan shows 76 car parking spaces which falls below the maximum standard as set out in the Local Plan, and is acceptable in accordance with the Local Plan as the standard is a maximum and not a minimum. Lower parking provision also accords with the objectives of the Local Plan to minimise reliance on private cars and a modal shift towards sustainable modes of transport. The TA advises that there will be a combination of allocated and unallocated parking however the submitted site plan does not indicate which spaces are allocated and unallocated. Highways advise that a parking plan will be need to be submitted through a condition.
- 10.113. The site layout plan does not detail electric vehicle charging points but Officers are satisfied that these can be accommodated so this will need to be secured via a condition to comply with Policy M4.
- 10.114. Cycling: The minimum cycle parking requirements set out under Policy M5 and Appendix 7 require 2 spaces per 1 and 2 bed unit and 3 for 3+ bed units.
- 10.115. During the course of the application cycle parking details have been updated to reflect initial concerns raised by Cyclox that the spaces were of insufficient size and wouldn't allow for bigger cycles, such as three wheeled bikes, tandems, trailers. Modified stores have now been indicated on the plan to increase the size of the stores and the scale of internal provision.
- 10.116. The site plan clearly depicts the cycle parking for the flats to which they serve, provided for as cycle stores and as cycle stands. In total for the flats there are 56 spaces provided in a secure cycle store and 24 as stands providing a total of 80 cycle spaces. The flats are all 1 and 2 bed and there are a total of 40 flats which will generate a requirement for 80. Therefore the

quantum will satisfy policy M5 and Officers are also satisfied that the provision will on the whole be secure and covered.

- 10.117. In respect of the houses, the site plan doesn't indicate the position of the cycle stores but all houses have direct access to a rear garden which will be of sufficient size to accommodate a bike store. All rear gardens have separate access too which would enable an alternative separate access to the bike store. Details of the cycle stores can be secured via a condition to comply with policy M5 of the Local Plan.
- 10.118. Public Transport: The site is considered to be located in a sustainable location integrated with footpath links to allow pedestrian access through Littlemore and access to existing bus stops located on the Sandford Road. These bus stops are located outside The George Public House on Sandford Road and opposite David Nicholls Close. For residents within the development this distance to Sandford Road is between 200m and 650m away. These bus stops serve the 3A, as well as route 45 which the TA is silent on. Route 3A serves Oxford City and Sandford and Oxford Science Park. Route 45 serves Sandford Berinsfield and Abingdon. Stops for route 16 are located further along.
- 10.119. Services 3A and 16 are amongst the most commercially marginal services in the City and their continuation cannot be guaranteed. Bus service 45 is funded wholly with Section 106 contributions from developments on the corridor.
- 10.120. County Highways therefore note that it is important for the sustainability of this development site that these services are able to continue in operation, as without them there would be very limited access to bus services in the immediate vicinity. Therefore, the County Council seeks to ensure that new development is located in areas accessible to the local public transport network and to seek opportunities for improvement so that the services are as attractive as possible to potential users. This reduces the impact of the development on the transport network and the local environment, as well as helping to secure services for the benefit of the wider community.
- 10.121. To this end, the County Council's Bus & Rapid Transit Strategy, prepared as part of its current Local Transport Plan, sets out that it will seek financial contributions from new development where opportunities can be taken to retain or improve the network. The relevant paragraphs are 91 and 93-95. In order to secure the continued provision of public transport services to Littlemore the County Council will seek a financial contribution of £94,590 towards the improvement of bus services. This is based on the County's standard contribution rate of £1,051 per dwelling and it is expected that this will be utilised towards the retention and improvement of service 3A as the main service to the city centre. However, the Council reserves the right to utilise this contribution on other bus services on Sandford Road.
- 10.122. The nearest bus stop to the development site is at The George Public House on Sandford Road. These are very basic stops with no shelter or real time information at this location. In order to promote the attractiveness of the

bus service as a mode of travel from the development, a public transport infrastructure contribution of £17,678 is requested for the provision of a shelter and real time information display at the Oxford bound bus stop.

- 10.123. Travel Plan: The Highways Authority advise that the site is located in an area with good sustainable transport options and a full Travel Plan should be submitted by way of a condition, which should set out options to be given to residents on first occupation.
- 10.124. Construction Traffic Management Plan: A construction traffic management plan will also be required to be submitted by way of a condition and Highways advise that this approach is acceptable.
- 10.125. Section 278 Highway works: An obligation to enter into a S278 agreement will be required to secure the proposed new vehicular access on Railway Lane as indicated on the submitted plan and a new table on the junction of Chapel Lane and Railway Lane. This will need to be secured through a S106 agreement that no development is implemented until the S278 agreement has been entered into and when the development is completed to be within the S106 agreement.
- 10.126. Section 38 Highway works: An obligation to provide a central minor access road as identified in Section 5.2 of the TA and indicated on Site Plan No.21/3508/1 will be required for the development. The S106 agreement will secure delivery via future completion of a S38 agreement. The S106 agreement will identify the following for the purpose of the S38 agreement; Approximate location of the central minor access road and information as to provision e.g. minimum width of carriageway, footways etc as appropriate; Timing, which may be staged; Additional facilities and payments, such as on-site bus infrastructure and related payments.
- 10.127. Conclusion: Overall Oxfordshire County Council as Highway Authority do not raise objections to the proposal subject to the imposition of appropriate conditions and the applicant entering into a S106 as detailed above. Further to the advice in the NPPF, the NPPF advises in para 11 “development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”. In view of this, it is considered that the proposal would accord with policies M1, M2, M3, M4 and M5 of the Local Plan and guidance included in the NPPF.

Trees

- 10.128. Policy G7 protects against the loss of green infrastructure features such as hedgerows and trees. It must be demonstrated that their retention is not feasible and that their loss will be mitigated. Where tree retention is not feasible, any loss of tree canopy cover should be mitigated by the planting of new trees or introduction of additional tree cover (with consideration to the predicted future tree canopy on the site following development). Where loss of trees cannot be mitigated by tree planting onsite then it should be demonstrated that alternative proposals for new Green Infrastructure will

mitigate the loss of trees, such as green/ brown roofs or walls. Policy G8 requires new development that affects green infrastructure to demonstrate how these have been incorporated within the design, including health and wellbeing and biodiversity enhancement. New usable public spaces or small parks should have a variety of uses, for example a nature area, seating, a playground and a kick-about area.

- 10.129. The site is a former oil depot that has been redundant for some time. As a result the site has become vegetated with self seeded trees, scrub bushes and grassland which had over the passage of time dominated, and characterised, the site. Unfortunately however, the site was cleared prior to the application having been submitted and the Arboricultural Impact Assessment (AIA) submitted with the application indicates that a number of trees have been felled to their stumps. Only a few trees remain across the site. This is clearly very disappointing as this has removed green infrastructure and impacts upon biodiversity.
- 10.130. The loss of trees prevents a canopy cover assessment from being undertaken, contrary to the requirements of policy G7 of the Local Plan which is an important mechanism for ensuring lost trees are mitigated, and form measuring growth in green infrastructure over the longer term to compensate for tree loss. Therefore this is impossible to assess. There are some mature trees which remain just outside the red line of development outside the southern boundary on railway land. As does a scrub tree belt along the northwest edge of the site boundary with the adjacent Sainsbury's site, including a couple of low quality trees. However nothing significant remains in terms of value.
- 10.131. The scheme includes a landscape framework plan, which indicates the retention and reinforcement of the above described feature and proposed new tree planting associated with the scheme's road infrastructure, shared amenity spaces and in private gardens. Whilst it is not detailed and this will need to be submitted in any approved scheme by way of a condition, it does however indicate that there will be tree planting through the streets and in the open spaces through the development. This would enable trees to be planted and this will go some way to compensate for the trees lost. The replacement trees are indicated to be replanted along the boundaries akin to the position of trees lost. Existing trees along the railway sidings are to be retained and additional tree planting in the areas of open space which will support the visual function and role of trees lost.
- 10.132. This landscape framework plan has been updated to reflect the submission of a new metric and Officers are of the view that whilst it is regrettable that there is no ability to compare the replacement scheme with the pre clearance canopy coverage, that there is scope within the landscape strategy to ensure that meaningful landscape can be provided that will go some way to offset what has been lost. Planning conditions can be utilised to require the appropriate tree planting plan to come forward. These details should include a tree species planting list with typologies related to hierarchies of spatial capacity and landscape function.

- 10.133. It is important to have regard to a tree outside of the red edge of the site boundary identified as a sycamore, being T11 on the Arboricultural Impact Assessment. Officers have considered that whilst the tree is outside of the site, a significant portion of its root protection area lies within the site. Previously a house was proposed to be delivered in this area, however, in later amendments this house was removed following discussions with the applicant regarding its appropriateness in respect of the tree. However when a unit was removed on the frontage to overcome design concerns as detailed in previous sections of this report, this unit in the vicinity of T11 was reinstated.
- 10.134. Officers consider that the tree is attractive as viewed from Thomson Terrace, however note that it is equally multistemmed and of a moderate quality, despite its classification in the AIA as a category B tree. Officers consider that it would be more accurately regarded as a category C tree. The tree grows on the boundary and includes part of an old fence. Officers considered that it is not suitable for longer term retention and would be lost by the development. Whilst the tree is considered attractive, officers would agree that it would be difficult to retain the tree as the dwelling proposed in this area would encroach significantly into the RPA of the tree and would require the loss of a large area of crown to facilitate its build. It is also prudent to note that in a recent planning application, 20/02654/CT3 for housing on this part of the site, that this tree would have required removal to create car parking in this area. On that basis, it is reasoned that the loss of this tree has been accepted, and whilst that was a different context at that time, as the application was for a smaller site area, it is considered that it would be difficult to insist on its retention in this application. Having considered the proposed landscape framework plan, officers consider that there is scope for planting near to the site of the sycamore that when established will provide visual amenity value. Officers can ensure the planting of an extra heavy standard tree in this area to ensure this provides some initial visual compensation.
- 10.135. Overall, officers consider that it is unfortunate that the site has been cleared and this was done by the landowner as part of site clearance which is outside of the Local Planning Authority's control. As a result it has been impossible to qualify the canopy assessment to evaluate the base level. However, it is considered overall that the proposed landscape plan has the scope to provide some meaningful tree planting that will go some way to compensate for the loss of trees and provide green infrastructure on the site in accordance with policy G7 of the Oxford Local Plan.

Biodiversity

- 10.136. The Natural Environment and Rural Communities (NERC) Act 2006 sets out in Section 40 every public authority must in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity. In Section 41, the Act identifies species and habitats of important for the purposes of conserving biodiversity.
- 10.137. OLP policy G2 states that development that results in a net loss of sites and species of ecological value will not be permitted. On sites where there are species and habitats of importance for biodiversity that do not meet criteria for

individual protection, development will only be granted where a) there is an exceptional need for the new development and the need cannot be met by development on an alternative site with less biodiversity interest; and b) adequate onsite mitigation measures to achieve a net gain of biodiversity are proposed; and c) offsite compensation can be secured via legal obligation. Compensation and mitigation measures must offset the loss and achieve an overall net gain for biodiversity of 5% or more from the existing situation and for major development this should be demonstrated using a biodiversity calculator

- 10.138. Where development results in a loss of biodiversity value, policy G2 of the Oxford Local Plan 2036 requires mitigation and compensation measures that offset this loss and achieve a net gain for biodiversity. Where major developments are proposed on greenfield sites or brownfield sites that have become vegetated, the net gain should be measured using a recognised biodiversity calculator. The Defra Metric 3.0 was the correct version at the time the application was submitted and has been used for the assessment.
- 10.139. The preliminary ecological appraisal classifies the majority of the application site as disturbed ground. Paragraph 2.2.3 of the document refers to “tracks from heavy vehicles” and “evidence of recent felling”. This indicates habitats within the application site were damaged prior to the survey being undertaken. The photographs submitted in Appendix 2 of that Appraisal support this.
- 10.140. Consequently a precautionary approach was taken in the ecological assessments. Notably the application site is included within the draft Open Mosaic Habitats inventory, indicating the habitat was potentially present within the site.
- 10.141. Open Mosaic Habitat (OMH) is listed as a priority habitat in England in Section 41 of the NERC Act 2006. The term OMH refers to the development of a variety of different habitats in close proximity on previously developed land that has been subject to some kind of disturbance. It can support a rich assemblage of plants and invertebrates.
- 10.142. Biodiversity Metric 3.0: Officers in discussion with the projects ecologist agreed that for the purposes of the metric, utilising priority habitat maps, aerial photography and knowledge from site surveys undertaken (post damage/disturbance) was the best approach to inform the baseline in the metric. In assessing the extent to which open mosaic habitat is present, an element of judgement is required. A defining feature of OMH is the presence of early successional communities, rather than later successional communities such as dense scrub or woodland. The priority habitat description of OMH states that “Continuous blocks of a closed plant community greater than 0.25ha would be classified as a habitat other than OMH”. In the second scenario, the ecologist has identified areas of scrub (0.36ha and grassland (0.20ha) separately from the OMH (0.81ha). The scrub is formed of three blocks (rather than one) but given the small scale of the site and the time over which it developed, it is considered reasonable to assess this as a separate

habitat. The grassland is a continuous block and again the decision to assess it separately is satisfactory.

- 10.143. The condition assessment undertaken in relation to OMH is also considered appropriate. The Biodiversity Metric 3.0 User Guide published by Natural England states that a precautionary assessment should assume high distinctiveness and good condition for lost or degraded habitats in the absence of evidence to the contrary, however it is agreed one feature of OMH – pools – was unlikely to be present and therefore “fairly good” rather than “good” condition is appropriate for OMH.
- 10.144. Officers are therefore satisfied that the baseline value of the site, as shown in the latest submitted metric is 17.11 habitat units. Policy G2 of the Oxford Local Plan requires development to deliver a 5% biodiversity net gain. Therefore a total of 17.96 units must be delivered. This can be delivered on site or on off-site land. In their latest submission “Dominion Oils Railway Lane, Oxford – Delivery of BNG” the applicant proposes to deliver this partly on-site through the provision of wildflower grassland habitats and vegetated gardens (a total of 1.96 habitat units) and partly off site through the Trust for Oxfordshire’s Environment (TOE) for 16 habitat units. Officers are therefore satisfied that 5% net gain is feasible for this application.
- 10.145. It is important to note that in keeping with the Oxford City Council’s current approach to securing biodiversity offsetting, S106 provisions will be needed to secure the submission of a finalised biodiversity gain plan. This plan will need to be submitted prior to the commencement of the development.
- 10.146. Priority Habitat: Under the development proposals all existing habitats will be lost including the priority habitat OMH. Policy G2 states on sites of local importance for wildlife, including Local Wildlife Sites, on sites that have a biodiversity network function and where there are species and habitats of importance for biodiversity that do not meet criteria for individual protection, development will only be permitted in exceptional circumstances whereby a) there is an exceptional need for the new development that cannot be met by development on an alternative site with less biodiversity interest; and b) adequate onsite mitigation measures to achieve a net gain of biodiversity interest; and c) where this is shown not to be feasible then compensation measures will be required, secured by a planning condition.
- 10.147. In this instance, the scheme is providing 90 units that are 100% affordable. As identified in preceding paragraphs above, the provision of affordable housing is a strategic objective of the Local Plan and whilst it is recognised the site’s habitat value, that the site is vacant, is brownfield and has the scope to bring forward a reasonable amount of affordable housing that will go some way to meeting that objective for much needed housing. It is therefore considered that the exception test set out in a) has been met. Officers also confirm that the proposed approach to biodiversity net gain is sufficient to address the second and third criteria.
- 10.148. In this instance OMH will be compensated for through the provision of another high or very high distinctiveness habitat by TOE. In this instance

officers are satisfied that a like for like replacement is not a strict requirement in this instance and that the provision of high or very high value habitats (eg. Lowland meadow) would constitute sufficient compensation.

- 10.149. Protected Species – Badgers: The OPDM and DEFRA Circular 06/2005 Biodiversity and geological conservation paragraphs 123 and 124 provides ‘The likelihood of disturbing a badger sett, or adversely affecting badgers’ foraging territory, or links between them, or significantly increasing the likelihood of road or rail casualties amongst badger populations, are capable of being material considerations in planning decisions’. Anyone submitting an application for development in an area where there are known to be badger setts must comply with the provisions of the Protection of Badgers Act 1992 and first obtain a licence from Natural England before interfering with a sett for the purpose of development.
- 10.150. The addendum ecological report states that during monitoring, an individual badger was recorded entering a mammal burrow within the site for a short period (12 seconds) with no other activity recorded over a 7 week period. It concludes the burrows did not constitute an active sett at the time of monitoring, which is accepted. However, where the holes have been retained, and as badgers are present in the area, there is the potential for species to occupy the burrows and establish a sett prior to closure. Therefore additional monitoring will be required immediately prior to closure to confirm absence. This monitoring should cover a minimum period of three weeks and should be secured via a planning condition.
- 10.151. Protected Species: The LPA has a duty to consider whether there is a reasonable likelihood of protected species being present and affected by development at the application site. The presence of a protected species that may be affected by the development is a material consideration for the LPA in its determination of a planning application (paragraphs 98, 99 ODPM and Defra Circular 06/2005: Biodiversity and geological conservation).
- 10.152. The LPA as a duty as a competent authority, in the exercise of its functions, to secure compliance with the Habitats Directive (Regulation 9 (1) The Conservation of Habitats and Species Regulations 2017 ‘2017 Regulations’) The Habitats Directive is construed from 31st December 2020 to transfer responsibilities to UK authorities to enable it to function as retained EU law. This applies to European sites (SACs and SPAs) and European Protected Species, both in and out of European sites.
- 10.153. The 2017 Regulations provide a licensing regime to deal with derogations. It is a criminal offence to deliberately capture, kill, injure or disturb protected species and against the damage or destruction of a breeding site or resting place of such an animal, unless it is carried out with the benefit of a licence from Natural England.
- 10.154. Protected species – bats: Justification has been provided for the reduced survey effort for bat activity levels at the application site. Given the small size and linear shape of the site, the extent of automated monitoring and the clear value of the railway line as a commuting route, in this instance it is

considered acceptable not to complete transect surveys. In almost all other circumstances this would be required.

- 10.155. It will be necessary to avoid impacts upon foraging and commuting bats utilising surrounding habitats to require a sensitive lighting scheme which should be secured via planning condition.
- 10.156. Protected species – reptiles: Natural England's guidance on Reptiles: advice for making planning decisions, is a material consideration to take into account when making planning decisions. The Wildlife and Countryside Act 1981 provides it is an offence to kill or injure slow worm. The Local Planning Authority must have regard, in exercising its functions, to conserve, restore and enhance biodiversity (section 40 Natural Environment and Rural Communities Act 2006). Slow worms are on the Secretary of State's published list of living organisms (under section 41) that are of principal importance for the purpose of conserving biodiversity. Natural England's guidance provides that the Local Planning Authority need to consider if the Developer has taken appropriate measures to avoid, mitigate and, as a last resort, compensate for any negative effects on reptiles in their development proposal.
- 10.157. An exceptional population of slow worm was identified within the site. Please note the term exceptional refers to a specific categorisation system used for reptile populations rather than a qualitative judgement. In essence a relatively high number of slow worm were recorded with in the site.
- 10.158. A translocation exercise was commenced in 2021 to a receptor site identified in the Reptile Mitigation Strategy. Officers are content that the receptor site is being appropriately managed and this will continue in the long term.
- 10.159. Officers were unsatisfied with the process in relation to reptiles; and considered the approach taken in 2021 was against best practice to proceed with a translocation programme prior to planning permission being granted, albeit in principle not in breach of any planning policy. It would be usual in these circumstances to obtain a baseline surveys of the receptor site in advance. However, the translocation last year was paused and not completed prior to winter and would need to be resumed in this current active season (ending September/October). Officers are satisfied that the revised methodology submitted will involve the installation of an exclusion fence along the southern boundary of the application site to prevent the ingress of additional reptiles. This methodology should be secured via planning condition.
- 10.160. Protected species – invertebrates: Natural England's guidance on Invertebrates: advice for making planning decisions, is a material planning consideration for local planning authorities. The developer must comply with the legal protection of invertebrates. Some are European protected species so offered protection under the 2017 Regulations. Certain species are protected under the Wildlife and Countryside Act 1981. Many invertebrates

are listed as rare or threatened under section 41 of the Natural Environment and Rural Communities Act 2006.

10.161. One of the principal reasons for OMH being a priority habitat is its importance for invertebrates. A desk study assessment was undertaken to determine the potential value of the site for invertebrates given any suitable habitats present had already been damaged/removed. This was undertaken but didn't yield any information.

10.162. Overall, the biodiversity value of the site has been considered at length and it is recognised that in developing the site in the manner proposed would prohibit the scheme from being able to compensate for the lost biodiversity value on site. Therefore it is necessary to comply with the policy requirements of policy G2 that appropriate compensation is provided to mitigate the biodiversity value lost, which in this instance would be partly compensating on site for 1.96 credits and a financial contribution from the developer to Trust for Oxfordshire's Environment to secure 16 habitat credits. In view of this, and the exceptional need for affordable housing, it is considered that the policy requirements of G2 will be met and the minimum necessary biodiversity net gain provided in accordance with the policy subject to the conditions set out and a S106 Agreement.

Flooding

10.163. 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.*

10.164. 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.

10.165. The application was submitted with a Flood Risk Assessment and Drainage Strategy. This document indicates that the site has a fall of 6m in a south westerly direction, but that is not at risk of flooding and can be developed without increasing flood risk elsewhere. The report indicates that suitable provision is made for the disposal of surface water and foul water from the proposed development. For surface water drainage, the report indicates

that the closest watercourse to the site is a drainage ditch located 230m south west of the site at Morrell Crescent. Given the distance of this, this is not considered to be feasible for runoff disposal. Therefore it is proposed to discharge run off from the site into the existing Thames Water surface water network under Railway Lane at a run off rate which Thames Water have confirmed is acceptable. This will be achieved through a pump from the site to discharge to the sewer under Railway Lane.

- 10.166. A series of oversized geo-cellular storage crates will be installed within the green areas and under some private car parking spaces across the site to support attenuation and to provide storage run off. An attenuation basin will be provided on the southern boundary and a swale on the northern boundary. These will have a gravelled bottom through which runoff will be infiltrated into the crates accepting run off from the adjacent road. The below ground storage is necessary to supplement the capacity of the basin and swale.
- 10.167. Car parking spaces will be permeable which will also provide treatment to runoff into the geocellular storage crates underneath.
- 10.168. The proposed foul water drainage strategy is for gravity driven foul sewer. Thames Water indicate there is capacity within the network for foul water sewerage.
- 10.169. Thames Water also confirm capacity with regard to surface water network infrastructure.
- 10.170. However Thames Water state in respect of the existing water network infrastructure there may be an inability of the existing water network infrastructure to accommodate the needs of this development proposal. Therefore they would recommend a condition is imposed that requires water upgrades to accommodate the additional flows.
- 10.171. Overall, the site is indicated to be very low risk from surface water flooding apart from the south eastern corner of the site, which is indicated to be low to medium risk. Maintaining the existing flood flow paths and raising the finished floor levels of the proposed properties by 300mm above the adjacent road levels provide mitigation to the potential risk of the surface water flooding.
- 10.172. Oxfordshire County Council as Local Lead Flood Authority raised objections initially to the proposal on various matters. Those issues related to
- the lack of evidence regarding impermeable area of the site
 - clarification on discharge rate
 - calculations not in accordance with guidance and need for runoff to be managed at source and the proposed drainage to mimic the existing drainage regime of the site as much as possible
 - requires submission of a Surface Water Management Strategy

- 10.173. In response the applicant produced a Technical Note to respond to the LLFAs comments, as well revised hydraulic calculations and a revised drainage strategy drawing. The Technical Note addresses that infiltration is not permitted on the site due to the risk of mobilising historic contamination within the subsoils. In this case all run off is to be released at annual average peak flow rate which provides a betterment on the high return period storms and therefore does not require additional volume control.
- 10.174. Further the Note has regard to the steep existing gradient at the west of the site which presents a challenge for locating SUDS and the need for additional storage below the swales and car park areas with deep storage crates and this will address the need for approaching SUDS.
- 10.175. Overall this position is accepted by the County Council and they advise they have no objection subject to the use of planning conditions. The proposals are therefore considered to comply with the provisions of Policies RE3 and RE4 of the Oxford Local Plan.

Sustainability

- 10.176. Proposals for development are expected to demonstrate how sustainable design and construction methods will be incorporated in line with Policy RE1 of the Oxford Local Plan. All development must optimise energy efficiency by minimising the use of energy through design, layout, orientation, landscaping and materials, and by utilising technologies that help achieve Zero Carbon Developments. Planning permission will only be granted for development proposals for new build residential developments which achieve at least a 40% reduction in the carbon emissions from a code 2013 Building Regulations.
- 10.177. The application is accompanied by an Energy Statement, which has been modified and updated during the course of the application. The updated Energy Statement follows the submission of the initial document which indicated the use of low nitrogen gas boilers and solar photovoltaic panels throughout the development. However, following objection to the use of gas boilers by Officers, gas boilers have been removed in favour of the use of air source heat pumps (ASHP) to the houses and solar photovoltaic panels to the flat, thus providing an all electric heating scheme. Other measures include:
- High water efficient fittings
 - Energy efficient lighting
 - Enhanced U values and enhanced building fabric standards
- 10.178. The development would exceed the requirement to achieve at least a 40% reduction in the carbon emissions from a code 2013 Building Regulations, with a reduction of 41% carbon emissions which in conjunction with the range of sustainability measures incorporated in the development, the proposals would meet this part of the requirements of Policy RE1 of the Oxford Local Plan.

- 10.179. It is noted that the Building Regulations have been updated in June 2022, however, given how advanced this application is, officers accept that the position is reasonable to require compliance against the 2013 base.
- 10.180. Details of the ASHP have also not been submitted, but details would be required by a condition. Details of the PV panels and their placement will also be required as a condition. Subject to this, is considered the application complies with policy RE1 of the Oxford Local Plan.

Air Quality

- 10.181. Policy RE6 of the Oxford Local Plan has regard to air quality and states planning permission will only be granted where the impact of new development on air quality is mitigated and where exposure to air quality is minimised or reduced.
- 10.182. The baseline assessment shows that the site is located within the Oxford city wide Air Quality Management Area. Pollutant concentrations at monitoring locations representative of the Application Site, show compliance with the annual mean nitrogen dioxide levels in recent years. The results indicate that concentrations at proposed receptor locations within the site boundary are well below relevant air quality objectives for nitrogen dioxide.
- 10.183. According to the submitted Air Quality Assessment, the railway line that passes close to the site the railway line does not fulfil any of the criteria identified for assessment, hence potential emissions from trains are considered to be negligible. Although it is recognised that is an aspiration for reopening this line for passenger transport but the application must be assessed and determined on the basis of the use of this trainline at the present time.
- 10.184. As detailed in the preceding section, the energy statement has been updated to indicate an all electric development, as amended from previously using a combination of individual ultra-low NOx gas combination boilers with PV panels, limiting impact on air quality.
- 10.185. According to the Transport Statement and Air Quality Assessment, the development will result in a maximum of 328 additional daily vehicular trips. An air quality assessment has been carried out using the ADMS-Roads dispersion model to determine the impact of emissions from road traffic on sensitive receptors. Predicted concentrations have been compared with the air quality objectives. The results of the assessment indicate that annual mean NO₂ and particulate matter (PM₁₀) concentrations are well below the objective levels in the 'with' development scenario. The Air Quality modelling results show that the development will cause NO₂ and PM₁₀ concentrations to increase by 0.5 and <0.1 µg/m³, respectively, which is classed as a negligible impact. Therefore, no mitigation is required as the air quality objectives are predicted to be met.
- 10.186. This development includes the delivery of 76 parking spaces. Policy M4 (Provision of Electric charge points) of the Oxford Local Plan 2036 requires a

minimum of 25% of parking spaces to be provided with charging points on non-residential developments, and 100% of parking for residential developments to be Electric Vehicle ready. This is required to support air quality objectives across the city and will need to be controlled via a condition.

10.187. The impacts of demolition and construction work on dust soiling and ambient fine particulate matter concentrations have been assessed in the Air Quality Assessment, and the risk of dust causing a loss of 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. This will be secured via a condition.

10.188. Having reviewed all the above documents and the proposal, Officers consider that the air quality levels at this development will be below current limit values for NO₂, PM10 and PM2.5 as long as the recommended conditions are imposed. Subject to this it is considered the scheme accords with policy RE6 of the Oxford Local Plan 2036.

Archaeology

10.189. Policy DH4 of the Local Plan has regard to archaeology and the historic environment. The archaeological implications of the proposed scheme have been considered based on an assessment of the information in the Oxford Historic Environment Record and the submitted Heritage Impact Assessment (John Moore Heritage Services 2021).

10.190. Officers consider the site is of interest because it is located within an area that has produced extensive and dispersed evidence for prehistoric settlement and Roman pottery manufacturing activity (to the north, south, east and west). It therefore has general potential for archaeology of these periods. However it is noted that the Dominion Oils site has seen extensive previous disturbance (not all fully characterised) and that any survival of archaeological remains in this location is likely to be restricted to parts of the site where geotechnical work suggests the presence of un-truncated natural.

10.191. In view of this and in consideration of the Heritage Impact Assessment, officers indicate that any consent granted for this application should be subject to a condition to secure archaeological trial trenching followed by further mitigation as appropriate. Subject to imposing such a condition, the application would accord with policy DH4 of the Local Plan 2036 and the NPPF.

Land Contamination

10.192. Policy RE9 of the Local Plan states planning applications where proposals would be affected by contamination or where contamination may present a risk to the surrounding environment, must be accompanied by a report which details the investigation that has been carried out to assess the nature and extent of contamination and the possible impacts it may have on the development and future users, biodiversity, the natural and built

environment. Further the report sets out detailed mitigation measures to allow the development to go ahead safely and without adverse effect in respect of removing the contamination, treating the contamination, protecting and/or separating the development from the effects of the contamination and validation of mitigation measures.

10.193. The Environment Agency and Land Quality Officer has considered the submitted Contaminated Land Desk Study and Site Investigation Report, undertaken by The Brownfield Consultancy Ref BC537 ES01 April 2021.

10.194. The site has a history of former contaminative uses having previously been used as an oil depot and adjacent railway sidings. The Environment Agency notes that the previous use of the site as an oil depot presents a risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located upon a secondary aquifer.

10.195. Although some remedial works has occurred in the past, this is understood to not be to a level deemed appropriate for residential use. Officers advise it is apparent that there are several potential on-site contamination sources that have not been adequately investigated yet during the recent contamination risk assessment work completed at the site. As a result there is a requirement to conduct further detailed intrusive site investigation work to refine the Conceptual Site Model and determine what remedial works may be necessary to mitigate any potentially significant contamination risks and render the site suitable for use.

10.196. This requirement for further contamination risk assessment work is acknowledged within the Brownfield Consultancy Report (Section11). As a result it is recommended that planning conditions are included in any approval. This too would reflect the concerns of the Environment Agency who advise that the Report demonstrates that it will be possible to manage the risks posed to controlled waters by this development and the proposed development will be acceptable in terms of groundwater quality subject to a condition to secure the submission of a remediation strategy to deal with the risks associated with contamination. This is necessary as the report submitted does not give sufficient details regarding proposed remediation.

10.197. Subject to the imposition of conditions to require this further work, it is recommended that the proposal complies with policy RE9 of the Local Plan.

Social Infrastructure

10.198. Objection has been received during the application regarding the capacity of Littlemore for a development of this scale in terms of social infrastructure in respect of healthcare and education. The Clinical Commissioning Group who control healthcare and capacity, have not made any comments on the application, and there is no indication from the Local Plan adoption that there is no capacity within existing surgeries for additional growth from residents on this development. Further the County Council Education department indicate that there is capacity in existing schools to

meet the educational needs arising from residents. Overall, there are no grounds to support a reason for refusal on lack of social infrastructure to support this scheme.

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 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 terms of any material considerations which may outweigh these development plan policies, the NPPF has a presumption in favour of sustainable development. 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.
- 11.5. Officers consider that the proposal would accord with the overall aims and objectives of the NPPF and policies in the Oxford Local Plan for the reasons set out within the report. Therefore in such circumstances, planning permission should be approved without delay. This is a significant material consideration in favour of the proposal.
- 11.6. Officers would advise members that having considered the application carefully including all representations made with respect to the application, that the proposal is considered to be acceptable in terms of the aims and objectives of the NPPF, and relevant policies of the Oxford Local Plan 2016-2036, when considered as a whole, and that there are no material considerations that would outweigh these policies.

- 11.7. It is recommended that the Committee resolve to grant planning permission for the development proposed and the satisfactory completion (under authority delegated to the Head of Planning Services) of a legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers and subject also to the conditions in section 12 below.

12. CONDITIONS

- 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.

- 2 The development referred to shall be constructed strictly in complete accordance with the specifications in the application and the submitted plans.

Reason: To control the extent of the development and to accord with policies S1, DH3, H14, G2, G7, RE1, RE3, RE4 of the adopted Local Plan 2036

- 3 Samples of the exterior materials to be used on the elevations, means of enclosures, railings and hard landscape surfaces, shall be submitted to, and approved in writing by the Local Planning Authority before the start of work above ground levels on the site and only the approved materials shall be used.

Reason: In the interests of the visual appearance of the setting of Littlemore Conservation Area in which it is adjacent and to achieve a high quality development and to accord with policies DH1 and DH3 of the Adopted Oxford Local Plan 2036

- 4 Prior to any work above ground, details of all means of enclosures as well as details of the proposed railings shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual appearance of the setting of Littlemore Conservation Area in which it is adjacent and to achieve a high quality development and to accord with policies DH1 and DH3 of the Adopted Oxford Local Plan 2036

- 5 Notwithstanding the submitted plans, prior to any works commencing above ground, details of all proposed levels for the external areas and Finished Floor levels, as well as existing levels shall be submitted to and approved in writing by the LPA. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development is appropriate to the context of the site given the change in levels and is delivered in a manner that is acceptable

for the residents and to accord with policies DH1, DH3, G8, M1, M3, M5 of the Local Plan.

- 6 Notwithstanding the submitted plans, prior to the commencement of development above ground, a soft and hard landscape plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall show details of treatment of paved areas, informal play equipment and furniture, areas to be grassed or finished in a similar manner, existing retained trees and proposed new trees, shrub and hedge planting. The plan shall correspond to a schedule detailing plant numbers, sizes and nursery stock types. The development shall be carried out in accordance with the approved details.

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

- 7 The landscape plan as approved in condition 6 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.

- 8 Any existing retained trees, or new trees or plants planted in accordance with the details of the approved landscape plan in condition 6 that fails 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.

- 9 Prior to first occupation or first use of the development hereby approved a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules and timing for all landscape areas, other than small, privately owned domestic gardens, shall be submitted to, and approved in writing by, the Local Planning Authority. The landscape management plan shall be carried out as approved 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.

- 10 No development, including demolition or enabling works, shall take place until a Tree Protection Plan (TPP) has been submitted to, and approved in writing by the Local Planning Authority. The TPP shall include such details as are appropriate for the protection of retained trees during development, and shall

be in accordance with the current BS. 5837: "Trees in Relation to Design, Demolition and Construction – Recommendations" unless otherwise agreed in writing by the Local Planning Authority.

The TPP shall include a scale plan indicating the positions of barrier fencing and/or ground protection materials to protect Root Protection Areas (RPAs) of retained trees and/or create Construction Exclusion Zones (CEZ) around retained trees. The approved physical protection measures shall be in place prior to the commencement of any development, including demolition or enabling works, and shall be retained for the duration of construction, unless otherwise agreed in writing beforehand by the Local Planning Authority.

The Local Planning Authority shall be informed in writing when physical measures are in place, in order to allow Officers to make an inspection prior to the commencement of development. No works or other activities including storage of materials shall take place within designated Construction Exclusion Zones 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 Notwithstanding the submitted plans, prior to the commencement of development above ground, details of the cycle parking areas including dimensions and means of enclosure for both the apartments and for the dwellings, shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the cycle parking areas and means of enclosure have been provided within the site in accordance with the approved details and thereafter the areas shall be retained solely for the purpose of parking of cycles.

Reason: To ensure each dwelling is provided with cycle store provision in order to encourage sustainable modes of transport and to accord with policy M5 of the Oxford Local Plan.

- 12 Prior to commencement of the development above ground, a plan detailing the layout of the car parking area shall be submitted to, and approved by, the Local Planning Authority. The Car Park Layout Plan must set out that all car parking spaces meet the minimum dimensions required and can be safely and easily accessed. The plan must also specify which spaces are allocated and which spaces are unallocated. The development shall be carried out in accordance with the details as approved and retained as such for the purposes of car parking thereafter

Reason: To ensure that parking is provided in a manner that is safe and to accord with policy M3 of the Oxford Local Plan

- 13 Prior to the commencement of any development, a Construction Traffic Management Plan (CTMP) which addresses the elements as specified in Policy M2 of the Oxford Local Plan as a minimum should be submitted to and

approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed CTMP unless otherwise agreed in writing beforehand by the Local Planning Authority

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 and to accord with policies M1 and M2 of the Oxford Local Plan.

- 14 Prior to the commencement of any development above ground, details of the siting of electric vehicle charging points to be installed shall be submitted to and approved in writing by the Local Planning Authority. The electric vehicle charging points shall be installed in accordance with the approved details, prior to the first occupation of the development and permanently so retained thereafter.

Reason: To provide infrastructure for supporting electric vehicle charging to assist modal shift to electric vehicles and to accord with policy M4 of the Local Plan.

- 15 Prior to the commencement of any development above ground, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Travel plan shall be implemented on first occupation of the site and adhered to thereafter.

Reason: To encourage the use of sustainable modes of transport and to comply with the guidance in the NPPF and policy M2 of the Oxford Local Plan.

- 16 Notwithstanding the submission of any plans, prior to the first occupation of the development, details of the bin stores for each dwelling shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and provided for each dwelling prior to first occupation of that dwelling and shall thereafter be retained as such for the purposes of bin storage only

Reason: To ensure that there is adequate bin storage and to comply with policy DH7 of the Oxford Local Plan 2036

- 17 Notwithstanding the submitted plans, prior to any works above ground, details of all proposed levels for the external areas and finished floor levels for all buildings as well as existing levels shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development is appropriate to the context of the site and is delivered in a manner that is acceptable for the residents and to accord with policies DH1, DH3, G8, M1, M3, M5 of the Local Plan.

- 18 Prior to first occupation of Plot 1, the proposed bedroom window on the first floor of the eastern elevation shall be fitted with obscure glass and be

permanently fixed shut and retained as such thereafter

Reason: To safeguard the residential amenity of 4 Railway Lane and to comply with policy H14 of the Local Plan.

- 19 Prior to the commencement of works above ground details of the proposed pleached tree(s) to be planted along the north eastern boundary including their size, number and position, shall be submitted to and approved in writing by the Local Planning Authority. The pleached tree(s) will be planted in accordance with the approved details prior to first occupation of the development and retained in perpetuity. Should the tree(s) 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 beforehand by the Local Planning Authority.

Reason: To safeguard the residential amenity of 4 Railway Lane and to comply with policy H14 of the Local Plan.

- 20 Prior to the commencement of development above ground, a management maintenance plan for the open space including underground crate storage, shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of frequency of maintenance, form of management, any replacement planting and frequency, treatment of areas. The management and maintenance plan shall be adhered to thereafter

Reason: To ensure that the open space is provided and maintained as functional open space in perpetuity in accordance with policy G8 of the Oxford Local Plan.

- 21 No development shall be occupied until confirmation has been provided that either: all water network upgrades required to accommodate the additional flows to serve the development have been completed; or a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason - The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development and to accord with policy RE4 of the Oxford Local Plan

- 22 Prior to first occupation of the development, details of the proposed air source heat pumps (ASHP) shall be submitted to and approved in writing by the Local

Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development proposal is designed to minimise carbon reductions in accordance with policy RE1 of the Oxford Local Plan.

- 23 No development shall take place until an update badger survey has been undertaken, no more than three months prior to the commencement of development. The survey shall include a minimum of 21 days monitoring of the previously identified mammal burrow. Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures shall be revised and new or amended measures, and a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable

Reason: To comply with the Protection of Badgers Act 1992 and policy G2 of the Oxford Local Plan 2036

- 24 The development hereby permitted shall be implemented strictly in accordance with the details shown in the Reptile Mitigation Strategy (Reference E2052r2, produced by Bioscan and dated August 2021) as modified by the Response to Comments from Ecology Officer (Reference SW21/E2052/CGL1, produced by Bioscan and dated May 23rd 2022)

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

- 25 No removal of hedgerows, trees, scrub or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds shall be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority.

Reason: To comply with the wildlife and Countryside Act 1981 (as amended) and to comply with policy G2 of the Oxford Local Plan

- 26 Prior to occupation of the dwellings hereby permitted, 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 internal and 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 bats 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 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 No development shall take place (including demolition, 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.

- 28 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.

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.

- 29 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 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 shall include gaps suitable for the safe passage of hedgehogs. The development shall only be implemented in accordance with the approved details.

Reason: To comply with the requirements of the National Planning Policy Framework and Policy G2: Protection of biodiversity and geo-diversity of the adopted Oxford Local Plan 2036.

- 30 No development approved by this planning permission shall commence until a contamination risk assessment to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has

been submitted to, and approved in writing by, the local planning authority. This risk assessment will include the following components:

a) A site investigation scheme, based on the submitted contaminated land desk study & site investigation report (The Brownfield Consultancy Ref: BC537 ES01. dated 18th April 2021) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site;

b) The results of the site investigation and the detailed risk assessment referred to in (a) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

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 and in accordance with paragraph 174 of the National Planning Policy Framework to ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution.

- 31 The development shall not be occupied until any approved remedial works have been carried out and a full validation report has been submitted to and approved in writing by the Local Planning Authority.

Reason- To ensure that any ground and water contamination is identified and adequately addressed to ensure the site is suitable for the proposed use in accordance with the requirements of policy RE9 of the Oxford Local Plan 2016 – 2036 and in accordance with paragraph 174 of the National Planning Policy Framework to ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution.

- 32 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 and in accordance with paragraph 174 of the National Planning Policy Framework to ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution.

- 33 No development shall take place until the applicant, or their agents or owners or successors in title, has secured the implementation of a programme of archaeological work comprising stage 1) trial trenching and stage 2) archaeological recording in accordance with a written scheme of investigation which has been submitted to and approved by the planning authority. All works shall be carried out and completed in accordance with the approved written scheme of investigation, unless otherwise agreed in writing by the Local Planning Authority."

Reason: Because the development may have a damaging effect on known or suspected elements of the historic environment of the people of Oxford and their visitors, including prehistoric and Roman remains and to comply with Oxford Local Plan Policy DH4 and the NPPF.

- 34 No development shall take place until the complete list of site specific dust mitigation measures and recommendations that are identified on page 21 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.

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

- 35 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 A) cover at least 25% of the amount of permitted parking of the commercial development; B) correspond to 100% for each residential unit with an allocated parking space
- 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

- 36 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, windows and outbuildings shall be erected to the dwelling house or within its curtilage 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.

- 37 Notwithstanding the submitted plans, prior to first occupation of the development details of the footpath link to Sainsburys Supermarket on the northern boundary showing removal of seats shall be submitted to and approved in writing by the Local Planning Authority. The development shall be provided in accordance with the approved details prior to first occupation of the development.

Reason: To enhance opportunities for designing out crime and to accord with policy DH1 of the Oxford Local Plan.

- 38 Prior to commencement of development above slab level, an application shall be made for Secured by Design accreditation on the development hereby approved. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until confirmation of SBD accreditation has been received by the authority.

Reason: To safeguard future residents and the buildings themselves from crime and antisocial behaviour and to accord with policy DH1 of the Oxford Local Plan

- 39 Prior to commencement of development above slab level, details of a proposed external lighting scheme shall be submitted to the local planning authority. The scheme shall set out the steps that will be taken to ensure that external lighting, including zonal/security lighting and column lighting within parking courts promotes a secure environment and does not cause a nuisance to local residents. The development shall be in accordance with the approved details.

Reason: To safeguard future residents and the buildings themselves from crime and antisocial behaviour and to accord with policy DH1 of the Oxford Local Plan

- 40 No development, shall commence until a revised scheme has been submitted to and approved in writing by the Local Planning Authority which takes into account the future upgrade of the freight line to provide that all habitable rooms exposed to external road traffic noise in excess of 55 dBA $L_{eq\ 16\ hour}$ [free field] during the day [07.00 to 23.00 hours] or 45 dBA $L_{eq\ 8\ hour}$ [free field] at night [23.00 to 07.00 hours] shall be subject to sound insulation measures to ensure that **all** such rooms achieve an internal noise level of 35 dBA $L_{eq\ 16\ hour}$ during the day and 30 dBA $L_{eq\ 8\ hour}$ at night. The submitted scheme shall

ensure that habitable rooms subject to sound insulation measures shall be able to be effectively ventilated without opening windows. No dwelling shall be occupied until the approved sound insulation and ventilation measures have been installed to that property in accordance with the approved details. The approved measures shall be retained thereafter in perpetuity.

Reason: To ensure that the amenities of future occupiers are protected and to accord with policy RE8 of the Oxford Local Plan.

- 41 No development, shall commence until a scheme has been submitted to and approved in writing by the Local Planning Authority which takes into account the future upgrade of the freight line to provide that the maximum day time noise level in outdoor living areas exposed to external road traffic noise shall not exceed 50 dBA Leq 16 hour [free field]. The scheme of noise mitigation as approved shall be constructed in its entirety prior to the first occupation of any dwelling and shall be retained thereafter in perpetuity.

Reason: To ensure that the amenities of future occupiers are protected and to accord with policy RE8 of the Oxford Local Plan

- 42 As the development is close to transport infrastructure, no development, other than demolition and foundation installation shall commence until a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that the dwellings are designed and constructed so as to ensure that vibration dose values do not exceed 0.4m/s^{1.75} between 07.00 and 23.00 hours, and 0.26m/s^{1.75} between 23.00 and 07.00 hours, as calculated in accordance with BS 6472-1:2008, entitled "Guide to Evaluation of Human Exposure to Vibration in Buildings", [1Hz to 80Hz]. The dwellings shall be constructed in accordance with the approved scheme.

Reason: To ensure that the amenities of future occupiers are protected and to comply with policy RE8 of the Oxford Local Plan

- 43 External artificial lighting at the development shall not exceed lux levels of vertical illumination at neighbouring premises that are recommended by the Institution of Lighting Professionals in the 'Guidance Notes Reduction of Obtrusive Light'. Lighting should be minimized and glare and sky glow should be prevented by correctly using, locating, aiming and shielding luminaires, in accordance with the Guidance Notes.

Reason: To ensure that the amenity of occupiers of surrounding premises is not adversely affected by lighting and to accord with policy RE7 of the Oxford Local Plan

- 44 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 and to comply with RE7 of the Oxford Local Plan

45 Notwithstanding the submitted drainage strategy, a further drainage strategy shall be submitted to and approved in writing by the Local Planning Authority, development shall not commence until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, 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 also 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;
- SUDS (list the suds features mentioned within the FRA to ensure they are carried forward into the detailed drainage strategy)
- Detailed design drainage layout drawings of the SuDS proposals including cross-section details;
- Detailed maintenance management plan for SuDS 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
- Phasing
- Detailed drainage layout with pipe numbers
- Sizing of attenuation
- Discharge rates
- Discharge volumes

Reason: To control drainage and flooding and to ensure compliance with policies RE3 and RE4 of the adopted Local Plan 2036.

46 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 accord with Section 21 of the Flood and Water Management Act 2010 and to accord with policy RE4 of the adopted Local Plan 2036.

- 47 The development shall be carried out in accordance with the details of the sustainability measures as specified within the Energy Statement PR8451 Rev 5 dated 23rd June 2022 and retained and managed thereafter unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To minimise carbon emissions in accordance with policy RE1 of the adopted Local Plan 2036

- 48 Prior to the first occupation of plots 8, 20, 74, 75 and 82, these plots will be provided so as to accord with Category 3 of Building Regulations Approved Document Part M, unless otherwise agreed in writing by the Local Planning A

Reason: To ensure the homes provided are accessible and accord with policy H10 of the Oxford Local Plan 2036.

Informative

1. The proposed development is located within 15 metres of Thames Waters underground assets and as such, the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB
2. Please note that the responsibility to properly address contaminated land issues, irrespective of any involvement by this Authority, lies with the owner/developer of the site.

13. HUMAN RIGHTS ACT 1998

- 13.1. 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.

14. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

- 14.1. Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to grant planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community.

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