

Oxford City Planning Committee

15<sup>th</sup> August 2023

**Application number:** 23/00405/OUTFUL

**Decision due by** 13th June 2023

**Extension of time** 31<sup>st</sup> August 2023

**Proposal** Hybrid application for the redevelopment of Blackbird Leys District Centre and land off Knights Road, Oxford. Full planning permission is sought for the erection of up to 210 apartments and up to 1,300sqm of retail and commercial space (Use Classes E and Sui Generis) across four buildings on Blackbird Leys Road and the erection of up to 84 dwellinghouses at Knights Road, all with associated demolition of existing buildings and the provision of vehicular accesses, highway improvements, public open space and associated necessary infrastructure. Outline planning permission is sought for the provision of a community centre and public open space surrounding the community centre (Use Classes F2 and E) and block A (community square and green) in the District Centre with all matters reserved except for the principle means of access. (Amended Description) (Amended Plans)

**Site address** Land At Blackbird Leys Road and Knights Road, Oxford, – see **Appendix 1** for site plan

**Ward** Northfield Brook Ward

**Case officer** Natalie Dobraszczyk

**Agent:** Savills                      **Applicant:** Peabody (formerly Catalyst Housing Ltd)

**Reason at Committee** Major Planning Application

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## 1. RECOMMENDATION

1.1. The Oxford City Planning Committee is recommended to:

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

- the satisfactory completion of a legal agreement under section.106 of the Town and Country Planning Act 1990 and other enabling powers to secure

the planning obligations set out in the recommended heads of terms which are set out in this report; and

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

- finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary; and
- finalise the recommended legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers as set out in this report, including refining, adding to, amending and/or deleting the obligations detailed in the heads of terms set out in this report (including to dovetail with and where appropriate, reinforce the final conditions and informatives to be attached to the planning permission) as the Head of Planning Services considers reasonably necessary; and
- complete the section 106 legal agreement referred to above and issue the planning permission.

## 2. EXECUTIVE SUMMARY

- 2.1. This report considers an application which proposes the comprehensive regeneration of the District Centre and land adjacent to Knights Road.
- 2.2. This is to be delivered through a hybrid application which comprises a full (detailed) application for the residential accommodation, commercial space, public open space, and access arrangements within the District Centre and Knights Road; and an outline application with all matters reserved apart from access for the community centre, community square and green within the District Centre.
- 2.3. All the proposed housing would be affordable accommodation and the quantity of affordable homes and socially rented accommodation would exceed the requirements set out in Policy H2 of the Oxford Local Plan. The proposals would provide the delivery of much needed affordable housing to meet the Council's housing need, which should be viewed as a significant public benefit.
- 2.4. Officers consider that the proposed development would respond appropriately to the site context, Local Plan policies and site allocation Policies SP4 and SP15. The proposal would provide significant highway and public realm improvements through the alteration of Blackbird Leys Road. A replacement community centre with modernised facilities would be provided (details to be determined at reserved matters stage) as well as replacement retail provision to support the district centre uses.
- 2.5. The proposal would result in a loss of open space in terms of quantity, contrary to Policy G5. In this instance it is considered that the departure from Policy G5 is justified. Criteria (b) of Policy G5 of the Oxford Local Plan would be partly met as the proposals offer the opportunity to provide a better quality area of open space across the overall site, which in officers' view would constitute an

enhancement of the public open space, notwithstanding the reduction in size. The proposal includes a large new area of public open space in the form of the square within the District Centre and soft landscaping adjacent to the community centre which would be a considerable improvement in terms of quality of space provided. Pocket parks, additional planting and soft landscaping, seating, public realm enhancement measures and public art (which would be secured by condition) would improve the attractiveness of the open space for local residents, which in turn would lead to the space being better utilised. In particular, the public realm surrounding the areas of Blocks B and C would replace what is currently back of house service areas with greatly improved public realm. The site at Knights Road would retain the existing woodland buffer and would include a central green which would provide a good quality area. The remaining open space for the District Centre (19%), Knights Road (24%) and the combined total site area (22%) would exceed the 10% open space provision set out as a requirement under Policy G8 of the Local Plan which would demonstrate that a suitable amount of open space would be retained in spite of the overall reduction.

- 2.6. The proposal would result in the demolition of the existing shopping parade (the designated District Shopping Frontage) on Blackbird Leys Road which would be replaced by the wholly residential building, Block B. The retail uses would be re-provided at ground floor level within Block A, approximately 50 metres to the north of their existing location. In this instance it is considered that the departure from Policy V4 is justified. While the ground floor of Block B would not contain class E uses to satisfy the requirements of policy V4 these uses would be re-provided, also at ground floor level, within proximity to their existing location, namely within the proposed Block A. The retail uses would continue to be located with the designated District Centre and would remain a central and conveniently located facility within Blackbird Leys District Centre to serve the needs of the community. The development has been designed to create a civic heart where the community centre, public open space and commercial uses would be centrally located in the district centre site which would represent an improvement to the existing situation where existing roads bisect these uses and inhibit good placemaking and interconnectivity. As such, officers consider that the relatively minor change to the location of the District Shopping Frontage would not adversely impact on the usability or prominence of these important facilities and that the benefits arising from improvements to placemaking, and the public realm justify departure from the development plan in respect of Policy V4.
- 2.7. The proposal would result in enhanced pedestrian connectivity, improvements to transport infrastructure through financial contributions and it is considered that there would be no harm to the highway network as a result of traffic generation.
- 2.8. The development when taken across the combined sites would result in a net gain in tree canopy cover through new and retained soft landscaping. There would be no harm to any identified protected species and, subject to 3.515 habitat units being delivered offset, the proposal would achieve a Biodiversity Net Gain of 5%.
- 2.9. The development would be of a sustainable design and construction, achieving a 64% reduction in carbon emissions when set against the 2021 Part L Building Regulations and is on track to achieve BREEAM excellent.

- 2.10. The car parking provision is considered acceptable in accordance with the objectives of the Oxford Local Plan 2036 and cycle parking in excess of minimum standards would be provided, with further details to be secured by condition.
- 2.11. The scheme would result in a low level of harm to the setting and significance of the Central Conservation Area, Christ Church Cathedral and St Mary's Church, Garsington; and a high level of less than substantial harm to the setting and significance of the grade II listed Church of the Holy Family. However, Officers consider that, having given great weight to the conservation of these designated heritage assets, the public benefits that would derive from the proposed development would outweigh the harm caused.
- 2.12. Each of the proposed homes would provide appropriate standards of indoor and outdoor amenity for future occupiers in accordance with Policies H14, H15 and H16 of the Oxford Local Plan. It is considered that the scale and siting of the development would not have a significantly detrimental impact on the amenity of existing occupiers by reason of overbearingness, loss of privacy and loss of light and the proposals are considered to comply with Policies H14 and RE7 of the Oxford Local Plan.
- 2.13. There would be no adverse land contamination, noise pollution, air quality or flood risk and drainage impact as a result of the proposal.
- 2.14. It is therefore recommended that the Committee resolve to grant planning permission for the development proposed subject to the satisfactory completion (under authority delegated to the Head of Planning Services) of a legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers and legal agreements under section 38 and section 278 of the Highways Act 1980 and subject also to the conditions in section 12 of this report.

### **3. LEGAL AGREEMENT**

- 3.1. This application is subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure the following planning obligations:
- £126,000 (£42,000 per side road entry treatment) towards Active Travel Improvements along Knights Road at the junctions of Merlin Road, Pegasus Road and Kestrel Crescent.
  - £5,427 towards Travel Plan monitoring.
  - A financial contribution, to be finalised, for improvements to footpaths within Spindleberry Park OCWS comprising resurfacing and improvements to boundary treatments to protect sensitive areas of the park.
  - £23,266 for an additional bus shelter, flag & pole and RTI on Blackbird Leys Road.
  - Biodiversity Net Gain offsetting.
  - Community Employment and Procurement Plan.

- Affordable housing.
- Community centre.
- Public open space.
- Agreement that access remains open and retains the important sight and travel lines from Blackbird Leys Road to Blackbird Leys Adventure Playground.
- Details relating to the section 278 agreement.

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

4.1. The proposal is liable for CIL totalling £3,130,408.18.

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

5.1. The application site relates to two parcels of land situated to the south-east of the city centre within the Blackbird Leys residential suburb that have been allocated for development within the Oxford Local Plan 2036. The first being the Blackbird Leys District Centre and the second an area of informal open space that lies to the rear of Knights Road.

##### District Centre

5.2. The District Centre is situated within the centre of the residential suburb at the junction of Blackbird Leys Road, Cuddesdon Way, and Knights Road. The centre comprises several buildings which include a range of residential units, community uses, along with other commercial uses such as retail units, hot food takeaways, citizens advice bureau, and funeral directors. The range of residential accommodation throughout the area includes the two 15 storey Evenlode and Windrush Tower Blocks.

5.3. The site is not within a conservation area but has the Grade II listed Church of the Holy Family located adjacent to the site boundary. The site is within Flood Zone 1.

5.4. The application site covers approximately 2.20ha of land within the District Centre and includes the site of the community centre on the north-eastern side of Blackbird Leys Road, the parade of shops on the south-western side of Blackbird Leys Road, and a garage block and open space at the Blackbird Leys Road and Pegasus Road junction.

5.5. A copy of the existing District Centre site plan can be found below in **Figure 1**. A combined site plan is attached at **Appendix 1**



Figure 1 – District Centre

### Knights Road

- 5.6. The second site lies approximately 450m to the south-west of the District Centre site and comprises approximately 2.25ha of informal open space that is to the south of the residential properties at the end of Knights Road.
- 5.7. The site is bordered by the residential properties of Knights Road to the north; the Spindleberry Nature Park to the east; the Northfield Brook and Kassam Stadium to the south; and the Northfield School to the west.
- 5.8. The site is predominately located within Flood Zone 1 but includes an area of Flood Zone 2 alongside the Northfield Brook.
- 5.9. A copy of the existing Knights Road site plan can be found below in **Figure 2**. A combined site plan is attached at **Appendix 1**



Figure 2 – Knights Road

## 6. PROPOSAL

- 6.1. The proposal is seeking the comprehensive regeneration of the District Centre and land adjacent to Knights Road.
- 6.2. This is to be delivered through a hybrid application which comprises a full (detailed) application for the residential accommodation, commercial space, public open space, and access arrangements within the District Centre and Knights Road; and an outline application with all matters reserved apart from access for the community centre, community square and green within the District Centre.
- 6.3. A plan showing the full and outline areas for the District Centre is shown in Figure 3 below:

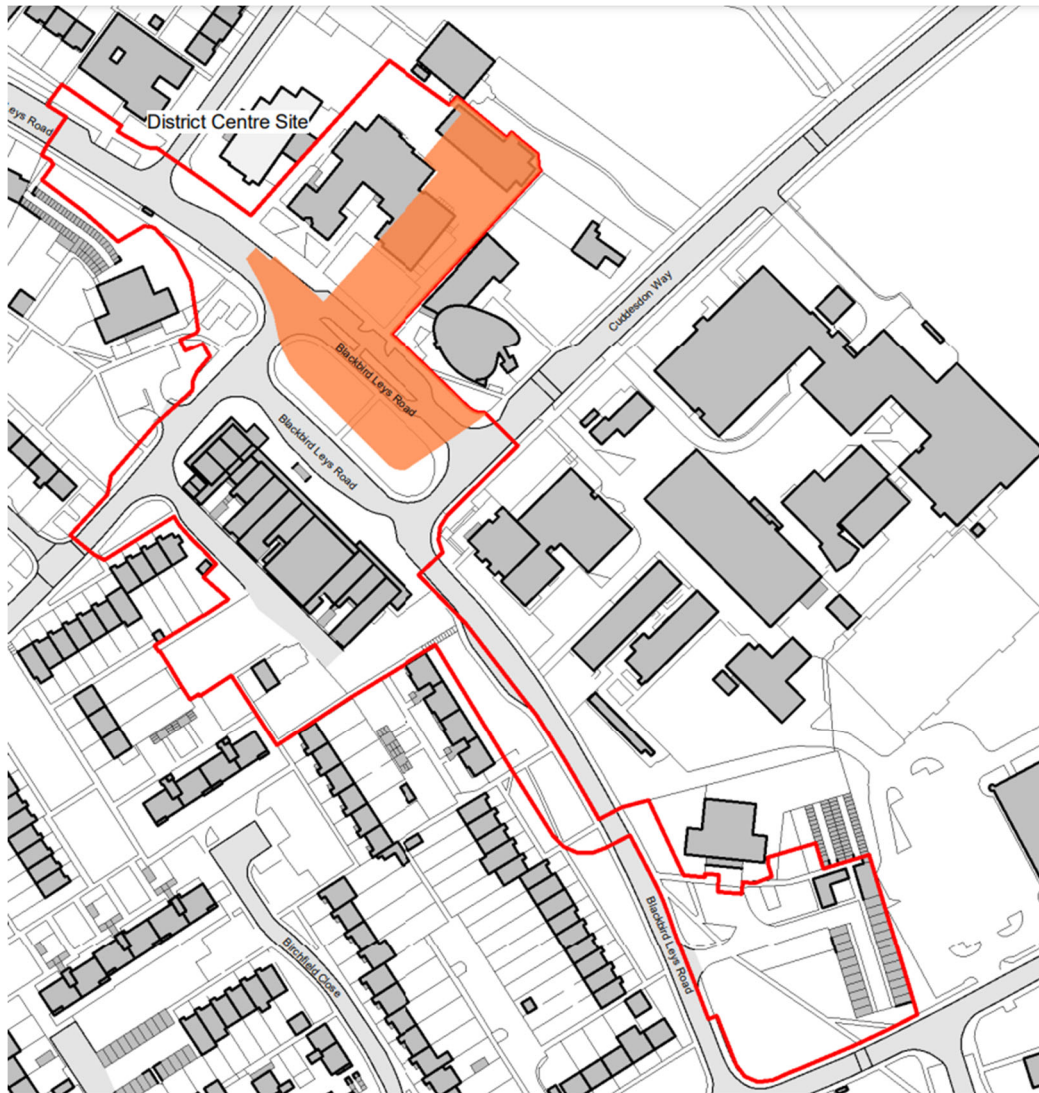


Figure 3 – Hybrid red line boundary for the District Centre (orange shading denotes outline application boundary).

### District Centre

6.4. The proposed regeneration of the District Centre would involve the demolition of the existing community centre buildings on the north-eastern side of Blackbird Leys Road and parade of shops and residential accommodation on the south-western side of the road.

6.5. The redevelopment will include the provision of:

- A total of 210 new affordable homes with a range and mix of tenures provided through 4 apartment blocks that range in height from 5 floors to 12 floors. The accommodation would include a mix of social rented and affordable rent and shared ownership units.
- 1,300m<sup>2</sup> of retail / commercial floorspace (GIA) including Use Class E and Sui Generis uses, which will also allow for the reprovision of the existing uses in the district centre.



- A minimum of 1,200m<sup>2</sup> of community centre floor space (GIA).
- A range of public realm works and highway improvements to alter the existing road layout around the Blackbird Leys Road and Cuddesdon Way junction.
- The creation of a community square and green around the new commercial units and community centre.

6.6. The community centre, square and green is to be secured through an outline application. When submitting an outline application, certain matters relating to access, appearance, landscaping, layout and scale are reserved for consideration at a later date. These are called 'reserved matters'. In this case the access details for the community centre, square, and green have been submitted for approval, whereas the appearance, landscaping, layout and scale are reserved for a later date.

6.7. A detailed proposed site plan for the District Centre is shown below in Figure 4.

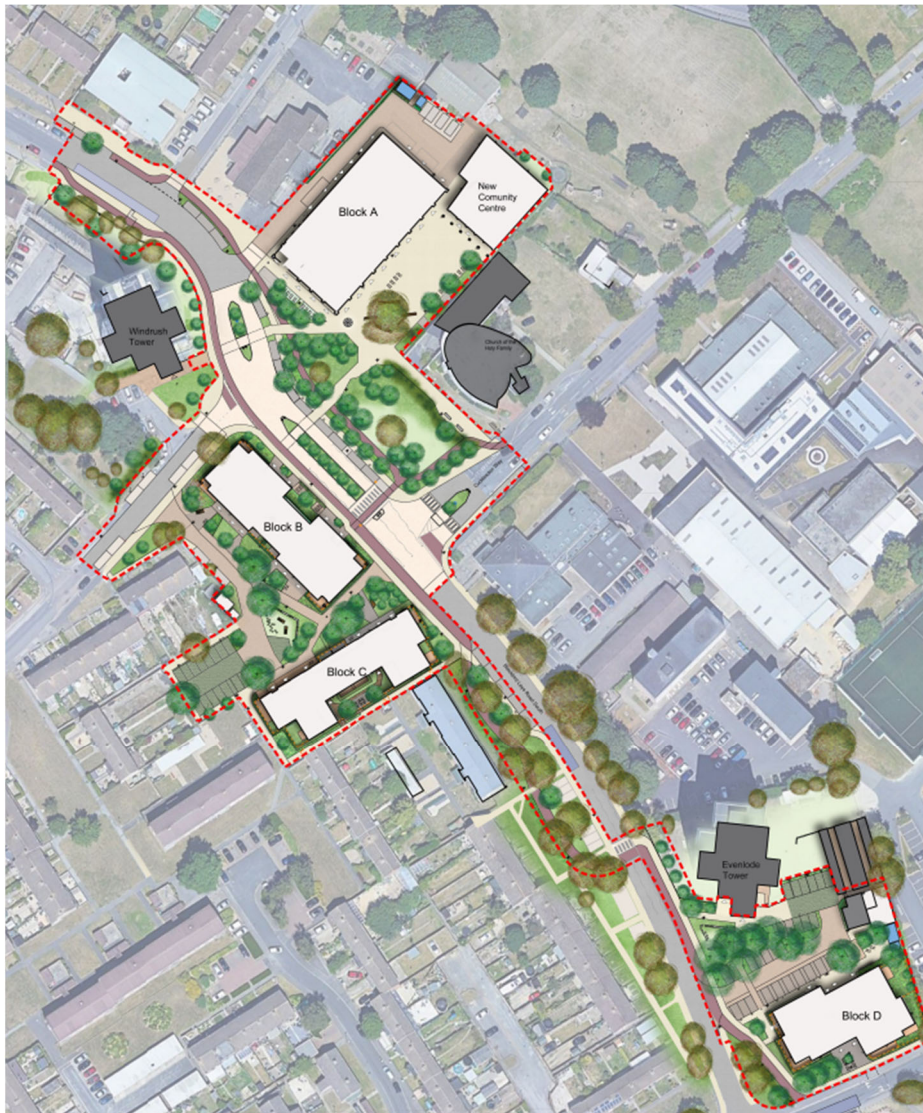


Figure 4 – Proposed District Centre

### Knights Road

- 6.8. The area of open land to the south of Knights Road would be developed to provide the following
- A total of 84 new affordable homes in the form of 2 and 3 bedroom shared ownership homes
  - A number of open spaces, public realm works, and access arrangements
- 6.9. The dwellings would be provided through semi-detached and detached dwellings in a form of 2-2.5 storeys which will all have private gardens.
- 6.10. A detailed proposed site plan for Knights Road is shown below in Figure 5.
- 6.11. A separate application has been submitted which seeks to divert the existing public right of way (PROW) that runs through the site connecting the Kassam Stadium complex with Knights Road. The diversion would retain the PROW through the site but would divert it to reflect the proposed street layout.



Figure 5 – Proposed Knights Road

## 7. RELEVANT PLANNING HISTORY

- 7.1. Due to the size and nature of the proposed scheme, Officers consider that there is no planning history of relevance to the development.

### Pre-application Advice

- 7.2. Pre-application discussions took place between April 2020 and June 2022 in addition to public consultation workshops facilitated by the applicant team. A summary of some of the amendments that were made during this engagement is listed below:

- Maximised the space given to the community square and considered how this could be used positively to enhance the setting of the Holy Family Church.
- Considered alternative layouts to Blackbird Leys Road and the highways/ public realm implications of these.
- Amended the layout and design of the site at Knights Road to respond to urban design and ecology comments.
- Reconfigured the footprint of Building D within the District Centre site to address concerns about overshadowing and impacts on views for existing residents.
- Redesigned buildings to ensure compliance with fire safety and building regulations.

7.3. The response from the Oxford Design Review Panel (ODRP) is attached at Appendix 2.

#### Environmental Impact Assessment Screening Opinion

7.4. A request for a Screening Opinion as to whether an Environmental Impact Assessment (EIA) would be required was received on 20th May 2021. The Screening Opinion was based on the submission of a hybrid application for the following development:

*Development of 2.25ha of land at Knights Road to deliver up to 90 new homes across a range of mix and tenures; and*

*Redevelopment, including demolition, of 8.10ha of land at the District Centre Blackbird Leys Road to deliver up to 220 new homes across a range of mix and tenures with retail and community uses.*

7.5. A response from the LPA was issued on 6th October 2021. It was concluded that, having regard to Schedule 3 of the Town and County Planning (Environmental Impact Assessment) Regulations 2017 (as amended), the development would not be likely to result in significant effects on the environment.

7.6. As such, in exercise of the powers conferred upon it by Regulation 6 of the Town and County Planning (Environmental Impact Assessment) Regulations 2017 (as amended) the Local Planning Authority concluded that the proposal would not constitute EIA development and that an EIA would not be required to accompany a planning application submitted in accordance with the details supplied in the request for screening.

#### Public Rights of Way

7.7. The works at the Knights Road site would require a diversion to an existing Public Right of Way (PROW). This is being considered under application 21/01462/CONSULT.

## 8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Other planning documents
Design	117-123, 124-132	RE2, DH1	
Conservation/ Heritage	184-202	DH2, DH3, DH5	
Housing	59-76	H1, H2, H4, H5, H10, H15, H16	
Commercial	170-183	DH6, DH7	
Natural environment	91-101	G2, G5	
Social and community	102-111	V1, V4, V6, V7, V8	
Transport	117-123	M1, M3, M4, M5	Parking Standards SPD
Environmental	117-121, 148-165, 170-183	RE1, RE3, RE4, RE6, RE8, RE9,	Energy Statement TAN
Miscellaneous	7-12	S1, S2, SP4, SP15	External Wall Insulation TAN,

## 9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 30th March 2023 and an advertisement was published in The Oxford Times newspaper on 23rd March 2023. A further consultation period was undertaken on amendments to the scheme, with site notices displayed on the 25th May 2023 and an advertisement was published in the Oxford Times on the 25th May 2023. A final re-consultation was undertaken with site notices displayed on the 12th July 2023 and an advertisement was published in the Oxford Times on 6th July 2023. The application was advertised as a departure from the development plan with regards to Local Plan policies V4 and G5.

9.2. The consultation responses received in relation to the application are summarised below. Offices would make members aware that copies of all

consultation responses listed below are available to view in full on the Council's public access website.

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

#### Oxfordshire County Council (Highways Authority)

- 9.3. No objection subject to conditions

#### Oxfordshire County Council (Lead Local Flood Authority)

- 9.4. No objection subject to conditions requiring a detailed surface water drainage scheme and SuDS details.

#### Thames Water Utilities Limited

- 9.5. No comments but suggested conditions relating to piling method statements and water network upgrades.

#### Thames Valley Police (TVP)

- 9.6. TVP did not object to the proposed development but raised concerns about a number of detailed elements. Specifically these were, the use of the podium garden at Block A having potential for disturbance from noise, concerns about how the community room and shared toilet within Block A would function, concerns about the route to Blackbird Leys Adventure Playground between Block A and the new community centre, lighting along public areas – specifically that crossing Northfield Brook towards the Kassam Stadium, the unallocated car parking at Knights Road, the need for single leaf doors on cycle and bin stores and secure lobbies, the need for a security and access strategy, defensible planting at Knights Road and utility meters.

#### *Officer Response*

- 9.7. Officers have discussed these points with the applicant and have sought amendments where necessary. A detailed discussion is provided within the relevant section of this report.

#### Historic England (HE)

- 9.8. HE responded to say that they would not be providing advice in relation to this application.

#### Oxford Civic Society

- 9.9. Oxford Civic Society made the following comments: Our consensus view is that it was inappropriate to bundle two entirely different areas into one massive application. The proposed high density of housing in the BL District Centre (294 affordable homes) contrasts with lower utilization of the Knights Road site which could be increased. The proposed SODC development off the Grenoble Road site should also be considered alongside this development. Concerns were voiced relating to an unbalancing of the community in the entire area. Additionally,

there is a real problem concerning the provision of water and the disposal of sewage. Indications are Thames Water has serious concerns about their ability to make appropriate provision for these developments. OCS would like to see the applications separated so that they can be scrutinized, first on their individual merits and then on the relative impact they will have overall.

#### Oxford Preservation Trust (OPT)

- 9.10. OPT commented as follows: Whilst two 15 storey tower blocks already exist in the area, the introduction of a further 4 large scale buildings, including one of up to 12 storeys will inevitably change the landscape of the area. The introduction of this new mass of development, at the heights proposed, will also have the potential to impact upon views out of the city centre towards the southeast of the city.
- 9.11. We note the supporting information assesses a significant number of viewpoints across the city, including views from University Church Tower. We question whether any further views could be assessed from the city centre looking outwards to fully understand the potential impacts and where the development will be visible from – these could include Carfax Tower, St George’s Tower, both of which are publicly accessible viewpoints. OPT also consider the choice of materials to be important – with the potential colour palette being proposed increasing the visibility from a distance. It appears red brick is proposed on the tallest tower – Building A – and urge Officers to consider if this will increase its prominence in longer distance views. It is disappointing that part of the existing Spindleberry Nature Park will be lost as a result of the redevelopment. OPT would also welcome further information on how the proposed redevelopment proposes to improve the provision of public open space within the immediate area in addition to improvements to the permeability and connectivity of the Blackbird Leys District Centre, this should also demonstrate how links can be provided to the wider City and surrounding countryside.

#### Environment Agency (EA)

- 9.12. Initially the EA objected to the application and requested that an updated flood risk assessment be submitted. This was provided and the EA were reconsulted whereupon they removed their objection and requested the inclusion of an informative relating to Flood Risk Activity Permits.

#### Blackbird Leys Parish Council

- 9.13. The Parish Council object to the proposals. In their first response they raised concerns about the nature of the application i.e. the fact that it is a hybrid application; the location and function of the community centre and open space (‘village green’); the re-provision of retail and commercial units; parking provision; biodiversity offsetting; and the bigger picture of change in and around Blackbird Leys over the next 10-15 years.
- 9.14. In their second response they also highlighted concerns about parking enforcement and traffic; access arrangement to Blackbird Leys Adventure Playground (BLAP); access to GP services; parking enforcement and traffic;

ecology – specifically the impact on badgers; trees and biodiversity with regards to Knights Road; and drainage at Knights Road. The Parish Council requested that they take responsibility for owning and managing the future community centre. The Parish Council stated that they were considering making a call in to the Secretary of State under s77 of the Town and Country Planning Act 1990 (as amended).

#### Health and Safety Executive (HSE)

- 9.15. HSE commented that there is presently insufficient fire safety information available in relation to the outline planning application, HSE is unable to comment in full on the outline application.
- 9.16. HSE welcomed the inclusion of the second staircase to Block A and confirmed it would also be assessed at later regulatory stages.
- 9.17. Specific comments were given in relation to external walls as follows: Section 6 of the fire statement states that the fire performance classification of external walls will be 'Class A2-s3,d2'. Similarly, the fire strategy states in section 16 '...all materials utilised within the construction of the external wall systems should achieve a fire resistance rating of A2-S3,d2...'. This is an insufficient fire performance classification for materials used in external walls of a relevant building. Regulations require a minimum fire performance classification termed 'Class A2-s1, d0 or A1'. Any design changes necessary to ensure that only suitable materials are used in external walls may affect land use planning considerations such as the appearance of the building.
- 9.18. HSE also provided supplementary comments regarding means of escape as follows: Block B drawings show flat windows in close proximity and perpendicular to staircase windows. The proximity and angle may allow the spread of fire and smoke from a flat to the staircase via the windows. Design changes necessary to resolve this issue may affect land use planning considerations such as the appearance of the development.
- 9.19. HSE requested that should the LPA be minded to grant permission for the hybrid application, the following was strongly recommend:
- the planning permission is subject to a suitable condition requiring the submission of a satisfactory fire statement with any reserved matters application, and;
  - that HSE (Planning Gateway One) is consulted in conjunction with the Local Planning Authority's consideration of any reserved matters application.

#### Oxfordshire Fire and Rescue

- 9.20. Oxfordshire Fire and Rescue commented to say: it is taken that these works will be subject to a Building Regulations application and subsequent statutory consultation with the fire service, to ensure compliance with the functional requirements of Building Regulations.

#### Cyclox

9.21. Cyclox provided comments during the first period of public consultation. They expressed support for the following aspects of the proposal:

- The provision of a segregated cycle route along Blackbird Leys Road.
- The addition of 2 safe crossings on Blackbird Leys Road for cyclists and pedestrians.
- The provision of secure covered cycle storage in each of the proposed new blocks and houses.

9.22. They raised concerns about the following aspects of the proposal:

- The lack of recognition of the need to have legible routes from the west (including the Knights Road development) to the Blackbird Leys centre and onwards to the east (e.g. to schools, parks and the swimming pool/leisure centre).
- The lack of consideration in the Transport Assessment about the inadequate cycle access to the north and west.
- The lack of provision for cyclists on Knights Road.
- The abrupt end of cycle routes joining Cuddesdon Way and Pegasus Way.
- The lack of consistency in the side road entries to Blackbird Leys Road.
- The failure to describe the expected routes for pedestrians and cyclists from the Knights Road site to catchment primary schools (e.g. to Windale Primary).
- The unambitious and inadequate car club provision.
- There is little evidence of co-ordination with the County with respect to continuity of cycle routes, traffic calming, parking compliance and speed restriction.
- The lack of consideration of the potential impacts of a future Cowley Branch Line development.

Buckinghamshire, Oxfordshire and Berkshire West Integrated Care Board (NHS)

9.23. The NHS were consulted on the application but, at time of writing have not provided a response.

Oxfordshire Badger Group (OBG)

9.24. OBG object to the application on the basis that it would have a devastating impact on the ecology of the reserve and Northfield Brook. The main points of concern are summarised below:



- The site at Knights Road should have its own planning application so the proposals, and process, would be more accessible to the general public;
- Object to the fact that documents containing references to badger setts have been redacted. This is seen as resulting in badgers being “cancelled out of the planning process”.
- OBG consider that the application is contrary to planning law as the development of the Knights Road site would be contrary to the protection of green infrastructure which is required by the NPPF, Policy G2 and the Oxford City Council Green Infrastructure Study.
- OBG consider that building on and adjacent to a species rich nature reserve, resulting in a 26% loss in biodiversity is shameful and when set against the context of the current Nature crisis. They consider that Offsite mitigation is greenwashing and in no way compensates for the irreversible damage that would be caused by this high-density development.
- OBG consider that the site at Knights Road should never have been allocated for housing and the density proposed means that the development will result in the loss of trees, habitats and will also have a long-term effect on the Nature reserve. Additionally, there would be harm to, and loss of, a number of species, damage to aquatic and stream habitats, erosion and damage to woodland habitats and the banks of Northfield Brook and the broadleaved woodland.
- Of particular concern was the loss of badger setts, lack of provision of wildlife corridors and inclusion of a loop path intruding into the wildlife buffer zone.
- OBG recommended that the proposed nature path be removed from the plans; a buffer zone between the development and the Nature Reserve be established; and an independent ecological survey assessing the impact of the development on all species in the Spindleberry Nature reserve and Northfield Brook be provided.

#### *Officer Response*

9.25. Officers note comments from OBG which state that the application would be contrary to planning law because of the potential impacts on biodiversity and green infrastructure. This is not the case. The application sites are both allocated within the Oxford Local Plan and therefore development in principle is acceptable (see principle of development section of this report). A full assessment of the ecological implications of the proposals, and their compliance with national and local policies, are considered in the relevant section below.

#### Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust (BBOWT)

9.26. BBOWT object to the application as they consider there would be a direct loss of, and impact on, Spindleberry Park and Littlemore and Northfield Brook Oxford City Wildlife Sites contrary to the Oxford Local Plan; potential impacts on the Minchery Farm Oxford City Wildlife Site contrary to the Oxford Local Plan and; a lack of

consideration of the cumulative impacts of the development and development at sites within the Oxford Science Park (i.e. plot 27 ref: 22/02555/FUL). They also requested that, should the application be approved, conditions or otherwise are used to ensure that Biodiversity Net Gain is secured.

#### *Officer Response*

9.27. A full assessment of the ecological and biodiversity impacts are set out in the relevant section of this report, including impacts on relevant Oxford City Wildlife Sites.

#### Sport England

9.28. Sport England initially objected to the application on the basis that the development of the site at Knights Road would result in the complete loss of a playing field with no replacement contrary to paragraph 99 of the NPPF. However, following discussions with the applicant and officers this objection was removed.

9.29. A full assessment of the use of the site and Sport England's comments is provided in the principle of development section below.

#### **Public representations**

9.30. A total of 25 letters of objection were received during both the initial and subsequent consultation periods from addresses in Broadfields, Gentian Road, Green Hill, Knights Road, Peregrine Road, Acadia Avenue, Birchfield Close, Pegasus Road, Mistletoe Green, Periwinkle Place, Frys Hill, Spring Lane and the Agnes Smith Advice Centre.

9.31. In summary, the main points of objection were:

#### *Planning Process*

- Considered the type of planning application i.e. a hybrid application, to be inappropriate;
- The application doesn't include enough information.
- Didn't agree with the Statement of Community Involvement and felt that local people aren't being listened to.
- Think that proper consultation wasn't undertaken by Oxford City Council.
- Comment that the application is misleading in respect of the development on Knights Road – this should be labelled as development on Spindleberry Park.

#### *Transport*

- Concerns about the potential closure of roads;

- Knight Road is too narrow to accommodate heavy traffic;
- The parking provision is inadequate and will result in car parking on neighbouring streets.
- Comment that parking is already an issue on match days.
- Infrastructure provision is not good enough.

#### *Layout/ Design/ Height/Uses*

- Population density is too high and the area is already overcrowded;
- Buildings are too high and would be out of keeping with the existing area;
- There are no services for young people and older people.
- Concerns about the impacts of match day crowds on the area and overall safety and crime prevention.
- People don't want or need flats, rather they wanted family houses with gardens.
- Supportive of some regeneration of the area but this is too much.
- The proposals will infringe upon the privacy of residents at Birchfield Close and Pegasus Road including overlooking issues and loss of light.
- Loss of green space at Knights Road will mean children have even fewer places to play.
- The local area will be much poorer for the loss of green open space.

#### *Ecology*

- Concerns about the loss of local trees, ecology and biodiversity.
- Specific concerns about impacts on bats, deer, badgers, foxes, slow worms and kingfishers.
- The proposal will result in the loss of one of the few green spaces in Blackbird Leys.
- Objections to destroying woods to make an entrance to the Nature Park coming off Knights Road when a road entrance already exists from Spindleberry onto the Nature Park.
- Noise and disturbance during construction would negatively impact on the existing wildlife. Once occupied the increased number of people will also have a detrimental impact on species.

#### *Miscellaneous*

- Concerns about increased pollution and impact on capacity of Thames Water sewers.
- The proposal would lead to increased pressure of local schools and healthcare facilities.
- Concerns about anti-social behaviour and crime.
- Concerns about the historic use of the site as a Victorian landfill and the potential for contamination.
- If the prices of the shared ownership dwellings are the same as new builds they will cost more than owning a house outright.
- Comments about Catalyst (now Peabody) and their conduct on other developments with regards to customer service/ communication with residents and the way they maintain their properties.

*Officer response*

9.32. Officers note the objections raised to the process and procedure undertaken for this application. Several comments were received which suggested that the nature of the submission, i.e., a hybrid application, were not acceptable as the resulting scheme would leave details about the community centre and public space to be considered at a later date through a reserved matters application. The applicant is entitled to submit a hybrid application and it is for the Local Planning Authority (LPA) to decide whether to accept a proposal in a hybrid form. In this instance the LPA have interrogated the rationale for the hybrid nature of the submission and are satisfied that there is suitable justification for this approach. Crucially, the proposal to secure the community centre and public space in outline would allow the applicant further time to undertake additional detailed consultation to ensure the final design and layout can meet the needs and requests of the local community while simultaneously allowing the detailed elements of the proposal to be progressed.

9.33. A detailed assessment of the transport, ecology, land quality and urban design aspects of the proposal are set out in more detail in the relevant sections below.

9.34. Comments relating to the conduct of Catalyst (Peabody) on other sites, and the market values of housing in general, are not material planning considerations and therefore are not addressed in this report.

## 10. **PLANNING MATERIAL CONSIDERATIONS**

10.1. Officers consider the determining issues to be:

- a) Principle of development
- b) Design, height, layout and microclimate
- c) Views and impact on heritage assets
- d) Archaeology
- e) Impact on neighbouring amenity

- f) Ecology
- g) Health and wellbeing
- h) Highways and parking
- i) Trees and landscaping
- j) Air Quality
- k) Sustainable design and construction
- l) Noise
- m) Land quality
- n) Flood Risk and Drainage
- o) Utilities

#### **a. Principle of development**

- 10.2. Paragraph 11 of the NPPF 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.
- 10.3. 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.
- 10.4. The NPPF Core Principles encourage the efficient use of previously developed land. Policies S1 and RE2 of the Oxford Local Plan 2036 are consistent with this approach. Policy RE2 requires that development proposals must make best use of site capacity, in a manner compatible with the site itself, the surrounding area and broader consideration of the needs of Oxford. The development proposal must have a density appropriate for the proposed use, with an appropriate scale and massing, maximise the appropriate density with a built form and site layout appropriate to the capacity of the site.
- 10.5. The application proposes a significant number of new dwellings as well as retail / commercial floorspace (GIA) including Use Class E and sui generis uses, plus community uses, to be delivered across two sites: Blackbird Leys District Centre and Knights Road. Policy H1 of the Oxford Local Plan outlines that most of the Council's housing need would be met through sites allocated in the Oxford Local Plan. The two sites are allocated within the Local Plan under policies SP4 and SP15 respectively.
- 10.6. Policy SP4 (Blackbird Leys Central Area) states the following:

*Planning permission will be granted for a mixed use development that includes retail, start-up employment units, residential development and community*

*facilities at the Blackbird Leys Central Area site. The minimum number of homes to be delivered is 200. Other uses should be appropriate to a district centre and could include education, live/ work units, sport and commercial leisure. Other complementary uses will be considered on their merits.*

*Planning permission will not be granted for development that prejudices the comprehensive development of the whole site. Regard should be had for any regeneration plan for the Blackbird Leys area.*

10.7. Policy SP15 (Knights Road) states the following:

*Planning permission will be granted for residential-led development and public open space on the Knights Road site. The minimum number of homes to be delivered is 80. Other complementary uses will be considered on their merits.*

*A biodiversity survey will be expected to assess the biodiversity value of the site and it should be demonstrated how harm will be avoided, mitigated or compensated.*

10.8. The proposal would deliver an additional 294 new homes on allocated sites which would make an important contribution towards meeting the City Council's housing requirement. The submission of the District Centre area as a part outline, part full (detailed) application would not prejudice the comprehensive redevelopment of the whole site. The proposed uses and dwelling numbers would comply with the requirements of policies SP4 and SP15 and therefore would be acceptable in principle.

#### Open Space and Sports Provision

10.9. As set out in the site description section above, the application site at Knights Road is currently an area of open land. Officers have been informed by the Applicant that Oxford City Council, with its land owning hat on, holds the land on a statutory trust for the benefit of the public pursuant to section 10 of the Open Spaces Act 1906 or section 164 of the Public Health Act 1875.

10.10. The appropriation of statutory trust land is governed by section 122 of the Local Government Act 1972 which requires that Oxford City Council as a Local Authority must advertise the fact that they wish to appropriate such land for a different purpose for two weeks in a local newspaper and properly consider any objections to that appropriation.

10.11. The recent case law *R(o.a.o day) v Shropshire council* [2023] UKSC 3 confirmed that the statutory right for the public to use statutory trust land for recreational purposes is a material planning consideration. Officers must therefore consider the legal status of the land as statutory trust land as well as paragraph 99 of the NPPF and policy G5 of the Oxford Local Plan. For clarity, paragraph 99 is cited below (policy G5 replicates this wording but also includes reference to indoor and outdoor sports and recreation facilities):

*Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:*

*(a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*

*(b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*

*(c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.*

10.12. Oxford City Council, as the landowner has confirmed that on 14th June 2023 Cabinet approval was given for the advertisement of the appropriation of the land at Knights Road. An advertisement was placed in the Oxford Mail which ran from 1st July – 14th July 2023 with public comments being accepted until 27th July 2023. The Cabinet paper and copy of the advertisement are included in Appendix 3 of this report.

10.13. No representations were received in response to the advertisement.

10.14. Officers consider that Oxford City Council, as the land owner, has fulfilled its duty under the requirements of the Local Government Act 1972 as referred to above. Notwithstanding this, as the land remains, at the time of writing this report, statutory trust land, a Grampian condition has been included as a recommended planning condition should planning permission be granted, so that the implementation of the permission (or any acts whatsoever in pursuance of it such as the erection of fencing and hoarding) is not permitted until the statutory trust has been removed pursuant to, and in accordance with, the section 1223 requirements.

10.15. Turning then, to the acceptability of the proposals against paragraph 99 and Policy G5, officers have considered both the site at Knights Road and the site at the District Centre. The policy wording considers both indoor and outdoor sports and recreational facilities as well as open space. In terms of indoor facilities, this would only apply to the site at the District Centre. At time of writing, Blackbird Leys Community Centre (BBLCC) which is located within the District Centre site, accommodates two sports groups within the existing sports hall (a self-defence class and 'Foot-Soul') therefore the building is considered to constitute an indoor sports or recreational facility in line with policy G5.

10.16. The proposals for the replacement community centre have been submitted in outline with all matters, except for access, reserved. Officers consider that the current indoor sports facility could be re-provided by the proposed community centre unless, in accordance with criteria (a) of Policy G5, the applicant is able to demonstrate that this provision is surplus to requirements. In any case, this would be fully assessed in a future reserved matters application and a condition has been included to secure the minimum floorspace to be provided for community centre and a Community Use and Management Strategy.

10.17. In terms of outdoor open space an assessment has been made for both the District Centre and Knights Road sites.

10.18. At the Knights Road site, officers consider that the land would constitute open space and that the proposed development, or indeed any development in accordance with the site allocation policy SP15, would result in the loss of the vast majority of the existing public open space. The existing public open space at Knights Road is approximately 22,216m<sup>2</sup> and the proposed public open space would be 5,586m<sup>2</sup> – a reduction of 75%. The area of the site which would be lost currently comprises open grassland with the wooded area along the southern edges of the site being retained as an ecological buffer to Northfield Brook.

10.19. It is noted that Sport England initially objected to the Knights Road proposals on the basis that the development of the site at Knights Road would result in the complete loss of a playing field with no replacement contrary to paragraph 99 and policy G5. Paragraph 1(j)(i) of Schedule 4 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595) defines a playing field as the whole of a site which encompasses at least one playing pitch. Paragraph 1(j)(ii) states that a playing pitch is:

*“a delineated area which, together with any run-off area, is of 0.2 hectares or more, and which is used for association football, American football, rugby, cricket, hockey, lacrosse, rounders, baseball, softball, Australian football, Gaelic football, shinty, hurling, polo or cycle polo”.*

10.20. The application site at Knights Road does not include a playing pitch as defined by paragraph 1(j)(ii), and the site therefore would not constitute a playing field. Additionally, it is important to note that the Oxford Playing Pitch Strategy 2022-2036 is clear that the site at Knights Road is not a formal playing pitch and there have been no registered bookings or requests made to Oxford City Council Parks Team in recent years. The two major clubs in the area, Greater Leys FC and Oxford Blackbirds, use the facilities at Blackbird Leys park, Oxford Academy and Frys Hill so whilst there might have been some ad-hoc informal usage as is typical in green spaces the site is not currently used for formal sports provision, nor has it been for at least the last 10 years. Notwithstanding this, the loss of an area of public open space is a material consideration which must be given due weight.

10.21. There would also be a 13% reduction in public open space at the District Centre site from 5,048m<sup>2</sup> to 4,381m<sup>2</sup>. The largest areas of existing open space in the District Centre are linear strips which front Blackbird Leys Road, the ‘lozenge’ island which sits within Blackbird Leys Road and the area to the south of Evenlode Tower which marks the corner of Blackbird Leys Road and Pegasus Road. All of these existing spaces are considered to be underutilised. The ‘lozenge’ is isolated and has limited use because of its location and functions predominantly as a traffic deterrent, whereas the other strips of land are grassland which are used as cut-throughs or general amenity buffers.

10.22. The local area is relatively well served by recreation land and parks, which are larger in size than the existing park area at Knights Road and the spaces at the District Centre. The following much larger open spaces/parks are located within a 10-minute walk of the site (or 800 metres distance):

- Spindleberry Nature Park



- Blackbird Leys Park
- Gillians Park
- Fry's Hill Park

10.23. In addition, sports pitches for football are located at Fry's Hill Park to the south of the site; Blackbird Leys park in the centre of the suburb; pitches at Oxford Academy; and also within the newly formed artificial grass pitch (AGP) and U18's football pitch pitches at the Orion Academy to the north of the site which are available for community use as a result of a community use agreement.

10.24. The area is not underserved by parks and areas of open space and therefore the loss of the areas of public open space would not result in a deficiency in available open space within the area. Likewise, the football pitch provision in the surrounding area is considered satisfactory by Sport England who have now removed their objection to the proposals. Notwithstanding this, officers do not consider the open spaces to be surplus to requirements as they provide a benefit to the local community in amenity terms and provides value from a visual amenity perspective in terms of its contribution to the public realm.

10.25. Where considering the loss of open space, criteria (b) of Policy G5 of the Oxford Local Plan and Paragraph 99 (b) of the NPPF both require equivalent or better provision in terms of quantity and quality. Officers consider that through the provision of appropriate enhancement measures to the remaining open space, to be secured through the accompanying legal agreement, the proposals can deliver a better quality area of open space, notwithstanding the reduction in size of the space, though the quantity of public realm would be reduced. The development cannot therefore be considered to fully comply with Policy G5 of the Oxford Local Plan and would therefore need to be considered as a departure from the adopted local plan and it has been advertised accordingly on this basis.

10.26. In accordance with Paragraph 12 of the NPPF, the Council must set out why material considerations justify a decision to depart from the provisions of the local plan. In this instance it is considered that the departure from Policy G5 is justified. Criteria (b) of the Policy G5 of the Oxford Local Plan would be partly met as the proposals offer the opportunity to provide a better quality area of open space across the overall site, which in officers' view would constitute an enhancement of the public open space, notwithstanding the reduction in size.

10.27. The red line area for the site includes the whole of the District Centre and Knights Road and the proposed redevelopment of these areas offers a significant opportunity to enhance the remaining area of public realm. The proposal includes a large new area of public open space in the form of the square within the District Centre and soft landscaping adjacent to the community centre which would be a considerable improvement in terms of quality of space provided. Pocket parks, additional planting and soft landscaping, seating, public realm enhancement measures and public art (which would be secured by condition) would improve the attractiveness of the open space for local residents, which in turn would lead to the space being better utilised. In particular, the public realm surrounding the areas of Blocks B and C would replace what is currently back of house service

areas with greatly improved public realm. The site at Knights Road would retain the existing woodland buffer and would include a central green which would provide a good quality area, albeit a reduced area of space. The remaining open space for the District Centre (19%), Knights Road (24%) and the combined total site area (22%) would exceed the 10% open space provision set out as a requirement under Policy G8 of the Local Plan which would demonstrate that a suitable amount of open space would be retained in spite of the overall reduction.

10.28. In addition, the proposals would deliver substantial public benefits through the provision of 294 new homes, all of which would be affordable housing, which would make a valued contribution towards meeting Oxford's housing need. For these reasons, and, in particular, the need for affordable homes, the proposal is considered to justify departure from the development plan in respect of Policy G5.

### Community Uses

10.29. Local Plan Policy V6 supports proposals which add to the cultural and social scene of the city within city and district centres provided the use is appropriate to the scale and function of the centre. Local Plan Policy V7 states that existing cultural and community facilities will be protected and retained unless new or improved facilities can be provided at a location equally or more accessible by walking, cycling and public transport.

10.30. The proposed development at the District Centre proposes the demolition and relocation of the existing Blackbird Leys Community Centre (BBLCC). The existing community centre is a community facility as defined by policy V7. The City Council's Leisure Team have confirmed that all the groups using the BBLCC were previously decanted to suitable alternative facilities however, due to project delays which resulted in a period of months of the centre being empty a limited number of groups were allowed to use the building again on a short term basis until the project was ready to continue.

10.31. As mentioned above, this aspect of the proposal is in outline with all matters reserved except for access. Notwithstanding this, officers have assessed the principle of the community centre provision against the requirements of policies.

10.32. The proposal would not result in the loss of the existing community facility as a new community centre of at least 1,200m<sup>2</sup> (GIA) would be delivered in a location adjacent to the existing building. While the proposed floorspace would represent a reduction compared to the existing building (of approximately 221m<sup>2</sup>) it is understood that the existing facility has an inefficient floorplan with an overprovision of underused circulation space. The design of the community centre, to be submitted as part of a future reserved matters application, would seek to address this by providing more flexible, multi-functional spaces, the nature of which would be informed by further community consultation and engagement.

10.33. Furthermore, the proposed floorspace has been informed by a Community Needs Assessment which was undertaken in 2019 to ensure that the proposed footprint would be adequate and able to provide the amount of space needed for the area. Therefore, while the proposal would reduce the amount of floor space

from that on the existing site, it would rationalise the space for the community users and make efficient use of the site while facilitating the delivery of affordable housing. Officers consider that any loss of recreation provision in terms of quantum of floorspace would be outweighed by the better quality facilities provided through the development, which would be fully assessed in a future reserved matters application, and the provision of affordable housing. A condition to secure minimum floorspace for community centre would be imposed.

10.34. The applicant has submitted a phasing plan which confirms that Blocks A, D, Knights Road development and the community centre would be delivered in Phase 1 of the scheme. To ensure that there would not be an unacceptable loss of community facilities without adequate re-provision a condition requiring that an application for reserved matters approvals is submitted within 1 year of the date of consent would be imposed.

10.35. Therefore, subject to the aforementioned conditions and obligations officers consider that the proposal would not be contrary to policies V6 and V7 of the Local Plan.

#### Commercial Uses

10.36. Local Plan policy V1 supports the development of town centre uses (retail, leisure, entertainment, office, arts, culture and tourism) within the defined city, district and local centre boundaries.

10.37. On 1st September 2020 Class E (Commercial, Business and Service) of the Use Class Order came into effect and replaced, amongst others, Class A1 (shops), A2 (financial and professional), A3 (restaurants and cafes), parts of D1 (non-residential institutions), D2 (assembly and leisure) and B1 (office), (research and development of products or processes) and (Light Industrial) uses. Similarly, Class F (Local Community and Learning) replaced uses previously defined in the revoked classes D1, 'outdoor sport', 'swimming pools' and 'skating rinks' from D2(e), as well as including newly defined local community uses. Therefore, the proposed commercial and community uses falling within Classes E and F and sui generis uses (which are proposed to ensure that the bespoke existing uses e.g. the Agnes Smith Advice Centre, can be accommodated in the new development) are considered appropriate uses within district centres in accordance with policy V1.

10.38. Policy V4 sets out the ground floor uses which are considered acceptable within district and local centre shopping frontages. The policy states that for Blackbird Leys District Centre the appropriate uses are those within the revoked classes A1-A5. The reference to the use classes A1- A5 within Policy V4 are no longer relevant, only the use itself, e.g., retail, remains relevant but the purpose and application of the policy still applies.

10.39. The proposed development would result in the demolition of the existing shopping parade (the designated District Shopping Frontage) on Blackbird Leys Road which would be replaced by the wholly residential building, Block B. The retail uses would be re-provided at ground floor level within Block A, approximately 50 metres to the north of their existing location. The development

cannot therefore be considered to fully comply with Policy V4 of the Oxford Local Plan and would therefore need to be considered as a departure from the adopted local plan and it has been advertised accordingly on this basis.

10.40. In accordance with Paragraph 12 of the NPPF, the Local Planning Authority must set out why material considerations justify a decision to depart from the provisions of the local plan. In this instance it is considered that the departure from Policy V4 is justified. As above, while the ground floor of Block B would not contain class E uses to satisfy the requirements of policy V4 these uses would be re-provided, also at ground floor level, within proximity to their existing location, namely within the proposed Block A. The retail uses would continue to be located with the designated District Centre and would remain a central and conveniently located facility within Blackbird Leys District Centre to serve the needs of the community. The development has been designed to create a civic heart where the community centre, public open space and commercial uses would be centrally located in the district centre site which would represent an improvement to the existing situation where existing roads bisect these uses and inhibit good placemaking and interconnectivity. As such, officers consider that the relatively minor change to the location of the District Shopping Frontage would not adversely impact on the usability or prominence of these important facilities and that the benefits arising from improvements to placemaking, and the public realm justify departure from the development plan in respect of Policy V4.

10.41. In terms of the proposed amount of commercial floor space, the total existing floorspace (excluding garage storage space) for retail is 942.6 m<sup>2</sup> of net lettable area. The proposals include up to 1,210 m<sup>2</sup> of retail and commercial floorspace. The indicative net lettable floorspace in the proposed retail space is 943 m<sup>2</sup>, though this may change subject to the needs of tenants.

10.42. Therefore, the principle of development is considered to be acceptable and compliant with the relevant NPPF paragraphs and Policies H1, V1, V6, V7, G5 and RE2.

#### Affordable Housing

10.43. Policy H2 of the Oxford Local Plan states that on self-contained residential developments where sites have a capacity for 10 or more homes (gross) or exceed 0.5 ha, a minimum of 50% of units on a site should be provided as homes that are truly affordable in the context of the Oxford housing market. At least 40% of the overall number of units on a site should be provided as on-site social rented dwellings.

10.44. 100% of the proposed dwellings provided on both the District Centre and Knights Road sites would be affordable homes. The 210 proposed dwellings in the District Centre would comprise 118 social rent/ affordable rent dwellings and 36 shared ownership homes. All 86 dwellings at the Knights Road site would be shared ownership homes.

10.45. The quantity of affordable homes and proposed tenure mix would therefore meet the requirements of Policy H2 of the Oxford Local Plan.

10.46. On residential sites of 50 dwellings (excluding flats on brownfield sites) or more, Policy H7 requires that 5% of the site area developed for residential purposes shall be made available for self-build unless they are to be conditioned to be brought forward as housing that meets the affordable housing definition. As the proposed development would be 100% affordable housing, policy H7 does not apply.

Mix of Units

10.47. Policy H4 of the Oxford Local Plan states that planning permission will be granted for residential development that is demonstrated to deliver a balanced mix of dwelling sizes to meet a range housing needs and create mixed and balanced communities. Policy H4 provides a target mix for unit sizes which is as follows:

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

10.48. However, policy H4 also states that sites below the threshold or within the city centre or a district centre should demonstrate how the proposal has had regard to local housing demand, including for affordable housing demonstrated by the housing register.

10.49. The proposed mix for the District Centre and Knights Road is as below:

Site	Percentage 1 bed	Percentage 2 bed	Percentage 3 bed	Percentage 4+ bed
District Centre	41%	52%	7%	N/A
Knights Road	N/A	79%	21%	N/A

10.50. While the District Centre site would have a greater proportion of one and two bedroom dwellings than the target mix the increase of one beds is in line with the findings of HENA (the Housing and Economic Needs Assessment 2022 (Cherwell District and Oxford City Councils)) suggesting the need for one beds will be at 35-40% of the overall size mix. As such, the proposed mix is considered to be acceptable.

10.51. The Knights Road site falls outside the district centre Policy H4 exemption; however, it is considered an integral part of the scheme. The size mix of dwellings for this part of the development takes into account the provision of one beds within the District Centre site.

- 10.52. In addition, the applicant has worked closely with the Council's Affordable Housing team who have advised that there is a very little demand for one bed Shared Ownership units as a relatively low cost difference would allow for a larger home, hence the two bed Shared Ownership homes are in higher demand.
- 10.53. Through thorough analysis of the local data including the Local Insight Profiles for the Blackbird Leys and Northfield Brooks Ward (including 'Affordability gap', 'Total Affordability Ratio', local overcrowding levels, owner-occupier ratios and dwelling typologies) the applicant has demonstrated that the larger family homes (4B+) were not feasible.
- 10.54. Finally, in regard to the requirement for 'First Homes' paragraph 65 of the NPPF sets out that for major development involving the provision of housing, 10% of all homes on site should be affordable home ownership products, unless one of the exceptions applies. Criterion d) exempts proposed development from the 10% affordable homes ownership requirement where the development is exclusively for affordable housing. As this would be the case for the proposed development, officers are satisfied that First Homes would not need to be provided in this scheme.
- 10.55. As such, the overall size mix of the development is considered to respond to a local housing demand and maximizes the opportunity to deliver more affordable homes. The proposals are therefore considered to comply with policy H4.

## **b. Design, views and impact on heritage assets**

### Overview

- 10.56. The NPPF makes it clear that the purpose of planning is to help achieve sustainable development (Section 2), and that design (Section 12) and effects on the natural environment (Section 15) are important components of this.
- 10.57. Section 11 of the NPPF notes in paragraph 124 that in respect of development density the considerations should include whether a place is well designed and "the desirability of maintaining an area's prevailing character and setting...or of promoting regeneration and change".
- 10.58. Paragraph 130 of the NPPF states that decisions should ensure that developments will a) function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; c) are sympathetic in local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); d) establish or maintain a strong sense of place to create attractive, welcoming and distinctive places and e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public open space) and support local facilities and transport networks; and f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

- 10.59. Local Plan Policy DH1 requires developments to demonstrate high quality design and placemaking.
- 10.60. Policy RE2 seeks to ensure development proposals make efficient use of land making best use of site capacity, in a manner compatible with the site itself, the surrounding area and broader considerations of the needs of Oxford. Development should be of an appropriate density for the use, scale (including heights and massing), built form and layout, and should explore opportunities for maximising density.
- 10.61. Policy RE5 states that the Council seeks to promote strong, vibrant and healthy communities and reduce health inequalities. Proposals that help to deliver these aims through the development of environments which encourage healthier day-to-day behaviours and are supported by local services and community networks to sustain health, social and cultural wellbeing will be supported. Developments must incorporate measures that will contribute to healthier communities and reduce health inequalities. A Health Impact Assessment must be submitted for all major developments, which should include details of implementation and monitoring. This must provide the information outlined in the template provided at Appendix 4 of the OLP36.
- 10.62. Standards of amenity (the attractiveness of a place) are major factors in the health and quality of life of all those who live, work and visit Oxford. Policy RE7 is an all-encompassing policy covering different aspects to ensure a standard of amenity. Development should protect amenity, not result in unacceptable transport impacts affecting communities, occupiers and neighbours, and provide mitigation measures where necessary.
- 10.63. Policy V8 states that planning applications (except householder applications) must be supported by information demonstrating that the proposed developer has explored existing capacity (and opportunities for extending it) with the appropriate utilities providers. Planning permission will not be granted where there is insufficient evidence on utilities capacity to support the development and that the capacity will be delivered to meet the needs of the development. The siting and appearance of utilities infrastructure should be designed to minimise impacts on amenity and to be as unobtrusive as possible.
- 10.64. The NPPF requires proposals to be based upon an informed analysis of the significance of all affected heritage assets and expects applicants to understand the impact of any proposal upon those assets with the objective being to sustain their significance (paragraph 195). In making any such assessment in respect of designated heritage assets, great weight should be given to the asset's conservation which includes the setting of Conservation Areas (paragraph 199). Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. (paragraph 202).
- 10.65. Paragraph 194 of the NPPF requires applicants to 'describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more

than is sufficient to understand the potential impact of the proposal on their significance'. Local Plan policy DH3 reiterates this requirement and provides further details of the type of information required.

10.66. When determining an application affecting a Conservation Area, officers are required to take account of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended and Chapter 16 of the NPPF which states that, with respect to buildings or other land in a Conservation Area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area.

10.67. In accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant planning permission, special regard should be given to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

10.68. Oxford's historic built environment, including its central core and surrounding townscape, is intrinsically linked to its landscape setting. The city's character has been influenced by its physical and topographical environment, which has three fundamental elements:

- River meadows – these flat open areas permeate the city north to south.
- Wooded farmland, estates & hills – these high and nearby hills form a natural green backdrop and 'amphitheatre' to the east and west of the city.
- Alluvial lowland & vale farmland – these areas of lower lying hills are predominant to the north and south of the city and signal the location of the rivers.

10.69. Oxford's historic built environment features an architectural history that spans nearly 1000 years and comprises:

- Medieval historic core, originating from C9th Saxon burgh, built on a raised gravel terrace at the confluence of the rivers which contains a cluster of tall buildings of exceptional architectural significance that form its iconic skyline and are collectively known as the 'dreaming spires'. The historic core is designated as Oxford's Central (City and University) Conservation Area.
- Surrounding outlying villages of medieval origins, designated as individual conservation areas, which have been subsumed by later C19 and C20 development.
- C19 suburban expansion which subsumed the outlying villages and forms, which the poet Matthew Arnold termed "Oxfords base & brickish skirt".
- C20 expansion including the residential development of Blackbird Leys and the industrial development of the Cowley Motor Works to the south of the city.



10.70. The proposed scheme has the potential to impact the setting of the following conservation areas:

- Central (University and City) – specifically the setting of its central core which is intrinsically linked to its landscape setting.
- Oxford Stadium, Sandy Lane
- Littlemore

10.71. Of these, the Central and Oxford Stadium conservation areas would be most impacted by the proposed development. A summary of the significance of the conservation areas is set out below.

10.72. Central Conservation Area: The landscape and built environment elements identified above and their interrelationship with one another and the intrinsic connection of Oxford's historic development to its landscape setting is fundamental to the significance of the city's Central Conservation Area and can be appreciated from a number of views, both from viewpoints outside of the city looking in (i.e. view cones) and from high level viewpoints within the city looking out.

10.73. At the southern edge of the city, the east and west containing hills fall away to a much lower ridge / hill line with the backdrop of the Chiltern Hills beyond, which signals the river route and is where the areas of C20 expansion have taken place below and beyond the lower ridge line. The ability to visually appreciate the location, extent and forms of the hills and ridgelines that surround the city is essential to understanding its historic development and heritage significance.

10.74. Any new tall building development that extends above the ridgeline along the southern edge has the potential to disrupt and detract from the setting of Oxford's historic built environment and its Central Conservation Area, as well as affect the setting of other heritage assets.

10.75. Oxford Stadium Conservation Area: The site has been used by the community for greyhound-racing and Speedway with a history of use since 1939. The Oxford Stadium is now a rare example and is unique in the City and County, in terms of the historic sports it represents and its historic and architectural interest is considered as special in the local and national context.

10.76. The heritage significance of this conservation area is namely found within its boundary and it's siting in relation to the contemporary 20th century suburbs. Its setting is that of an urban residential and industrial area.

10.77. Littlemore Conservation Area: A former medieval settlement situated relatively near to the site. Given the topography, intervening buildings and distance from the site, it would not be affected by the proposed scheme in a harmful way.

10.78. The proposed scheme also has the potential to impact the setting of the following listed buildings:

- The Church of the Holy Family (grade II) is sited directly adjacent to the District Centre development site.
- The College, Littlemore (grade II)
- St Mary's Church, Garsington (grade II\*)

10.79. The Church of the Holy Family: The Church of the Holy Family is a grade II listed building situated in the Blackbird Leys District Centre which occupies a prominent position on the corner of Blackbird Leys Road and Cuddesdon Way.

10.80. The church was added to the statutory list of buildings of special architectural and historic interest in August 2019 due to it being a largely intact example of an innovative 1960s church with an unusual heart-shaped plan; for its carefully considered interior, with high quality, architect-designed fixtures and fittings; for the technical interest of its hyperbolic paraboloid roof, an early surviving example by Hugh Tottenham, the principal exponent of the technology in England; and for being illustrative of the boom in post-war churches, often serving new towns and new suburban estates, designed to the principles of the Liturgical Movement.

10.81. The setting of the church which comprises green open spaces directly surrounding the majority of the building, with low rise buildings to the north, contributes positively to its significance as an integral community facility at the heart of the community. The open spaces (green & grey) surrounding the church emphasise its importance and use. The Windrush Tower is sited a distance to the west of the church.

10.82. In 2021 the Oxford Planning Committee resolved to grant approval for the demolition of the church and erection of a new church building, community facilities and 21 residential units (ref: 18/03405/FUL). It was considered that public benefits would outweigh the substantial harm to, and total loss of, the listed church, but the listed building and planning applications are still unresolved as the legal agreement is yet to be completed, with the outcome of the building currently unknown. As such Officers have considered the impact of the development upon the existing building as well as the proposed replacement building, however as the existing listed building is more sensitive in terms of heritage than the proposed replacement this report focuses on the existing arrangement.

10.83. The College, Littlemore: These grade II listed, former farm buildings were converted by John Newman to create his college in 1842. The College, now cottages and a museum, face inward with a secluded and intimate garden to the rear.

10.84. The buildings derive historical significance in their association with Newman and the survival of his room and oratory, where he was received into the Roman Catholic Church in 1845. The setting of the College contributes positively to its significance as a former farm building in providing historic context.

10.85. St Mary's Church, Garsington: A grade II\* listed building, with elements dating from the 13th-15th centuries which was restored in the mid-19th century. The

significance of the church derives from its historic association with the Parish of Garsington and as a fine example of a medieval ecclesiastical architecture.

10.86. Situated on an elevated position to the south-west of the village of Garsington (a conservation area), the setting of the Church makes a great contribution to its significance. Such contribution is derived from the rural characteristics of the surrounding context, including farmland, far reaching rural views, as well as its group value with the Grade II\* listed Garsington Manor, located approximately 150m to the south-east, as well as other historic buildings associated with Manor at Garsington.

10.87. As set out in section 5 of this report, the application spans two distinctive character areas, the District Centre, an urban area which is characterised by a range of community and commercial and residential uses with pockets of soft landscaping but dominated by the existing road layouts; and land at Knights Road a greenfield site fringed by low rise housing and Spindleberry Nature Park. Subsequently, the application proposes markedly different approaches to development on each site. These are assessed in turn below.

#### District Centre

10.88. The District Centre proposals seek to make the most efficient use of land by delivering a mix of housing and commercial uses as well as community uses and public realm improvements. Currently, the District Centre site is characterised by a number of poorly designed, left-over spaces which are not overlooked or active and result in poor quality public realm and opportunities for anti-social behaviour.

10.89. To address these issues the masterplan for this site has been guided by 4 key principles:

1. Redefining the spatial hierarchy – this includes the redirection and consolidation of the two central roads to prioritise people over vehicles;
2. Creating a focal point – this is intended to be the new community centre and adjacent public space which is facilitated by the changes to the road network;
3. Activation of public space – buildings are proposed to step up in height as they approach the new public space and to maximise overlooking of public spaces to improve safety;
4. Integration with the urban grain – the new buildings are designed to repair the disjointed urban grain while responding to the existing context.

10.90. The District Centre proposal includes the following key elements:

- Erection of four new residential (or mixed residential and commercial) buildings. These are Blocks A, B, C and D.
- Erection of a replacement community centre.
- Creation of a new public square and soft landscaped public open spaces.

- Reconfiguration of Blackbird Leys Road including new crossing points, cycle routes and street trees.

10.91. The proposals will bring significant new development to the area, therefore there will inevitably be a very noticeable change of character to the District Centre which is supported by the development plan and considered in more detail below.

10.92. A proposed site plan showing the District Centre is included below at figure 6 for reference and a plan showing with the annotated building names is also above at figure 4.

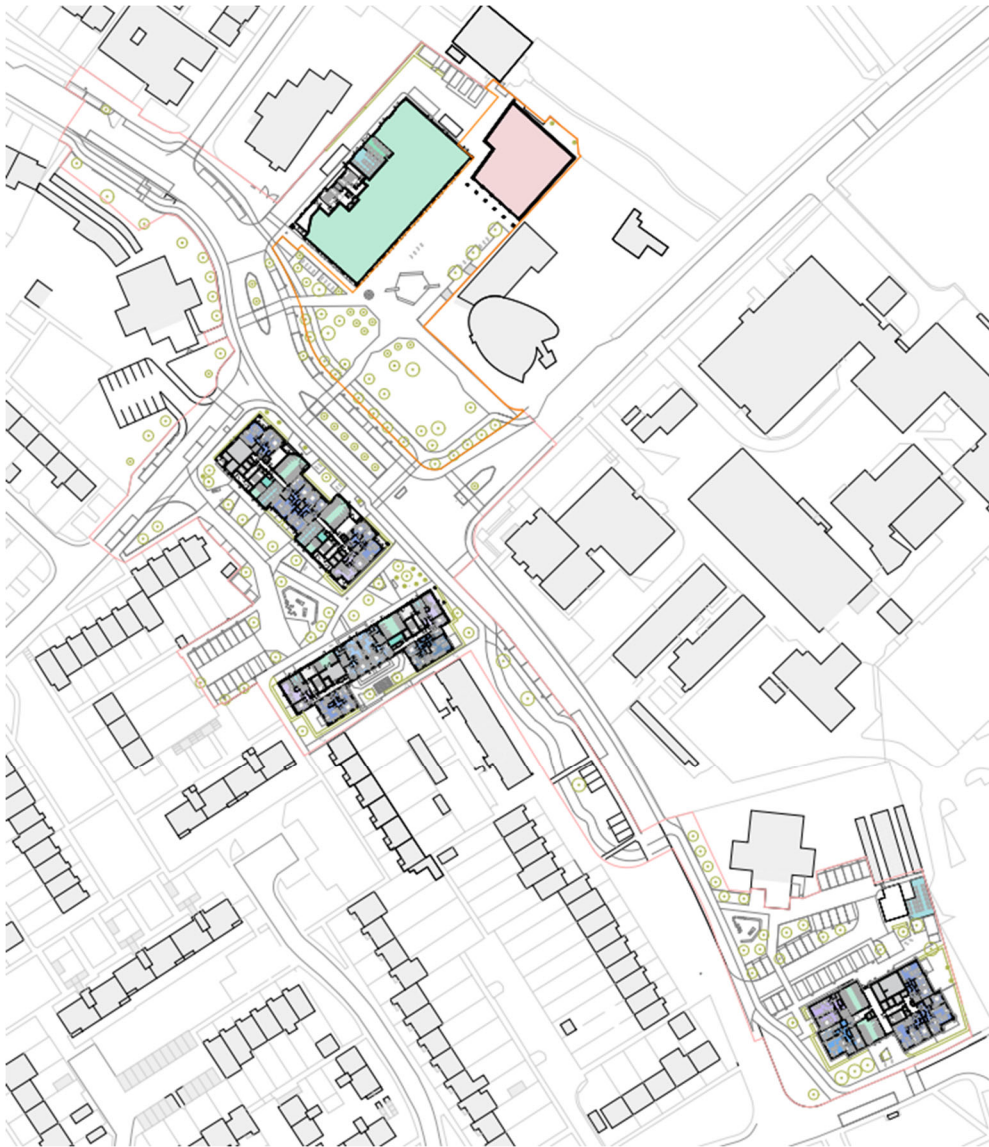


Figure 6 – Proposed District Centre

#### Outline Area - Access

10.93. The community centre and public open space immediately adjacent to it have been submitted as an outline application with all matters reserved except for access for the community centre, community square and green.

- 10.94. The application proposes to site the new community centre towards the edge of the north eastern parcel of the site. It would be immediately adjacent to Block A and would front onto the proposed public space which spans the area between Blackbird Leys Road and the community centre. To the south lies the Church of the Holy Family.
- 10.95. Access to the new community centre would be from the south west along the elevation which would front the public square. Likewise, entrances into the retail units at ground floor level of Block A would also spill out into the public square. This would be effective in creating an active frontage along this important elevation and would encourage activity and movement within the public square.
- 10.96. Servicing for the community centre would take place to the west of the building with vehicle access provided from a service road to run adjacent to Block A (within the detailed area of the application). This is considered acceptable.
- 10.97. Concerns have been raised by Thames Valley Police and Blackbird Leys Parish Council about movement through and between Blocks A and the Community Centre as the submitted layout plans indicate a 'dog-leg' route. The space between the two blocks as shown would be approximately 3 metres which is considered to be adequate to avoid congestion on this route. Notwithstanding this officers are mindful that the detailed appearance, landscaping, layout and scale would be reserved matters and therefore have not been submitted with the current application. Officers consider that it will be possible through any future reserved matters application to ensure that the design and layout of the building is designed in such a way to ensure that these concerns are addressed.
- 10.98. The public square and public open space would be accessed from Blackbird Leys Road via a series of footpaths which connect to Windrush Tower, Knights Road, Block B and Cuddesdon Way. Officers consider that both the public square/ public space and community centre would be well connected for pedestrians and cyclists and effectively contribute towards creating a key focal landmark for the site.
- 10.99. The community centre will require a supplementary travel plan. This plan should be focused on how staff and users will access the community centre by active travel modes. This has been included as a condition.

#### Detailed Area

- 10.100. Siting and Layout: The masterplan for the District Centre has been informed by the key principles which are set out above. As such the layout centres on the new public square and green spaces which would be located broadly in the same location as the existing retail units. The clustering of the civic uses together in this way would frame the civic space and create a community hub for the area.
- 10.101. Surrounding the public spaces would be the community centre and Block A, the largest of the residential towers which includes retail units at ground floor level, as well as the existing church.

- 10.102. To facilitate the community hub, the application proposes to alter the existing highway network. Blackbird Leys Road carriageway situated to the east of the loop is proposed to be stopped up and would be realigned to connect the existing northern and southern end of the road. The junction between Cuddesdon Way and Blackbird Leys Road would be reconfigured to give Blackbird Leys Road priority. The existing road layout comprises a number of severe bends effectively creating a 'doughnut' which leaves an isolated central area of underused green space and tree planting. Officers therefore support the proposals which would divert the highway allowing for the reclaiming and expansion of this green space, significantly increasing its value and usability. The prioritisation of pedestrians and cyclists is welcomed as is the green network of public open spaces throughout the District Centre which is considered to be very positive. Furthermore, a protected cycle route is incorporated within the plans which is in accordance with Policy M1 and is considered in further detail within the transport section of this report.
- 10.103. This new area of public realm outside the church would contribute to an attractive sequence of open spaces across the District Centre. From Windrush Tower to Block A to Topsy Square, the space between Block B and C and on to that between Block D and Evenlode Tower, the public realm would promote use of these spaces as well as wellbeing of residents.
- 10.104. Block A would serve as a landmark building, highlighting both the district centre of Blackbird Leys generally, and the important commercial and community uses. Likewise, when combined with the existing Windrush Tower, it would form a gateway into Blackbird Leys from the north west along Blackbird Leys Road. The residential entrance to Block A is proposed on the western corner of the block. This would provide residents with an appropriate level of privacy and separation from the retail and food & beverage units, as well as a good relationship and passive surveillance from the Windrush Tower. Locating the residential entrance in this location also best accommodates the required additional escape stair.
- 10.105. Officers note concerns raised by Thames Valley Police about the route through to Blackbird Leys Adventure Playground (BLAP). Although the footprint of Block A would be fixed through the granting of this permission, the footprint of the future community centre is to be developed at the reserved matters stage and as such it will be possible to ensure that a line of sight from the square to the BLAP entrance can be provided with the design of the community centre. Likewise, the potential for gated access and restrictions to this route could be explored fully through a reserved matters application.
- 10.106. Block B is proposed to be sited opposite the public space, broadly within the same location as the existing retail units. It would be smaller in terms of its footprint and height and would be entirely residential in terms of its composition. While Block B would be separated from the public space the application proposes tree lined crossing points along key desire lines to ensure there would be good levels of connectivity between these two destinations.
- 10.107. While the main elevation of Block B would front the civic space it has been designed so as to ensure there are active frontages at the rear, including a

proposed play area and soft landscaping. This would represent a significant improvement in comparison to the existing arrangement which is characterised by the rear elevations of retail units and parking courts which are not properly overlooked or well connected.

10.108. Officers consider that Block B positively negotiates the site context and required functions of the building. The ground floor successfully incorporates bike storage, plant, entrances both to the front and back of the building, private entrances to the ground floor flats, defensible space around the building as well as active frontages to south and east elevations. The design of the ground floor has been thoughtfully designed to optimise the public space around the building to ensure this will be a useable, legible and attractive space.

10.109. Block C would be sited to the south of Block B and immediately adjacent to a block containing two rows of existing two storey residential terraces. One row of terraces fronts onto Blackbird Leys Road and the other Birchfield Close; their rear elevations being back to back. Block C has been sited at 90 degrees to these existing properties with its main entrances sited towards Block B and the landscaped area between the two buildings. Forming broadly a 'c' shape, the protruding elements of the footprint would be in line with the adjacent terraces mimicking the existing building line and incorporating an amenity space adjacent to the rear gardens of those existing properties. Officers consider the layout to be logical, effectively extending the Blackbird Leys residential frontage while maintaining a separation with Block B to allow for views through into the landscaped public realm and play area.

10.110. Finally, Block D would be located to the south east of the site on a plot bounded by Blackbird Leys Road and Pegasus Road. The building is located on an underused part of green open space which is dominated by traffic and not well used as an amenity space. The building would bookend with the existing Evenlode Tower and would create a gateway into the site from the south. The building would be separated from Evenlode Tower by a car parking area as well as soft landscaping and a play area. The existing mature trees on the site are proposed to be retained which is supported. A pedestrian footpath is proposed along the western edge of the building which mimics an existing informal path that 'cuts the corner' between Blackbird Leys Road and Pegasus Road. A connection to Blackbird Leys Park to the east is indicated which is welcome. To create activation, entrances are proposed on the north, south and western elevations.

10.111. With the exception of Block A ground floor uses would be residential. Active frontages and passive surveillance would be achieved by these residential blocks through considered fenestration and well positioned entrances. Where blank facades cannot be avoided – such as the incorporation of cycle storage and ground floor plant, these are located to mitigate negative impact.

10.112. In terms of the site landscaping strategy, a number of character areas would be created:

- Community square and green;

- Blackbird Leys Road - ‘the arrival heart’;
- Back of Blocks B and C – pocket green and play area;
- Between Evenlode Tower and Block D – play area;
- Block A – roof garden and shared amenity;
- Side and rear of Block A – community centre and retail service area.

10.113. The community square and green, and the pocket green and play area would be predominantly soft landscaped areas which would be defined as ‘open space’ to be controlled by the s106 legal agreement. The areas on Blackbird Leys Road and to the rear of Block A would be more functional and led by hard landscaping, interspersed by planting. The amenity space and roof garden on Block A would provide a mix of garden spaces with planting and seating, social gathering spaces and a play/ multi-use space. The final design of this area would be conditioned along with materials and planting. A play area strategy would also be required as would specific details of play equipment and finishes.

10.114. The landscaping proposals are considered to be acceptable and, subject to details being secured by conditions, would provide a mix of functional and amenity spaces which would be beneficial to the amenity of future and existing residents in the area. A condition to secure a public art strategy has been included to include the relocation of the existing public art at the Blackbird Leys Community Centre.

10.115. Overall, the ground floor plan and open spaces have been well considered throughout. There is a positive relationship between the internal and external spaces, contributing to high quality public realm.

10.116. Scale and Massing: A varied approach to building heights has been proposed across the scheme to respond to the site’s context and the character of the adjoining areas. The approach has been informed by detailed technical studies including a daylight, sunlight and overshadowing assessment and townscape visual assessment which accompany the planning application. The District Centre site would include four new buildings of up to 12 storeys which would be lower than the fifteen storey high Windrush and Evenlode towers adjacent to the site, as follows:

- Block A – up to 12 floors and up to 45m height (112m AOD);
- Block B – up to 8 floors and up to 29m height (95m AOD);
- Block C – up to 5 floors and up to 17m height (83m AOD);
- Block D – up to 10 floors and up to 37m height (100m AOD).

10.117. Block A: Block A has undergone significant and positive design development during the pre-app stage which is reflected in the current submission. Since the pre-app what was a rather uniform block, bulky in terms



of mass and scale has been refined into a more articulated form with a slender tower located at the front of the plot, a wider plinth and midrise section to the rear.

- 10.118. Officers consider that by positioning the tower element to the front of the plot Block A would demonstrate a positive spatial relationship with the existing Windrush Tower and together, Block A and the Windrush Tower would create a focal point for the District Centre, particularly when arriving from the north. Furthermore, locating the tower element to the front of the plot on Blackbird Leys Road would reduce the impact on the immediate site context including existing residential and Blackbird Leys Adventure Playground to the east.
- 10.119. Likewise, positioning the lower section to the rear of the plot allows this part of the building to mediate the step down to the community centre which would also provide a better backdrop to the listed church when views from the corner of Cuddeson Way and Blackbird Leys Road as demonstrated by the submitted Townscape Visual Impact Assessment (TVIA).
- 10.120. The tower element would be set to the far edge of the plinth and set back from 'Topsy Square' and the church, subsequently providing the church with enough 'breathing space' and preventing Block A from feeling overbearing.
- 10.121. The proposed plinth would allow Block A to incorporate active frontages to Blackbird Leys Road, while the tower would be slightly set back from the site boundary thus avoiding this taller section from being overbearing to the street scene.
- 10.122. In terms of key views, Block A would be visible in the view from St Mary's projecting above the lower ridgeline which is characterised by mature tree cover in the summer months. Its tallest element appears of comparable massing to the existing Evenlode and Windrush towers, siting below the existing Chiltern ridgeline. The additional bulk of the lower element, which would be visible in the view which is unfortunate but for the reasons mentioned above considered to be a logical design choice.
- 10.123. Block A would be visible in the view from Carfax very close to the spire of Christ Church Cathedral (grade I), obscuring a part of its landscape setting and reducing its prominence in the roofscape. The building would also be visible behind the turret of the former Nat West Bank (grade II, now The Ivy), obscuring the sky backdrop to this building and its rooftop articulation.
- 10.124. In the view from St George's tower, the development sits behind the tree canopy and is not visible in the summer months. There are no winter view photos to enable the impact within this part of the year to be assessed.
- 10.125. From the information available, it is considered that a low level of less than substantial harm would be caused to the setting and significance of the Central Conservation Area, by reason of the visibility of Block A within the high level views which would project above the southern ridgeline and obscure areas of landscape and sky backdrop, and detract from the setting of Christ Church Cathedral and the Conservation Area roofscape.

- 10.126. Block A would have a substantial impact on the setting of the Church of the Holy Family. It is considered that this impact would be negative due to the significant mass, bulk, scale and height of the building which would be significantly greater than the church and replace it as the focus to the view.
- 10.127. A high level of less than substantial harm would be caused to the setting of the church and its architectural and historic significance, detracting from its function of being the primary community facility, symbolically and physically located at the heart of the community.
- 10.128. Blocks A-D would be visible in the view from St Mary's Church, Garsington and fill in the landscape backdrops between and either side of the Evenlode & Windrush towers with built form. As the development is viewed in the context of the urban sprawl of Oxford city, their impact is considered to be a low level of less than substantial to the setting of the church.
- 10.129. Notwithstanding the harm to heritage assets which is considered further in the section below, Officers consider that while Block A would be visible from certain viewpoints, its form would not be unduly incongruous within the site context.
- 10.130. Block B: It is proposed that the massing of this large building is broken up into three sections, including a smaller central part. Officers consider this would successfully break up the massing and helps prevent this large and wide building from appearing overly bulky and incongruous within the site context.
- 10.131. With a height 16 metres lower than Block A, Block B would comfortably step down from Block A and the Windrush Tower which would create a transition to the low rise houses and maisonettes beyond the District Centre.
- 10.132. Although not as tall as the towers in the District Centre, Block B is still visible from viewpoints at Cuddesdon Road, St. Mary's Church, Southend Garsington Knights Road, Cuddesdon Way, Blackbird Leys Park and Overmead Green. The position of Block B and relationship to adjacent blocks means there is adequate space around the block and variation in heights to prevent the cumulative impact of the proposed District Centre development from being harmful to these views or townscape.
- 10.133. Block C: Block C is proposed as a four storey building which would step down to two storeys where it adjoins the neighbouring residential terraces. This form would provide a comfortable transition between the new proposed blocks A and B, and the existing maisonettes and two storey houses. It is also considered that where the building is four storeys in height it would help frame the public realm without feeling overbearing.
- 10.134. Block D: Block D marks an end to the District Centre as a character area and provides a transition to the more low rise suburban development beyond. Although Block D results in the loss of green space, it has been sensitively designed and is overall a positive addition to the District Centre. It brings design legibility and helps to mark the edge of the District Centre.

- 10.135. The building is formed of three sections. The height of these is informed by the adjacent Evenlode Block and has been designed to minimize negative impact to the outlook of existing residents.
- 10.136. Block D is a noticeably quieter building than Blocks A and B, smaller in scale, asymmetric with less pronounced elements such as the plinth or central section, which reflects the location of this building being at the edge of the District Centre, rather than centrally located and supports the proposed design hierarchy across the District Centre.
- 10.137. Conclusion: Overall, the proposed scale and massing is considered to be successful. It would demonstrate a logical hierarchy culminating in the tallest building, Block A, which would serve as a landmark for the civic centre of Blackbird Leys. Buildings have been designed so that their scale and mass responds to the existing context, stepping down to relate to the low level residential development that surrounds the site.
- 10.138. As noted above the height of the buildings would have an impact on key views and would result in harm to heritage assets which is assessed fully in the relevant section below.
- 10.139. Microclimate: It is a requirement of Policy RE7 that consideration is given to the impacts of developments on microclimate to ensure a good standard of amenity. Due to both the height and prominence of the proposed development and the cumulative impacts arising from the proximity of existing and proposed residential tower blocks, a Wind and Microclimate (WMA), and a Solar Glare Assessment (SGA) have been submitted in support of the application.
- 10.140. Wind: The submitted WMA assesses the wind conditions within a 250m radius from the proposed site. The results show that the areas at ground level are suitable for the intended use.
- 10.141. In addition to ground level analysis, elevated amenity spaces were also assessed which showed that while the majority of balconies have wind conditions suitable for the intended use, there are some areas on balconies in Blocks B and D, as well as the terraces on Blocks A, B and D, that would be ranked as having minor to moderately adverse impacts. As such, mitigation measures (e.g. high solid parapets and landscape elements) will be needed to reduce high wind speeds at these terraces. A condition requiring details of these mitigation measures has been included to ensure that the external spaces would provide a good level of amenity for future occupiers.
- 10.142. The entrances of all neighbouring buildings would experience wind conditions suitable for their intended use. The entrances of the proposed buildings would also experience favourable wind conditions. Entrances to Block A have wind conditions suitable for the intended use whereas entrances to Blocks B, C and D have wind conditions that are minor to moderate beneficial for pedestrians and therefore risk of wind discomfort is considered negligible.
- 10.143. The majority of amenity spaces surrounding the site have wind conditions suitable for pedestrian sitting which is the intended use for these locations. The

open space surrounding the Evenlode Tower has wind conditions suitable for pedestrian walking with a small spot that is classified as being uncomfortable, however, as there are no designated seating areas here, risk of perceived wind discomfort is considered low and therefore it can be considered suitable for its intended use. This area is also close to the car parking areas and is most likely not an area that is of frequent use. It is also worth noting that it is unlikely the wind conditions here are caused by the proposal alone, but rather by the downwash effect from the Evenlode Tower that already exists due to the close proximity of this region to the existing tower and the nature of the wind patterns surrounding the tower massing.

10.144. The vast majority of balconies belonging to the proposal have wind conditions suitable for the intended use. There are a number of high-level balconies of Block B that are facing the prevailing wind from southwest that experience minor adverse effects for the residents. Mitigation measures such as solid balustrades would need to be implemented to improve the wind conditions here, the details of which would be secured by condition.

10.145. The accessible terraces on blocks A – D have also been assessed to analyse the wind conditions that will be experienced by the residents and the results show that while there are areas within the terraces that are suitable for the intended use of sitting, there are also areas that will experience wind conditions that are minor to moderate adverse. As stated previously, mitigation measures would need to be implemented to improve the wind conditions here, the details of which would be secured by condition.

10.146. All main pedestrian routes and car parks have been demonstrated to be suitable for their intended uses.

10.147. Solar Glare: The submitted SGA assessed the likelihood of solar reflections given off the glazed facades of the proposed development. The assessment was carried out to analyse a 'worst-case' scenario using a glazing reflectance of 90% and the threshold of 500 cd/m<sup>2</sup> as per Hassall. In reality, the threshold depends on the ambient horizontal illumination, such as on a bright summer sky the driver's adaptation state can be between 5000- 6000 cd/m<sup>2</sup> while on a clear winter day between 500- 1500 cd/m<sup>2</sup>. Additionally, this analysis was carried out under the assumption of a perfectly clear sky and no trees or landscape features, in line with good practice methodology, and therefore the conclusion of this report presents the 'worst-case' scenario, and that true values of potential glare may be lower than what is reported.

10.148. The results showed that there were some instances of solar reflections given off and into mainly the southwest, northeast, and northwest bound streets. Overall, the levels of reflection vary by façade's orientation, position of viewpoint, and time of year and subsequently the effect of potential glare generally ranges from negligible to potential notable when the angle of incident is less than 10° and very direct to the driver's line of sight.

10.149. Where such incidence occurred, further investigation into the intensity of solar glare was carried out and it was determined that 9 of 22 viewpoints tested

experienced notable glare. Mitigation measures will therefore be required (e.g. installing lower reflectance glazing) and are requested by condition.

- 10.150. Conclusion: Subject to suitable mitigation measures being secured by condition, officers consider that the proposal would be acceptable in terms of its impact on microclimate in accordance with policy RE7.
- 10.151. Building Layout: Block A: Block A is proposed as a mixed use building with retail space totalling 1068m<sup>2</sup> at ground floor level and a total of 51 flats above. A basement is proposed to provide plant storage and lift stores.
- 10.152. At ground floor the retail space would fill the majority of the footprint with two lifts and stair cores located along the north western side of the building. Access to the residential floors above would be via a dedicated residential entrance to the south western corner of the building. Also located at ground floor level would be the refuse stores for both the retail units and residential dwellings.
- 10.153. At first floor there would be a podium to provide a shared residential terrace area, providing additional amenity space for occupiers of the building. Access to this space would be restricted by fob access. On this floor there would also be a bookable 'meeting room' which is intended as a space for residents to be able to meet, have social gatherings etc. A management plan to cover all communal shared spaces within the District Centre site would be secured by condition to ensure that these spaces would be suitably maintained and to reduce opportunities for anti-social behaviour, noise disturbance and crime.
- 10.154. A total of 5 residential units are proposed on the first floor. These would comprise 3no. 1 bed/ 2 person units and 2no. 2 bed/ 4 person units. Additionally, bicycle storage for 102 cycles is proposed.
- 10.155. On floors 2-5 a total of 7 residential units are proposed comprising 4no. 1 bed/ 2 person units and 3no. 2 bed/ 4 person units. On floors 6-11, 3no. residential units are proposed comprising 2no. 1 bed/ 2 person units and 1no. 2 bed/ 4 person units. The roof level would include the lift overruns and access shafts.
- 10.156. Block B: Block B would be a wholly residential building containing 36 dwellings. The ground floor plan includes 4no. 2 bed 4 person units and 1no. 1 bed 2 person unit. The entrances would be flanked by large cycle stores and additional cycle parking is proposed to the rear totalling 144 spaces. The remaining ground floor space would be occupied by refuse stores, plant, cleaning stores and circulation space. Each of the two 'wings' of the building includes a stair core with two lifts.
- 10.157. The layout of floors 2-5 would include a total of 10 dwellings; 4no. 1 bed 2 person units and 6no. 2 bed 4 person units. Floors 6 and 7 would have slightly reduced number of 8 units per floor. Floor 6 comprising 4no. 1 bed 2 person units and 4no. 2 bed 4 person units. Floor 7 would comprise 2no. 2 bed 3 person units and 4no. 2 bed 4 person units. The roof level would include the lift overruns and access shafts.

- 10.158. Block C: Block C would be a wholly residential building containing 27 dwellings. The main entrances to the building would be positioned at each end of the north western elevation and would be flanked by cycle and bin stores. A total of 66 cycle spaces are proposed. There would be two stair cores at either end of the building each comprising one stair and one lift. At ground floor level there would be 6no. residential units comprising 2no. 1 bed 2 person units, 2no. 2bed 3 person units, 1no. 2 bed 4 person unit and 1no. 3 bed 5 person units.
- 10.159. On the upper floors there would be between 6-8 residential units on each floor which would be a mix of 1 bed 2 person units, 2 bed 4 person units and 3 bed 5 person units. The roof level would include the lift overruns and access shafts.
- 10.160. Block D: Block D would also be a wholly residential building containing 61 dwellings. The ground floor layout would include a main entrance fronting Pegasus Road with front and rear accessed cycle parking for 130 cycles. The main stair core would be centrally located within the plan and would include one stair and 2 lifts. Plant and stores would be clustered around the stair core. 5no. dwellings are proposed at ground floor level with dual aspects to increase activation at street level and improve internal amenity. These would be 1 no. 1 bed 2 person unit, 3no. 2 bed 4 person units and 1no. 3 bed 5 person unit.
- 10.161. Floors 1-5 would have 8 units per floor with a mix of 1 bed 2 person, 2 bed 4 person and 3 bed 5 person units. Upper floors 6-9 would have 4 units per floor and these would be 1 bed 2 person and 2bed 4 person units. The roof level would include the lift overruns and access shafts.
- 10.162. In accordance with policy H10 7no. Category M4(3) wheelchair accessible units would be located at ground - fifth floors of the building.
- 10.163. The Fire Officer and the Health and Safety Executive (HSE) have been consulted due to the proposed height of the residential buildings proposed. They raised no objections to the proposals and highlighted that Building Regulations approval will also be needed should the scheme be consented.
- 10.164. All of the proposed dwellings would comply with Policy H15 and the minimum space standards set out in the Technical Housing Standards - Nationally Described Space Standard (2015). All units would be at least Category M4(2) dwellings with no.9 units being Category M4(3) wheelchair accessible units which would comply with the requirements of Policy H10 and exceed the requirement for Category M4(3) homes.
- 10.165. Consideration has also been given to the amenity of future occupiers in terms of daylight and sunlight. The submitted information demonstrates that the proposals would meet or exceed the minimum standards set out in the BRE guidance.
- 10.166. In accordance with policy H16 external amenity space is provided as balconies for all flats within the District Centre. Additional amenity space would be provided on Blocks A (terrace) and B (pocket green).

- 10.167. Officers have considered the comments submitted by Thames Valley Police regarding the design of a number of aspects of the proposed development. Officers agree with the request for the proposal to achieve Secured by Design 'Gold' accreditation and a condition has been included to secure this.
- 10.168. Materials and Appearance: Block A: The proposed materials for Block A include pale red brick with white brick framing for the tower element. The secondary building would also be constructed from pale red brick. The ground floor uses and first floor terraces for the use of the residents would also emphasised by a two-storey white frame.
- 10.169. Officers consider the proposed design to be acceptable and successful in using the frame to draw attention to the key features of the block i.e. the commercial uses and landmark tower. The use of red brick is considered to be acceptable however officers do not support the use of white brick for the frame element. Instead a buff colour would be considered more appropriate. Notwithstanding this details of all materials would be secured by condition.
- 10.170. Block B: Block B faces onto the main public space within the District Centre. It therefore provides a strong presence onto this large space, with a civic architectural language that incorporates a regular framed facade grid, a two-storey plinth at its base, inset balconies and inset articulated entrances.
- 10.171. Similarly to Block A, Block B is proposed to be constructed from a buff brick with the frame comprising white brick. As above, the white brick would not be supported however, subject to further detail being secured by condition the proposed appearance and materials are considered to be acceptable.
- 10.172. Block C: The architecture of this block is deliberately simple and robust, with vertical articulations present along the elevation reminiscent of the terraced street. Richness in detailing at the ground floor and on key corners, are proposed to break up the mass and provide interest.
- 10.173. A combination of light and dark buff brick is proposed with additional brick detailing used around the entrances. Subject to further detail being secured by condition the proposed appearance and materials are considered to be acceptable.
- 10.174. Block D: Block D is similar in character to Buildings A and B, whilst fulfilling a slightly different purpose. The architecture of Building D has been designed to provide a strong presence in the public space, however due to its location being further from the mixed-use centre of the development the civic language is less strong and the building articulation adopts a more playful approach. A ground floor 'plinth', distinct from the regular grid, echoes the language of Windrush Tower and helps break down the mass. Finally, as is the case with other buildings, the finer detail emphasises the lower floors, adding depth and an inviting human-scale to the buildings as they are experienced from the street.
- 10.175. Buff brick with a white brick frame is proposed. As above, the white brick would not be supported however, subject to further detail being secured by

condition the proposed appearance and materials are considered to be acceptable.

- 10.176. Waste and Refuse: The proposed refuse strategy has been developed in collaboration with ODS (Oxford Direct Services). Refuse storage would be provided in line with the requirements set out in Oxford Local Plan, along with some over-provision following detailed advice from ODS. It is proposed that each core would be provided with a bin store at the ground floor level. The bin stores would accommodate all the residential residual waste, recyclables and food waste generated within the proposed development. All bin stores are proposed to be internal to the buildings, with the exception of Block D, where it would be located externally to minimise inactive frontage and maximise natural surveillance.
- 10.177. A separate retail refuse store is also proposed within Building A, which would be serviced via the rear access road.
- 10.178. A condition to secure detailed design of bin storage has been included. The proposal for waste storage and collection is considered acceptable and is therefore in accordance with local plan policies.
- 10.179. District Centre Conclusion: The proposed design, layout, appearance, scale and massing would be acceptable in terms of delivering a scheme that would integrate into the surrounding area despite providing higher density towers. The proposals would make efficient use of land while also delivering an improved quality of amenity space for both future and current residents. The building layouts would be appropriate and provide an adequate amount of living and amenity space for future occupiers. The proposals, when viewed in local views would not appear incongruous.
- 10.180. Notwithstanding the points above, due to the scale of the development the proposal would impact a number of other important views, namely those from the Green Belt Way (public right of way) which runs to the south of the Oxford City boundary, through the South Oxfordshire Countryside – there are wide ranging views looking north towards the site from various locations from Shotover to Toot Baldon along the Green Belt Way. There will be a fairly significant impact in terms of visual change / change of character to this rural edge. In some of the views, due to their height and wide form / floorplates, the buildings appear relatively blocky with a horizontal emphasis in some of the views, particularly when viewed in context with the existing Windrush & Evenlode towers, and do not appear as positive or elegant additions to the skyline and roofscape, resulting in a detrimental change to character to the roofscape. However, the impact on these views must be considered within their context as views of the edge of the city's countryside looking inwards towards the city and developed urban form contained within its boundary. The application sites are both within, or in extremely close proximity to, a district centre where there is scope for greater density and making a more efficient use of land so an increase in visible built form in this area is, to some extent, to be expected and, in many ways beneficial, not least because it focuses development within the urban city and reduces pressure for development within the rural fringes.



- 10.181. The scheme would cause a low level of harm to the setting and significance of the Central Conservation Area, Christ Church Cathedral and St Mary's Church, Garsington; and a high level of less than substantial harm to the setting and significance of the Church of the Holy Family. However, it is noted that the latter is subject to a permission in principle to demolish the building due to its deteriorating condition.
- 10.182. Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. In terms of considering the planning balance of public benefits against harm to designated heritage assets, paragraph 200 states that there should be a clear and convincing justification for the harm. Paragraph 202 states that where a proposal will lead to less than substantial harm, that harm should be weighed against the public benefits including, where appropriate, securing the optimum viable use.
- 10.183. In terms of public benefits, National Planning Practice Guidance states that public benefits that flow from a development could be anything that delivers economic, social, or environmental objectives. They need to flow from the development and should be of benefit to the public at large and not just a private benefit, although benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.
- 10.184. Officers consider that the development would result in the following public benefits:
- 10.185. *Social:* The proposal would result in a total of 294 affordable dwellings (210 at the District Centre site and 84 at the Knights Road site) comprising a mix of tenures and types which would be good quality in terms of their size and amenity standards. The contribution that these dwellings would make towards Oxford's unmet housing need would be significant and as such officers attribute significant weight to this public benefit.
- 10.186. In addition to the delivery of new affordable homes the proposals would result in the regeneration of the District Centre including improved public realm, new retail and commercial floor space and a replacement community centre with a more flexible floorspace than the existing building. The proposals would address a number of issues with road layout and poor urban design which currently contribute towards opportunities for anti-social behaviour and crime. The provision of the new community square and green, pocket parks and overall improvements to the public realm would represent a marked improvement in terms of quality when compared to the existing arrangement and improve usability of these important civic spaces to provide a focal hub for the District Centre. Officers attribute significant weight to this public benefit.
- 10.187. *Economic:* The development would support approximately 95 on site construction jobs and 55 net additional on and off site construction jobs per annum over a 4.7 year construction period.
- 10.188. Once complete, the proposed development is anticipated to generate around 35 Full-Time Equivalent (FTE) net additional jobs in Oxford. This includes

around 20 FTE homeworkers expected to be resident in the scheme. The operational phase jobs are expected to generate around £1.5 million per annum in GVA to the economy.

- 10.189. Around 20 FTE new local retail, food and beverage sector jobs are anticipated to be supported by the additional residential expenditure introduced to the area as a result of the proposed development (£2.9m per annum).
- 10.190. Officers attribute moderate weight to these public benefits.
- 10.191. *Environmental:* The scheme would provide a Biodiversity Net Gain (when accounting for the required contribution towards off site provision) and reduction in carbon emissions, in excess of Local Plan requirements, as detailed below in the relevant sections.
- 10.192. The development would result in a total of 664 cycle parking spaces. Officers attribute moderate weight to these public benefits.
- 10.193. Taking these benefits into account, and whilst giving great weight to the conservation of the setting of the Conservation Area and listed buildings, it is considered that the low level of harm to the setting and significance of the Central Conservation Area, Christ Church Cathedral and St Mary's Church, Garsington; and a high level of less than substantial harm to the setting and significance of the Church of the Holy Family would be outweighed by the public benefits that the proposal would bring with it.
- 10.194. In light of the above, and in addition to the assessment made in the relevant previous sections of this report, it is considered that the proposal accords with policies DH1, DH2 and DH3 of the Oxford Local Plan 2036 and the NPPF.

#### Knights Road

- 10.195. *Siting and Layout:* The site layout at the Knight Road site has been informed by the following key design principles:
- Maintaining and enhancing the existing public right of way (PROW) access between Knights Road and Kassam Stadium;
  - Retaining the existing green ecological buffer along the southern edges of the site;
  - Knitting the development into the existing street structure and addressing properties in the adjacent roads: Knights Road and Spindleberry Close;
  - Creation of a central green space within the development;
  - Fronting dwellings onto key spaces to help define different character areas;
  - Creating residential courtyards to line the east-west route and connect them to the Kassam Stadium and central green space.

10.196. The site has been designed to include four character areas which would be distinguishable by differing architectural language, spatial arrangements, roofscape and materiality. The character areas are: the route to Kassam; Central Green, Brook Edge and Residential Courtyards:

- The route to Kassam is a formal linear route lined with long terraces to create a clear legible route from Knights Road to the brook and Kassam Stadium. Variations in roofscape are included to provide interest while focal corner buildings would be utilised to highlight the end of the route.
- The Central Green is characterised by soft landscaping and terraces with gable roofs which would overlook the key routes and spaces.
- The Brook Edge would comprise a series of semi-detached and smaller terraces which follow the natural edge of the brook. There would be greater variation of house types to create a more natural and less formal feel. Key corner buildings would be used to mark the edges of the route.
- The Residential Courtyards would be predominantly hard landscaped breakout spaces which would connect the central green and routes to Kassam Stadium and Spindleberry Nature Park. They would line the primary vehicular route through the site and include formal two storey terraces in a repeating rhythm.

10.197. The applicant team have worked hard to minimise the negative impact to the Nature Reserve and the Brook, and the layout has been set out accordingly. Legible and attractive routes through the site to these natural features have been established to ensure existing residents would still have a visual as well as physical connection to these spaces.

10.198. Officers note comments from Thames Valley Policy relating to lighting throughout the public realm and specifically along the route towards the Kassam Stadium. It is important that the lighting scheme is both suitable to ensure the public realm is safe and well lit, yet also sensitive enough to limit the impact on species which also occupy the area. Officers consider that a balance can be achieved and as such have included a condition to secure lighting details.

10.199. Officers consider that public and private routes through the site have been well considered and are clearly legible. The Route to Kassam has a clearly discernible character to routes to the interior of the site. Likewise, cycling and walking has been prioritised within the development, in accordance with policy M1.

10.200. Scale and Massing: The surrounding area is characterised by 1-3 storey semi-detached and terraced properties. The proposed development would replicate the existing arrangement with a mix of 2-3 storey semi-detached or terraced dwellings.

10.201. As such, the proposal would respect the existing context and integrate well with the surrounding residential setting in terms of its scale and massing.

- 10.202. Building Layout: The application proposes three different building typologies: the gable house; the 2 storey house; and the 3 storey house. The 2 storey houses would be simple with robust detailing and include living dining areas with a separate kitchen. The 3 storey houses would include a contemporary dormer and additional bedroom and bathroom located within the loft space. The gable houses are designed to provide additional architectural interest to key areas of the site through their more distinctive gabled roof forms.
- 10.203. The houses would follow broadly traditional house layouts, although some would have kitchens located to the front, facing the street, and some would have kitchens overlooking the residential gardens. This arrangement is considered very positive as it will help bring passive surveillance to the public realm where needed most, such as the route the Kassam stadium and public open space, encouraging a sense of ownership of this space, while also creating variety in terms of building layouts.
- 10.204. All of the proposed houses would either meet or exceed the minimum standards set out in the Technical Standards - Nationally Described Space Standards (2015). All properties would benefit from adequately sized private rear gardens. Consideration has also been given to the amenity of future occupiers in terms of daylight and sunlight. The submitted information demonstrates that the proposals would meet or exceed the minimum standards set out in the BRE guidance. As such the proposals would comply with polices H15 and H16 of the Local Plan.
- 10.205. Materials and Appearance: The materials proposed across the development would include brown roof tiles and varying shades of brown brick which would change across the terraces to provide more interest and character. The gable housing would also include this variation in brick colouring but would have slate coloured tiles to further differentiate this housetype from the others.
- 10.206. Blank facades have been minimised as far as possible on all house types which is welcomed and brick detailing is proposed at ground floor level of all house types to add interest to the facades.
- 10.207. Subject to further detail of material types and finishes being secured by condition the proposed appearance and materials are considered to be acceptable.
- 10.208. Waste and Refuse: It is proposed that each dwelling would be provided with its own covered and discrete waste/bin storage area at the front or side of each home. The bin stores would be located adjacent to the carriageway to facilitate waste collection. Where residential units are not located abutting the carriageway, communal bin stores have been provided. Waste will be transported to the communal stores via residents on collection days. In line with Manual for Streets and OCC guidance residential carry distances would not exceed 30 metres and all refuse collection points would be located within 15m of the refuse vehicle stopping location.
- 10.209. Throughout the development, passing points have been incorporated into the internal road layout to ensure the carriageway width is sufficiently wide

to allow a car to pass a stationary refuse vehicle. A turning head to the east of the one-way residential street has been incorporated into the design to ensure the standards would be met for an adoptable carriageway, The turning head would enable a refuse vehicle to turn in the unlikely event that the one-way section of carriageway becomes blocked.

10.210. A condition to secure the detailed design of bin stores has been included. The proposal for waste storage and collection is considered acceptable and is therefore in accordance with local plan policies.

10.211. *Knights Road Conclusion*: Officers acknowledge that this is a challenging and sensitive greenfield site. The site layout has been sensitively designed to respond to the natural features of the site context as well as mitigating harm to these, and clearly responding to the neighbouring existing built form.

10.212. A strong masterplan has been demonstrated that would provide legibility across the site and a clear hierarchy of spaces and character areas. The route from Knights Road to the Kassam Stadium is clearly read as a primary and public route through the site, which is fitting given this route will be well used by visitors to the stadium. The built form has been appropriately designed to frame this route and the layout of the internal spaces, with kitchens to the front, will help to provide adequate passive surveillance.

10.213. The natural character of the Brook edge has been retained as much as possible, and where possible, the road runs through the site, rather than along the Brook edge.

10.214. Overall the site is considered to respond well to the surrounding context and would provide dwellings of a good standard. As such, it is considered that the proposal accords with policies DH1, DH2 and DH3 of the Oxford Local Plan 2036 and the NPPF.

### **c. Archaeology**

10.215. Local Plan Policy DH4 states that where archaeological deposits and features are suspected to be present (including upstanding remains), applications should include sufficient information to define their character, significance and extent of such deposits so far as reasonably practical.

10.216. The development sites at Blackbird Leys District Centre and Knights Road are located within the corridor of the Roman pottery manufacturing landscape orientated on the Dorchester-Alchester Road.

10.217. Given the scale of proposed development, the site constraints and development history of the site, a condition to secure careful demolition of standing structures and archaeological geophysics and trial trenching would be attached to the planning permission.

10.218. With the above mitigation measures in place, it is considered that the proposed development would comply with policy DH4 of the Oxford Local Plan 2036.

#### **d. Impact on neighbouring amenity**

- 10.219. Policy H14 of the Oxford Local Plan states that planning permission will only be granted for new development that provides reasonable privacy, daylight and sunlight for occupants of both existing and new homes. Planning permission will not be granted for any development that has an overbearing effect on existing homes.
- 10.220. A Daylight, Sunlight & Overshadowing Assessment has been submitted with the application which considers the impacts of the development on the adjoining properties.

#### District Centre

- 10.221. The District Centre red line covers a wide area with what amounts to four separate sites (Blocks A to D). As a result there are a number of residential properties surrounding these individual blocks which have the potential to be impacted by the development. The following are considered likely to be the most effected as they lie closest to the individual blocks, but it is not an exhaustive list. Windrush Tower, Evenlode Tower, properties on Moorbank to the north east of Block A, nos. 3, 5, 7, 13 – 19 Knights Road, nos. 122-134 and 150-162 Blackbird Leys Road, nos. 26-36 Birchfield Close, nos. 7-29 Overmead Green, properties on the southern side of Pegasus Road to Block D.
- 10.222. Block A: This block would be the largest of the group within the District Centre, with two elements at 12 and 6 storeys, at a maximum height of approximately 45m. The closest residential properties would be those on the northern side of Moorbank which face onto Block A at approximately 50m distance, and Windrush Tower with is approximately 36m away on the western side of Blackbird Leys Road.
- 10.223. The Daylight and Sunlight Report has confirmed that Block A would not have an adverse impact on the residential accommodation in Windrush Tower in terms of loss of light or overshadowing. The report has not assessed the impact on the properties at Moorbank, but given the distance between the two, it is considered that the proposal would not have an adverse impact in terms of loss of light. Likewise it is also considered that there is sufficient separation distance between both sets of properties that would mean that there would be no overbearing impact from Block A. In terms of overlooking, there would be windows and balconies on both elevations facing these adjoining residential properties, but again it would not create any adverse impact in terms of loss of privacy given the fact that there is significant public realm between the properties.
- 10.224. Block B: This block would replace the existing three storey block that forms the current parade of shops with maisonettes on the upper levels. This would be replaced by a block that is entirely residential, which is predominately 8 storeys with a 6 storey link in between, achieving a maximum height of approximately 29m. The main residential properties that are likely to be affected by the proposal would lie to the rear of the existing parade of shops and create a perimeter block with nos.13 – 33 Knights Road that are on the southern side of the road and whose side elevation of the terrace is approximately 21m away at

their closest point, 1-5 Overmead Gardens who lie approximately 71m away from the block, and have their rear gardens facing the block.

10.225. In terms of daylight and sunlight impact, the assessment identifies that the proposal would not create any adverse impact on the Knights Road properties closest to Block B in terms of loss of sunlight and daylight, with the amount of sunlight received to habitable room windows and rear gardens falling within the recommended limits. It should be noted that these properties have north – south aspects and therefore do not face directly onto Block B. Similarly the rear elevations of the Overmead Gardens properties are 71m away and as such would be sufficient distance to not lose sunlight and daylight.

10.226. In terms of overlooking, there would be habitable rooms and balconies in the rear elevation of Block B that face onto the rear gardens of these adjoining properties. However it should be recognised that there are already habitable room windows in the rear elevation of the existing block, including amenity areas for the maisonettes on the upper levels and as such the rear of these adjoining properties are already overlooked. In addition to this the flatted block that lies at the end of Birchfield Close has habitable room windows and balconies that overlook the rear gardens of this perimeter block. As such, although the proposal would introduce more windows over a greater number of floors in this location, it is considered that this would not result in an adverse level of overlooking over and above what currently exists. It is also noted that the rear gardens of these properties in this Knights Road, Overmead Road, Birchfield Close block have varying degrees of openness as they back onto the parking court and service yard. The proposal would remove this service yard area into more usable public realm which in turn would improve the general amenity of this area for the residents of these properties as well as the new residents for Block B.

10.227. Block C: This block is of a smaller scale to Blocks A and B, with it having a maximum height of 4 storeys at approximately 17m height, with 2 and 3 storey elements to the rear allowing a transition in height to the adjoining residential properties which are formed from the three storey flatted block on Blackbird Leys Road and the smaller scale dwellings on the eastern side of Birchfield Close.

10.228. The main 4 storey block would be approximately 10m from the rear gardens of these properties that lie due south of the block. Having regards to the orientation of these adjoining properties which run east-west compared to the north-south arrangement of the proposed block, it is considered that the proposed block would not have an adverse impact on sunlight and daylight to these properties.

10.229. In terms of overlooking, although the 4 storey element would introduce habitable room windows and balconies, they would be 10m from the rear gardens of these adjoining properties and there is already a high level of mutual overlooking between these adjoining properties given the flats on Blackbird Leys Road are three storeys and have habitable room windows and balconies that overlook the rear gardens of the Birchfield Close properties.

10.230. The main concern with respect to this block and its relationship to adjoining properties would relate to the two storey and three storey outriggers.

These parts of the proposed block would be sited in close proximity to the adjoining properties (approximately 3.5m) and would have habitable room windows at the first and second floor levels that would directly overlook the rear gardens at such a close distance. These are not the sole sources of light to the rooms within the flats and therefore a condition should be imposed which requires them to be either high level windows or obscure glazed windows to avoid any adverse impact on the adjoining properties.

10.231. Block D: The block would be 10 and 6 storeys to a maximum height of 37m. It would be sited approximately 35m from Evenlode Tower at its closest point; 30m from the properties on the western side of Blackbird Leys Road; and 40m from the closest properties on the southern side of Pegasus Road.

10.232. Although this would be the second largest block within the District Centre, it would be smaller than Evenlode Tower, which has established a relationship of a large flatted block alongside the smaller scale residential properties in Pegasus Road and Blackbird Leys Road.

10.233. The Daylight and Sunlight Assessment has identified that the having regards to the separation distance between the properties and the orientation of buildings the proposal will not create an adverse impact on these properties in terms of loss of sunlight and daylight and overbearing impact. Similarly given the distance between properties the new block will not create any undue overlooking issues between these properties.

#### Knights Road

10.234. The residential development at Knights Road would have properties that are more suburban in scale by comparison to the adjoining properties in Knights Road and Spindleberry Close. These adjoining properties are all two-storey properties that are laid out in a mixed of terraced rows with the odd semi-detached property. The properties all face directly onto the streets, and have rear gardens that back onto the open space.

10.235. The properties that would stand to be most affected by the proposal would be 63-69, 71-83, 85-91, and 93-97 Knights Road and 12 and 12a Spindleberry Close. The new dwellings would be laid out in such a manner that for the most part achieves a back to back relationship with the adjoining properties. There are only a couple of instances where there are side elevations in close proximity to the rear gardens of adjoining properties, but in the main the relationships between properties would be no different to other parts of the residential suburb of Blackbird Leys and Greater Leys.

10.236. The closest properties to the adjoining properties would be Plot 10, whose side elevation would be approximately 9.5m from the rear elevation of 97 Knights Road. This property would be single storey and has a shared amenity space that extends throughout the run of three properties. Although the side elevation would create a sense of enclosure the new dwelling will lie to the west and set some 9.5m would not be considered to create a loss of light or sense of enclosure to the ground floor habitable room windows. According to the house



type plan there would be no windows in the side elevation facing this property and therefore preventing any overlooking.

10.237. The next plots would be plots 11-15 which would have rear gardens approximately 8m in length. These plots would sit at 90 degrees from the rear garden of 91 Knights Road. The building would be two-storey and would have a single bedroom window in the rear elevation facing towards no.91 rear garden. It is considered that this would be sufficient separation distance to ensure that the plots in this terraced run would not create a loss of light or overbearing impact on this adjoining property. Although there would be first floor windows serving bedrooms in the rear elevation, it would only establish the sense of mutual overlooking that already exists throughout the existing terraces.

10.238. The terraced row of plots 18 – 24 would be two-storey and sit back to back with nos.85-91 Knights Road. They would have rear gardens of approximately 6.5m depth and establish a back to back distance with the Knights Road properties of approximately 18m. Although the separation distance would be slightly below the general 20m back to back rule of thumb, it would not result in a significant loss of light to these adjoining properties despite lying to the south of the existing rear gardens. Similarly, as with the previous plots, there would be a single rear bedroom window in each plot at first floor level, but this would not introduce a level of overlooking beyond what is already established at first floor level amongst the existing terrace row.

10.239. The next terraced row within the masterplan would be plots 25-29. They would be two-storey and would sit back to back with the existing properties of 71-83 Knights Road. These properties would have 15m length rear gardens which then establish a back to back distance with the existing Knights Road properties of 30m. This would comfortably exceed the 20m back to back rule of thumb and would be such a distance to ensure that there would be no loss of light or overbearing impact as a result of the development. Likewise, there would be first floor windows but these would be of such a distance to avoid any overlooking and in any event would not increase the extent of mutual overlooking that exists at first floor level throughout the terrace row.

10.240. With respect to the existing terraced row of 63-69 Knights Road, the masterplan has a plot (30) that has a side elevation towards the end of the rear garden of no.69 Knights Road. The new dwelling would be two-storey and gabled fronted. It would be sited 13m from the rear wall of 69 Knights Road which again would be sufficient distance to ensure that a significant amount of light would not be lost to this property. It should also be noted that the side elevation of Plot 29 would be set 4m from the side boundary of no.69's rear garden. However, it should be noted that this property has been extended at ground floor level and had a number of windows at the ground which are already obscured by the screening around the boundary. There is also a single window at first floor level. As such it is considered that whilst these two new plots will alter the view from the rear of this property, it will not give rise to a sufficient loss of light or overbearing impact to warrant a refusal of the application.

10.241. Plots 53 and 54 then re-establish the back to back relationship with 63 and 65 Knights Road. Again, they would be two-storey and would have rear

gardens of approx 11m depth which in conjunction with the existing properties rear gardens would create a back to back distance of approximately 23m. It is considered that this would not give rise to any adverse impacts in terms of loss of light, overbearing impact or privacy from the first floor windows. The side elevation of Plot 54 would also be sited approximately 9.5m from the rear elevation of no.12 and 12a Spindleberry Court. These properties are single storey properties with wide rear gardens and as such whilst the side elevation of plot 54 will alter the existing open view from the rear of this property it would not result in a significant loss of light or overbearing impact on this property.

10.242. *Conclusion:* In summary therefore it is clear that both schemes will result in some change to both the District Centre and Knights Road in terms of increasing the extent of built form in and around some of the low rise suburban accommodation. However, it is recognised that there is a need to balance the delivery of new homes in an efficient manner in areas that can accommodate higher densities such as the district centre. The scheme has been designed to try and minimise the impact on these adjoining properties, and therefore officers consider for the reasons listed above and subject to suitable conditions to control some overlooking issues in certain blocks and plots that the proposal would accord with Policy H14 of the Local Plan.

#### **e. Ecology**

10.243. Local Plan 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. Section 98 and Schedule 14 of the Environmental Protection Act 2021 that require biodiversity of 10% is not yet in force and the local policy therefore prevails.

10.244. *Designated Sites:* The Knight's Road site overlaps the Spindleberry Park Oxford City Wildlife Site (OCWS) and is located immediately adjacent to the Littlemore and Northfield Brook OCWS. Both are particularly valuable for the connectivity they provide in the landscape. It is important to note that overlap between the Knights Road site and the Spindleberry Park OCWS relates to the southern bank of woodland and that the built form proposed would not be contained within the boundary of the OCWS.

10.245. These sites are protected under Policy G2 of the Oxford Local Plan 2036, which states:

*On sites of local importance for wildlife, including Local Wildlife Sites, Local Geological Sites and Oxford City 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 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) where this is shown not to be feasible then compensation measures will be required, secured by a planning obligation.*

10.246. The proposals would not result in habitat loss in either of the aforementioned OCWSs. Indirect impacts could arise through the construction or operational phases, in the form of noise, dust, or light pollution (construction) or recreational pressure (operational).

10.247. Officers consider that these potential impacts in the construction phase can be avoided through following best practice working methodologies which would be secured via a condition requiring a Construction Environmental Management Plan (CEMP) for Biodiversity.

10.248. The potential for recreational pressure would be avoided on the Littlemore and Northfield Brook OCWS through the provision of a 10m natural buffer. Furthermore, to mitigate potential impacts on the Spindleberry Park OCWS funding enhancements to the existing public footpaths and installing dead hedging or other fencing to protect sensitive parts of the site will be secured through the s106 legal agreement.

10.249. *Habitats:* The habitats within the District Centre site are of limited ecological value with limited suitability for protected species. Semi-natural habitats are limited to areas of amenity grassland, scattered trees, and a hedgerow.

10.250. The site at Knights Road contains more valuable habitats, in particular extensive areas of woodland and a section of the Northfield Brook. The loss of woodland under the proposed development is regrettable, but it would be a relatively small area located to the south of nos. 85-87 Knights Road which is of sufficient low quality that no compensation measures are required and which, on balance, officers consider to be acceptable considering the overall benefits of development at the site. The brook would not be impacted by the proposals.

10.251. Japanese Knotweed has been recorded within the Knight's Road parcel. The species is listed on Schedule 9 of the Wildlife and Countryside Act 1981,

which makes it an offence to plant or otherwise cause Japanese Knotweed to grow in the wild. The Ecological Impact Assessment (EclA) states a licensed contractor will be appointed to remove the stand before works begin which officers consider to be an appropriate response.

- 10.252. *Protected Species – Badgers*: Badgers and their setts are protected under the Protection of Badgers Act 1992. The legislation was a response to the persecution of the species rather than its conservation status; badgers are not a priority species, nor are they endangered. Nevertheless, they contribute to the biodiversity and ecological value of the application site.
- 10.253. The mitigation hierarchy requires the applicant to first avoid impacting such features, then mitigate and, only as a last resort, to compensate for any impacts. The development proposals would result in the loss of a main sett, a subsidiary sett, and an outlier sett within the Knight's Road land parcel. Works will therefore only be able to proceed under licence from Natural England.
- 10.254. The EclA proposes that, as compensation for the loss of the main sett, an artificial sett will be created "in the retained woodland in the extreme western end of the site". Based on the latest revisions to the scheme, Officers are satisfied this is an acceptable location, and that Natural England would likely grant a licence for the proposals.
- 10.255. It is important to note that the likelihood of being granted a licence is a test Local Planning Authorities (LPAs) must apply only in relation to European Protected Species (which does not include badgers) and therefore it is not an appropriate basis on which to make a planning decision. Nevertheless, LPAs should consider the likely effectiveness of proposed compensation measures, and in doing so will essentially be undergoing the same assessment process as Natural England, hence the reference to them here.
- 10.256. In addition to a loss of setts, the proposed development would also result in the loss of foraging habitat for the species, which could constitute an offence if it occurred to such an extent as to be considered cruel ill-treatment. Officers consider that there would be potential fragmentation of the badgers from their likely foraging habitat, in part through the loss of existing dark routes from the sett location towards the Spindleberry Park OCWS, however, on balance, it is considered that sufficient opportunities would remain that such an offence is unlikely.
- 10.257. *Protected Species – Others*: In relation to bats, a preliminary roost assessment (PRA) was undertaken of the eight buildings within the District Centre parcel, seven of which were assessed as being of negligible suitability and one of low suitability. The latter was subject to a roost survey, during which no evidence of roosting bats was identified. Officers are satisfied a robust assessment was undertaken.
- 10.258. In the Knights Road site, a low population of slow-worm was recorded during reptile surveys undertaken within the site, while the Northfield Brook will be used by commuting and foraging bats and potentially water vole. Officers are satisfied that impacts on slow-worm can be avoided through sensitive working

practice, secured as part of the aforementioned CEMP. The submitted External Lighting Report indicates the lux levels associated with this lighting will fall to 0.5lux or lower at the brook, with the higher levels coming only at the crossing (that is already illuminated by street lighting). Officers are therefore satisfied no impacts will arise on bats or water voles utilising the brook.

- 10.259. Officers note concerns raised in a public representation about the impact of the proposals on Kingfishers, however, impacts on Kingfishers are not considered to be likely as a result of the proposed development due to the lack of suitable habitat for nesting sites within the area. Therefore, while it is possible that Kingfisher will occasionally fly along the brook Officers do not consider the brook to be of particular importance to the species, or that the proposed development would stop them passing through it. On that basis, Officers do not consider the development to adversely impact on Kingfishers.
- 10.260. *Biodiversity Net Gain*: The revised Biodiversity Metric 3.1 indicates the proposed development will result in a loss of 2.98 habitat units (-27.81%) and a gain of 2.45 hedgerow units (+4540.4%).
- 10.261. A total of 3.515 habitat units will need to be delivered offsite in order to achieve a 5% net gain in habitat units for the proposed development and comply with Policy G2 of the Oxford Local Plan.
- 10.262. The applicant has confirmed these units will be purchased from the Trust for Oxfordshire's Environment, which is acceptable. The final position regarding biodiversity net gain and all necessary biodiversity offsetting will be secured via obligations within the s106 legal agreement in line with current Oxford City Council practices.

#### **f. Health and wellbeing**

- 10.263. Local Plan policy RE5 seeks to promote strong, vibrant and healthy communities and reduce health inequalities. The application has been supported by a Health Impact Assessment (HIA) which considers the health impacts of the proposed development based on the NHS London Healthy Urban Development Unit (HUDU) Rapid Health Impact Assessment (HIA) as required by policy RE5.
- 10.264. Overall, the proposed development would support of a range of local health priorities outlined within the Oxfordshire Joint Health and Wellbeing Strategy (2018-2023) by providing play spaces and areas of open/green space for children and adults to get active; improving feelings of safety and security through good design; providing access to good quality affordable housing that contributes to a reduction in health inequalities; improving the public realm to increase opportunities for social interaction; making spaces inviting for pedestrians and cyclists to encourage using modes of active transport; ensuring dwellings are adaptable for those with mobility issues.
- 10.265. Officers note that the proposed development on the Knights Road site would remove an area of open space which is currently used by teenagers. While the proposed play areas do not currently cater for the needs of teenagers officers

consider that by conditioning further details of play spaces and an open space strategy it will be possible to ensure the needs of this demographic can be met.

10.266. Public comments have been received raising concerns about the potential impact on healthcare provision due to the increased population density arising from the development. Buckinghamshire, Oxfordshire and Berkshire West Integrated Care Board (NHS) have been consulted on this application but, at time of writing, have not provided a response. Notwithstanding this, it is important to consider that both the District Centre and Knights Road sites are allocated within the Oxford Local Plan 2036 and that the NHS were consulted on the Local Plan before it was adopted, at which stage they did not consider it necessary to seek any provision for additional healthcare facilities/ spaces.

10.267. In light of the above, and the contents of this report as a whole, it is considered that the proposed development would comply with policy RE5 of the Oxford Local Plan 2036.

#### **g. Highways and parking**

10.268. Oxford has the ambition to become a world class cycling city with improved air quality, reduced congestion and enhanced public realm. Road space within the city is clearly limited and to achieve its ambition there is a need to prioritise road space and promote the sustainable modes of travel. For non-residential development, the presumption will be that vehicle parking will be kept to the minimum necessary to ensure the successful functioning of the development. Policies M1, M2, M3, M4 and M5 of the Oxford Local Plan 2036 seek to deliver these objectives.

10.269. 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. These would be secured by planning conditions.

10.270. The application sites are considered highly sustainable. The area is highly accessible by active modes and public transport with the most frequent bus service in the county (5) stopping on Blackbird Leys Road every 6 minutes. Officers note that there are future plans for a new passenger rail station within walking distance (the Cowley Branch Line [CBL]) along with active travel improvements within the area. The area is still relatively car dominated, however, this is expected to improve in the future with the introduction of the branch line station, further active travel improvements and any future Controlled Parking Zone (CPZ).

10.271. Accessibility and Road Layout: Currently, Blackbird Leys Road follows a northwest / southeast alignment becoming Barns Road in the north over the

Eastern Bypass and forming a priority junction with Pegasus Road to the south. Blackbird Leys Road forms a loop around an area of public realm with benches, footways, grass, trees and other planted areas. Knights Road connects to Blackbird Leys Road to the northwest of the loop while Cuddesdon Way connects to the southeast of the loop. The western arm of the loop serves the retail and commercial units within the District Centre and is one-way north bound. The eastern section of Blackbird Leys Road that forms the loop road is two-way with a wide central reservation. Priority is given to vehicles travelling from Blackbird Leys Road to Cuddesdon Way (and vice versa).

- 10.272. The application proposes to amend the road layout of Blackbird Leys Road to prioritise pedestrians and cyclists. This would be achieved by removing the existing area of public realm situated within the loop on Blackbird Leys Road reconfiguring the road alignment and creating a new open green space. The Blackbird Leys Road carriageway situated to the east of the loop is proposed to be stopped up and Blackbird Leys Road would then be realigned to connect the existing northern and southern end of the road. In addition to the realignment of Blackbird Leys Road, the Cuddesdon Way / Blackbird Leys Road junction would be reconfigured to give Blackbird Leys Road priority.
- 10.273. The Highways Authority have confirmed that overall the proposed changes to the road layout would be positive and acceptable for vehicular access. Officers note that a s278 agreement and a s38 agreement will need to be agreed with the Highways Authority.
- 10.274. Cyclox, a cycling interest group, submitted representations in response to the application which raised concerns relating the cycle route in terms of the width and interaction with carriageways. Following discussions with Officers the scheme was amended to ensure that all one-way cycle routes would be compliant with LTN 1/20. Likewise, in addition to the comfort given through the revised details the Highways Authority accepted that the final details of the cycle routes, including their integration with the roads and how they merge when the route ends, would be secured through a s278 agreement.
- 10.275. Car Parking: Policy M3 of the Oxford Local Plan states that in Controlled Parking Zones (CPZs) or employer-linked housing areas (where occupants do not have an operational need for a car) where development is located within a 400m walk to frequent (15minute) public transport services and within 800m walk to a local supermarket or equivalent facilities (measured from the mid-point of the proposed development) planning permission will only be granted for residential development that is car-free. In all other locations, planning permission will only be granted where the relevant maximum standards set out in Appendix 7.3 are complied with. Disabled parking is considered permissible, where specifically justified.
- 10.276. At the District Centre site 82 parking bays are proposed to be provided for the district centre which would comprise the following:
- 9 accessible car parking spaces for future residents
  - 32 car parking spaces for existing users

- 14 short-stay car parking spaces for community / retail uses (including 4 accessible spaces and one minibus bay)
- 3 car club spaces
- 18 car parking spaces re-provided at Evenlode Tower
- 6 car parking spaces retained at 90-degree angle on Blackbird Leys Road South for existing residents.

10.277. This level, although low for the number of residential units, is deemed to be in line with the Oxford Local Plan 2036 and is accepted. As discussed previously, the site is considered highly sustainable which will allow residents to make use for active and sustainable modes of travel. To prevent ad-hoc parking through the district centre blocking footways/cycleways and leading to highway safety concerns, double yellow lines will be required along Blackbird Leys Road; these will be secured by a Grampian condition.

10.278. At the Knights Road site, 1 space per unit (84 spaces) plus an additional space for car club are proposed. Officers consider this level to be acceptable and in line with the Oxford Local Plan 2036.

10.279. Officers note the concerns raised by Thames Valley Policy about the proposed parking at Knights Road which would be unallocated. The application proposes unallocated parking because the parking would be off-plot although sited to be capable of being looked upon from dwellings. This is not an unusual approach where parking is not on the residential plot. Therefore, while Officers appreciate the points raised by Thames Valley Policy, it is considered that unallocated parking is acceptable in policy terms and noted that the Highways Authority have no objections to this approach subject to a condition to ensure that minimum dimensions for car parking spaces are provided.

10.280. In accordance with Policy M4 25% of the proposed parking spaces would be provided with electric charging points. A condition has been included to require the final layout and details of the electric charging points be submitted to the Local Planning Authority for approval.

10.281. *Cycle Parking:* A total of 664 cycle parking spaces are proposed across the two sites, At the District Centre a total of 454 cycle parking spaces. 442 are proposed to serve the residential properties, of which 400 would be two-tiered stands and 42 would be Sheffield stands. A further 24 spaces would be located for the use of the retail units and 12 spaces for the community centre. These spaces would be located within the public square, i.e. within the area which has been applied for in outline and therefore the final detail/ location would be considered with a future reserved matters application.

10.282. While two-tiered cycle parking is not normally something that Officers would be supportive of, it is accepted that the central location of the site and density of development proposed would make providing single stack cycle parking extremely challenging. Likewise, increasing the size of the cycle stores on ground floor level would likely reduce the extent of active frontage to the street



and areas of open space. Officers consider that the impacts arising from two-tiered parking could be mitigated if assisted use versions were installed. To this end, a condition will be included to confirm cycle parking details. Additionally, a condition to secure automatic doors for internal cycle stores has been included to ensure users can easily access and egress the proposed stores.

- 10.283. At the Knights Road site there are 186 cycle parking spaces proposed within the curtilage of each residential plot. Cycle storage and sheds would be accessed via the rear of each property and detail design would be required by condition.
- 10.284. The proposed cycle parking provision would be in excess of the minimum requirements set out in the Oxford Local Plan.
- 10.285. *Traffic Impact:* The submitted Transport Assessment (TA) uses the TRICS database to review comparable sites to determine the expected trip generation from the proposed development. The assessment predicts that there will be 77 two-way trips (32 vehicular) in the AM peak and 65 two-way trips (27 vehicular) in the PM peak occurring from the Knights Road site. There is also expected to be 17 delivery/service vehicles per day related to the site which is considered reasonable.
- 10.286. All of the residential dwellings at the District Centre will be tenanted. As such, car parking control measures can be included as part of the individual tenant's lease agreements. Notwithstanding this, a highways impact assessment sensitivity test has been carried out which treats all of the residential dwellings in the District Centre as if they had access to a car parking space. The calculations demonstrate the combined proposed, 210 dwellings at the District Centre would generate +48 two-way vehicles travelling in the AM Peak and +49 two-way vehicles travelling in the PM peak. This is a net change of +46 vehicles in the AM peak and +47 vehicles in the PM peak.
- 10.287. Currently, there is no residential Controlled Parking Zone (CPZ) in place, only a matchday CPZ which is not meant to restrict residents. Therefore, it is considered necessary for a condition to be included to require that a CPZ is established for the Knights Road site. The Highways Authority have not raised an objection to the increase in traffic generation at the District Centre or Knights Road, therefore the traffic impacts of the proposal are considered to be acceptable.
- 10.288. It is also deemed necessary, with the likelihood that bus travel will increase as a result of the low car development that an additional shelter, be provided at the bus stop at the north-west of the District Centre on Blackbird Leys Road. A planning obligation has been included to secure this additional provision.
- 10.289. *Travel Plans:* A framework travel plan has been submitted with the application which Officers consider to be acceptable for this stage of the application process, however this plan will need to be updated prior to the 1st occupation of any element of this development. A condition has been included to ensure this is secured.

10.290. *Conclusion:* Subject to the conditions and obligations set out above, Officers consider the transport impacts of the proposal to be acceptable and in compliance with Local Plan Policies M1, M2, M3, M4 and M5.

#### **h. Trees and landscaping**

10.291. Policy G7 of the Oxford Local Plan 2036 requires that any unavoidable loss of tree canopy cover should be mitigated by the planting of new trees or introduction of additional tree cover. Policy G8 continues that development proposals affecting existing Green Infrastructure features should demonstrate how these have been incorporated within the design of the new development where appropriate.

##### *District Centre*

10.292. The application proposes the removal of 25 trees to facilitate aspects of the hard form of development, highway realignments and improved cycle and footpath provisions. The trees would be categorised as category A and B trees and are located predominantly around the central core area of the District Centre and in the green 'lozenge' on Blackbird Leys Road.

10.293. The trees selected for use in replacement planting proposals are a range of deciduous and coniferous species and typologies with performance characteristics (such as size potential) according to the hierarchy of spaces within which they are intended to be planted. The types of trees are predominantly native species and non-cultivars, for the purpose of maximising biodiversity value.

10.294. The proposed planting would need to ensure there would be no highway conflicts with canopies of trees which is why a single species has been proposed on verges however, officers consider that there are sufficient alternative species with similar growth potential characteristics to allow for some variation in species. As such, details of the final planting plans would be required by condition.

10.295. The reconfiguration of the highway layout along Blackbird Leys Road would allow for the creation of a larger and more functional urban green space in between blocks A and B. This would be a significant urban design improvement, which would also facilitate the provision for replacement tree planting. Additional tree planting and a pocket-play-park would also be created to the rear of Block B.

10.296. The Council's Green Spaces TAN requires a Tree Canopy Cover Assessment to be submitted for various types of applications. For major developments, it needs to be demonstrated that there would be no net loss in canopy cover compared with a no development baseline scenario + 25 years. It is predicted that the proposed planting at the District Centre site would result in a 3,045m<sup>2</sup> increase in canopy cover after 25 years compared to a no-development scenario.

10.297. Officers consider the tree strategy and landscape proposals to be acceptable subject to conditions securing further details of nursery stock types

and sizes and planting pit details, including soil specifications, and a landscape management plan.

### *Knights Road*

- 10.298. The Knights Road site is currently an area of informal public open space. It is comprised of a central area of amenity grassland with scattered trees, an area of dense scrub (hawthorn, blackthorn etc) to the west, a block of semi-mature deciduous plantation woodland in the south west, and the southern periphery of the site is bounded by semi-natural deciduous woodland.
- 10.299. The proposed development of this land necessitates the removal of much of these habitat types although the wooded areas along the south and west would be predominantly retained.
- 10.300. The trees selected for use in replacement planting proposals are a range of deciduous and coniferous species and typologies with performance characteristics (such as size potential) according to the hierarchy of spaces within which they are intended to be planted. The types of trees are predominantly native species and non-cultivars, for the purpose of maximising biodiversity value.
- 10.301. In terms of the Tree Canopy Cover Assessment the site at Knights Road, when taken independently would result in a 1,125m<sup>2</sup> reduction of canopy cover after 25 years compared to a no-development scenario. However, considering the two sites together the proposal would result in a net gain of 463m<sup>2</sup>. Therefore, officers consider the proposals, when taken as a whole, to be acceptable and compliant with Policy G7 and the Green Spaces TAN.
- 10.302. Officers consider the tree strategy and landscape proposals to be acceptable subject to conditions securing further details of nursery stock types and sizes and planting pit details, including soil specifications, and a landscape management plan.

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

- 10.303. Policy RE6 of the Oxford Local Plan 2036 requires new development to mitigate its impact on air quality and minimise or reduce exposure to poor air quality.
- 10.304. The baseline assessment shows that the application Site is located within the Oxford city-wide Air Quality Management Area (AQMA), declared by Oxford City Council (OCC) for exceedances of the annual mean NO<sub>2</sub> air quality objective (AQO);
- 10.305. The air quality baseline desk assessment shows that current air quality levels at the application site are below relevant air quality objectives for NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> concentrations. Therefore, the location of the application site is considered beforehand suitable for its intended use.

- 10.306. As set out above, the proposed development would be all-electric and not rely on the use of combustion sources as a primary energy supply. As no combustion sources are proposed, no local air quality impacts are anticipated.
- 10.307. As set out above a total of 84 car parking spaces would be provided at the Knights Road site, including on-plot parking, private street parking and 25% electric charging. The District Centre development is proposed as car free, with only blue badge car parking to be provided. As mentioned above, to ensure compliance with policy M4 (Provision of Electric charge points) and the subsequent benefits for air quality a condition has been included to secure electric vehicle charging provision and infrastructure.
- 10.308. The proposed development would result in increased trip generation therefore, detailed dispersion modelling has been undertaken to assess the potential impact of the additional traffic emissions on air quality at sensitive receptor locations on these road links. Based on the results of the dispersion modelling, the proposed development would not introduce new exposure to poor air quality.
- 10.309. The impacts of demolition and construction work on dust soiling and ambient fine particulate matter concentrations have been assessed with the submitted Air Quality Assessment, which identified that there is a medium risk of dust impacts on each one of the sites, due to the proximity of existing receptors to the proposed development. However, whilst the risk of dust impacts from the two sites individually has been assessed as 'medium', due to the close proximity of the sites and the residential nature of the area that will potentially be affected by dust generated during the construction phase, the overall risk of dust impacts, prior to mitigation, is considered to be 'high'. The risk of dust causing a loss of local amenity and increased exposure to PM10 concentrations has been used to identify appropriate dust mitigation measures. Provided these measures are implemented and included within a dust management plan, the residual impacts are considered to be not significant. As such, a condition has been included to require an updated Construction Environmental Management Plan (CEMP).
- 10.310. In light of the above, it is considered that the proposed development complies with Local Plan Policy RE6, subject to suggested conditions set out below.

#### **j. Sustainable design and construction**

- 10.311. 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.
- 10.312. Policy RE1 requires that 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 code 2013 Building Regulations, which has now been superseded by the 2021 Part L Building

Regulations. Given that the previous regulations have been superseded, it is a requirement that new planning applications are measured against the 2021 Part L standards for the purposes of considering carbon reduction against Policy RE1.

10.313. New build non-residential development of over 1,000sq. m. must also achieve at least a 40% reduction in carbon emissions from a 2013 Building Regulations (or future equivalent legislation) compliant base case as well as a BREEAM Excellent accreditation.

10.314. An Energy Statement has been submitted in support of the application. The proposed development is to be an all-electric non-combustion development. A fabric first approach has been taken focusing on high fabric performance. Energy efficient lighting, ventilation and MEP systems have been incorporated into the design. Mechanical ventilation with heat recovery (MVHR) is proposed in all dwellings, with a natural ventilation purge approach adopted to mitigate overheating risk. The proposed buildings would also be constructed to be solar-ready. The commercial spaces would use mechanical cooling.

10.315. The energy strategy for the residential areas of the District Centre site is:

1. High performance energy fabric far beyond what is required by building regulations
2. Integrated Air Source Heat pumps (ASHP) within Domestic Hot Water (DHW) cylinders to meet hot water demand for all apartments
3. Direct electric heating panel heaters providing space heating
4. MVHR units providing fresh air while recovering heat
5. Energy Efficient Lighting

10.316. The energy strategy for the commercial areas of the District Centre is:

1. Ultra-low energy fabric far beyond what is required by building regulations
2. ASHP providing space heating and cooling
3. MVHR units providing fresh air while recovering heat
4. The commercial area of the District Centre is targeting BREEAM Excellent
5. Energy Efficient Lighting

10.317. The energy strategy for the Knights Road site is:

1. Ultra-low energy fabric far beyond what is required by building regulations
2. ASHPs providing both DHW and space heating
3. MVHR units providing fresh air while recovering heat

#### 4. Energy Efficient Lighting

- 10.318. Across the District Centre and Knights Road sites the proposal would achieve a 64% reduction in carbon emissions when set against the 2021 Part L Building Regulations. This would be in excess of the 40% minimum figure set out in Policy RE1. The submitted details also confirm that the commercial elements of the proposal would be on track to reach BREEAM excellent status, in accordance with Policy RE1.
- 10.319. *Construction:* A phasing plan has been proposed which sets out how the development would be constructed. The District Centre would be divided into Phases 1 (a-d) and 2 (a-b). The site at Knights Road would comprise Phase 1e. To establish how the proposed phases would be delivered a phasing strategy has been conditioned. To ensure that access would be maintained to the Blackbird Leys Adventure Playground (BLAP) an obligation has been included in the s106 legal agreement.
- 10.320. In the interests of highways safety and protecting the amenity of neighbouring residents, a condition to securing a Construction Traffic Management Plan (CTMP) has been included.

#### k. Noise

- 10.321. Policy RE8 of the Oxford Local Plan 2036 requires new developments to manage noise in order to safeguard or improve amenity, health, and quality of life for local communities.
- 10.322. Noise reports for the District Centre and Knights Road sites were submitted in support of the application.
- 10.323. *District Centre:* Environmental noise surveys were carried out at the site. on 3 February and 4 February 2021, whilst an unattended noise survey was undertaken between 11 February and 16 February 2021. Representative free-field background noise levels derived from the long-term unattended noise monitoring carried out were LA90,15min 46 dB during the daytime and LA90,15min 37 dB at night. In addition to the road traffic noise assessment, given the location of the proposed Block A development adjacent to The Blackbird; a public house, an additional assessment was undertaken with regard to the control of music noise ingress and plant noise serving the pub. An initial assessment was subsequently carried out to determine required acoustic performances for the facades and provide guidance on the ventilation strategy.
- 10.324. *Knights Road:* An environmental noise survey was carried out on 3 February 2021, during lockdown restrictions resultant from the coronavirus pandemic. It was noted that Kassam Stadium, which is considered to be a significant noise source with potential to impact the development, was not in use during this time. As such, additional measurements were undertaken on 14 August 2021 to capture noise from the stadium in use. The lowest measured free-field background noise levels measured during the survey undertaken on 3 February 2021 were LA90,15min 40 dB during the daytime and LA90,15min 36 dB at night.

10.325. *Conclusion:* Considering the above, it will be necessary to include conditions to restrict plant noise at the District Centre and to secure glazing of a suitable standard to mitigate the identified noise impacts. Subject to these conditions, Officers consider that the proposal would comply with Policy RE8.

### **I. Land quality**

10.326. The Council has a statutory duty to take into account, as a material consideration, the actual or possible presence of contamination on land. As a minimum, following development, land should not be capable of being determined as contaminated land, meaning the contamination poses an unacceptable risk to human health or the environment, under Part 2A of the Environmental Protection Act 1990.

10.327. In accordance with policy RE9 of the Oxford Local Plan 2036, a Phase 1 Desk Study and contaminated land questionnaire was submitted as part of the application and has been assessed by Officers. It is considered that, subject to the conditions set out below, the proposed development would comply with Local Plan policy RE9.

### **m. Flood Risk and Drainage**

10.328. Local Plan policy RE3 requires applications for development within flood zones 2 and 3 and sites over 1ha in flood zone 1 to be accompanied by a Flood Risk Assessment (FRA) demonstrating that the proposed development will not increase flood risk on or off site; and safe access and egress in the event of a flood can be provided; and details of the necessary mitigation measures to be implemented have been provided.

10.329. Local Plan policy RE4 requires all development proposals 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. Surface water runoff should be managed as close to its source as possible.

10.330. *District Centre:* As above, the application site lies wholly within flood zone 1 (lowest probability of flooding) but requires a FRA as the site area would be greater than 1ha. An assessment of flood risk from all sources has been undertaken, and no significant risks have been identified.

10.331. A surface water drainage strategy has been provided. Infiltration is shown to be viable, but has only been utilised in part due to space and level constraints. However, as the site has been previously developed officers consider that this would be acceptable subject to confirmation of the existing drainage arrangements and that the existing brownfield runoff is discharged to the sewer system.

10.332. The above notwithstanding, a variety of SuDS components are proposed for the drainage strategy, including rain gardens, permeable paving, and modular soakaways. As mentioned above, some components discharge to ground via infiltration, and some are discharged to public surface water sewer at greenfield runoff rates.

- 10.333. The Lead Local Flood Authority (LLFA) have not objected to the principle of the strategy subject to a detailed drainage strategy being secured via condition. Officers consider that on this basis, and subject to further details being secured by condition the proposals would be acceptable.
- 10.334. *Knights Road*: Part of the site is shown to fall within Flood Zone 2, therefore a flood risk assessment is required. An FRA has been provided which shows that the majority of the development is outside of any flood zone. All dwellings are in Flood Zone 1, and floor levels are suitably raised above the modelled design flood level.
- 10.335. The Environment Agency (EA) have not objected, on the basis that no development or ground raising will be undertaken in the areas of the site shown to fall within Flood Zone 2. It is however understood that there is some degree of landscaping to be undertaken within the area falling within Flood Zone 2. Any raising of levels in this area must have compensatory flood storage in order to avoid floodplain encroachment, and potentially increase flood risk, and should be detailed in the final landscape strategy. This will be secured by condition.
- 10.336. An indicative drainage strategy has been provided in support of the application. Infiltration was shown as feasible, but has been ruled out partially due to groundwater levels. Officers consider that further assessment should be undertaken before infiltration is fully ruled out, ensuring that pre development conditions are maintained, and that no additional runoff is discharged to the watercourse.
- 10.337. In addition, detention basins are proposed to attenuate runoff on site. The final details of which will be secured by condition. Furthermore, as the roads are proposed as adoptable, catchments must be documented to show how the adoptable/non adoptable aspects are kept apart.
- 10.338. The Lead Local Flood Authority (LLFA) have not objected to the principle of the strategy subject to a detailed drainage strategy being secured via condition. Officers consider that on this basis, and subject to further details being secured by condition the proposals would be acceptable.
- 10.339. In light of the above, and subject to the conditions set out at section 12, it is considered that the proposal would comply with policies RE3 and RE4 of the Oxford Local Plan 2036.

#### **n. Utilities**

- 10.340. Local Plan Policy V8 requires developers to explore existing capacity (and opportunities for extending it) with the appropriate utilities providers.
- 10.341. A Utilities Report has been submitted in support of the application which demonstrates that discussions have been commenced with Scottish & Southern Electricity Networks (SSE), British Telecom (BT) / Openreach, Virgin Media (Diversions Only), Hyperoptic (New Connections Only), SGN (Gas) and Thames Water.



- 10.342. The proposed development would require diversions of the existing electricity network and new connections including 3 new sub stations to serve the District Centre blocks A-D.
- 10.343. Cable duct infrastructure would be provided for multiple telecom/ data providers to serve the site.
- 10.344. There is no requirement for a gas supply to the proposed residential development. The existing gas connection to the community centre will be disconnected.
- 10.345. The new water connections for Knights Road would include a dedicated water connection to each house from the local water main. The new water connections for District Centre would include a dedicated water connection to each block from the existing water main with the carriageway.
- 10.346. In light of the above, it is considered that the proposed development complies with policy V8 of the Oxford Local Plan 2036.

**o. Planning obligations**

- 10.347. It is considered that the following matters should be secured through a section 106 legal agreement:
- £126,000 (£42,000 per side road entry treatment) towards Active Travel Improvements along Knights Road at the junctions of Merlin Road, Pegasus Road and Kestrel Crescent.
  - £5,427 towards Travel Plan monitoring.
  - A financial contribution, to be finalised, for improvements to footpaths within Spindleberry Park OCWS comprising resurfacing and improvements to boundary treatments to protect sensitive areas of the park.
  - £23,266 for an additional for bus shelter, flag & pole and RTI on Blackbird Leys Road.
  - Biodiversity Net Gain offsetting.
  - Community Employment and Procurement Plan.
  - Affordable housing.
  - Community centre.
  - Public open space.
  - Agreement that access remains open and retains the important sight and travel lines from Blackbird Leys Road to Blackbird Leys Adventure Playground.
  - Details relating to the section 278 agreement.

## 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. Officers consider that the proposed development would respond appropriately to the site context, Local Plan policies and site allocation Policies SP4 and SP15. All the proposed housing would be affordable accommodation and the quantity of affordable homes and socially rented accommodation would exceed the requirements set out in Policy H2 of the Oxford Local Plan. The proposals would provide the delivery of much needed affordable housing to meet the Council's housing need, which should be viewed as a significant public benefit.
- 11.5. The proposal would provide significant highway and public realm improvements through the alternation of Blackbird Leys Road. A replacement community centre with modernised facilities would be provided (details to be determined at reserved matters stage) as well as replacement retail provision to support the district centre uses.
- 11.6. The proposal would result in a loss of open space in terms of quantity, contrary to Policy G5. In this instance it is considered that the departure from Policy G5 is justified. Criteria (b) of the Policy G5 of the Oxford Local Plan would be partly met as the proposals offer the opportunity to provide a better quality area of open space across the overall site, which in officers' view would constitute an enhancement of the public open space, notwithstanding the reduction in size. The proposal includes a large new area of public open space in the form of the square within the District Centre and soft landscaping adjacent to the community centre which would be a considerable improvement in terms of quality of space provided. Pocket parks, additional planting and soft landscaping, seating, public realm enhancement measures and public art (which would be secured by condition) would improve the attractiveness of the open space for local residents, which in turn would lead to the space being better utilised. In particular, the public realm surrounding the areas of Blocks B and C would replace what is currently

back of house service areas with greatly improved public realm. The site at Knights Road would retain the existing woodland buffer and would include a central green which would provide a good quality area, albeit a reduced area of space. The remaining open space for the District Centre (19%), Knights Road (24%) and the combined total site area (22%) would exceed the 10% open space provision set out as a requirement under Policy G8 of the Local Plan which would demonstrate that a suitable amount of open space would be retained in spite of the overall reduction.

- 11.7. The proposal would result in the demolition of the existing shopping parade (the designated District Shopping Frontage) on Blackbird Leys Road which would be replaced by the wholly residential building, Block B. The retail uses would be re-provided at ground floor level within Block A, approximately 50 metres to the north of their existing location. In this instance it is considered that the departure from Policy V4 is justified. While the ground floor of Block B would not contain class E uses to satisfy the requirements of policy V4 these uses would be re-provided, also at ground floor level, within proximity to their existing location, namely within the proposed Block A. The retail uses would continue to be located with the designated District Centre and would remain a central and conveniently located facility within Blackbird Leys District Centre to serve the needs of the community. The development has been designed to create a civic heart where the community centre, public open space and commercial uses would be centrally located in the district centre site which would represent an improvement to the existing situation where existing roads bisect these uses and inhibit good placemaking and interconnectivity. As such, officers consider that the relatively minor change to the location of the District Shopping Frontage would not adversely impact on the usability or prominence of these important facilities and that the benefits arising from improvements to placemaking, and the public realm justify departure from the development plan in respect of Policy V4.
- 11.8. The proposal would result in enhanced pedestrian connectivity, improvements to transport infrastructure through financial contributions and it is considered that there would be no harm to the highway network as a result of traffic generation.
- 11.9. The development when taken across the combined sites would result in a net gain in tree canopy cover through new and retained soft landscaping. There would be no harm to any identified protected species and, subject to 3.515 habitat units being delivered offset, the proposal would achieve a Biodiversity Net Gain of 5%.
- 11.10. The development would be of a sustainable design and construction, achieving a 64% reduction in carbon emissions when set against the 2021 Part L Building Regulations and is on track to achieve BREEAM excellent.
- 11.11. The car parking provision is considered acceptable in accordance with the objectives of the Oxford Local Plan 2036 and cycle parking in excess of minimum standards would be provided, with further details to be secured by condition.
- 11.12. The scheme would result in a low level of harm to the setting and significance of the Central Conservation Area, Christ Church Cathedral and St Mary's Church, Garsington; and a high level of less than substantial harm to the setting and

significance of the Church of the Holy Family. However, Officers consider that the public benefits that would derive from the proposed development would outweigh the harm caused.

11.13. Each of the proposed homes would provide appropriate standards of indoor and outdoor amenity for future occupiers in accordance with Policies H14, H15 and H16 of the Oxford Local Plan. It is considered that the scale and siting of the development would not have a significantly detrimental impact on the amenity of existing occupiers by reason of overbearingness, loss of privacy and loss of light and the proposals are considered to comply with Policies H14 and RE7 of the Oxford Local Plan.

11.14. There would be no adverse land contamination, noise pollution, air quality or flood risk and drainage impact as a result of the proposal.

11.15. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the satisfactory completion (under authority delegated to the Head of Planning Services) of a legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers and legal agreements under section 38 and section 278 of the Highways Act 1980 and to the planning conditions set out in section 12 below.

## **12. CONDITIONS**

### **FULL PLANNING APPLICATION**

#### **Conditions that apply to both the District Centre and Knights Road Sites**

##### **1. Commencement - Time Limit**

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. Approved Plans**

Subject to other conditions requiring updated or revised documents submitted with the application the development permitted shall be constructed in complete accordance with the specifications in the application insofar as they relate to the area shown outlined in red (excluding the area shown in orange) by drawing number MP\_ZZ\_DR\_A\_1000 REV P1 for which full planning permission has been granted, and in complete accordance with the approved plans and documents listed below and listed within this decision notice.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings in accordance with policies S1, DH1 and RE7 of the Oxford Local Plan 2036.

##### **3. Phasing**

Prior to commencement of development, including enabling infrastructure works, a site wide Phasing and Implementation Strategy, to include timescales for

development, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be phased and carried out in accordance with the approved details and amendments to the Phasing and Implementation Strategy shall be subject to obtaining prior written approval from the Local Planning Authority.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings in accordance with policies S1, DH1 and RE7 of the Oxford Local Plan 2036 and confirm that the development is to be a phased planning permission for purposes of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended).

#### **4. Retail Floorspace**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), the 1,300 square metres of GIA retail/ commercial space hereby permitted in detail shall be used only within Use Class E of Schedule 2 to the Town and Country Planning (Use Classes) Order 1987 or as a sui generis use specifically relating to the reprovision of the existing retail and commercial uses at Blackbird Leys District Centre and for no other purpose.

Reason: To ensure that the existing district centre uses are retained in accordance with policies SP4 and V1.

#### **5. Statutory Land Trust**

No development shall take place including any acts whatsoever in pursuance of it such as the erection of fencing and hoarding until the statutory trust has been removed pursuant to, and in accordance with s. 122(2A) of the Local Government Act 1972.

Reason: To ensure that the permission can be implemented and that the relevant legislation has been complied with.

#### **6. Noise**

Construction work for each phase or sub-phase of development shall not begin until a scheme for protecting the proposed noise sensitive uses (to include residential and commercial building occupation and use of external amenity areas) from noise from existing and predicted future noise sources on other parts of the development site has been submitted to and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed before the relevant part of the phase or sub-phase is occupied. Protective measures shall be based on good acoustic design.

Reason: To safeguard the amenities of the occupiers of new buildings from existing and future noise sources and to safeguard the amenities of the occupiers of existing nearby properties from noise caused by the development hereby approved in accordance with policies RE7 and RE8 of the Oxford Local Plan 2036.

#### **7. Ecological Enhancements**

Prior to commencement of the development, details of the bat boxes and bird boxes to be installed shall be submitted to and approved in writing by the Local Planning Authority. The number and type of boxes shall comply with the specifications in the report entitled Blackbird Leys, Knight's Road Ecological Impact Assessment produced by BSG Ecology dated 2nd May 2023, and the report entitled Blackbird Leys, District Centre Ecological Appraisal produced by BSG Ecology dated 16th January 2023.

The details shall include the proposed locations, and arrangements for any required maintenance. The approved devices shall be fully constructed prior to occupation of the approved development and retained and maintained as such thereafter, unless otherwise approved in writing by the Local Planning Authority. Confirmation of their installation shall be provided to the Local Planning Authority by a suitably qualified ecologist. Any new fencing shall include holes suitable for the safe passage of hedgehogs.

Reason: To enhance biodiversity in the City in accordance with the National Planning Policy Framework and Oxford Local Plan 2036.

#### **8. Landscape Ecological Management Plan (LEMP)**

Prior to occupation of the development, a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

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

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. Upon occupation, the development shall be carried out in strict accordance with the approved LEMP.

Reason: To enhance biodiversity in the City in accordance with the National Planning Policy Framework and Oxford Local Plan 2036.

#### **9. Construction Environmental Management Plan (Biodiversity)**

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 been 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: To prevent harm to species and habitats within and outside the site during construction in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended), The Wildlife and Countryside Act 1981 (as amended) and Policy G2 of the Oxford Local Plan 2036.

#### **10. Land Quality - Contamination Remediation Strategy**

Prior to the commencement of the development a remediation strategy, validation plan, and/or monitoring plan, based on all available site investigation information, shall be submitted to and approved in writing by the Local Planning Authority to ensure the site will be suitable for its proposed use.

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.

#### **11. Land Quality – Remedial Works**

The development shall not be occupied until any approved remedial works identified and secured by condition 10, have been carried out and a full validation report has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the site is suitable for the proposed use in

accordance with the requirements of policy RE9 of the Oxford Local Plan 2016 - 2036.

### **12. Land Quality – Unexpected Contamination**

Throughout the course of the development, a watching brief for the identification of unexpected contamination shall be undertaken. Any unexpected contamination that is found during the course of construction of the approved development shall be reported immediately to the Local Planning Authority.

Development on that part of the site affected shall be suspended and a risk assessment carried out by a competent person shall be submitted to and be approved in writing by the Local Planning Authority.

Where unacceptable risks are found remediation and verification schemes shall be submitted to and be 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.

### **13. Air Quality**

Prior to the commencement of development a Construction Environmental Management Plan (CEMP), including the complete list of site specific dust mitigation measures and recommendations that are identified on Table 20 (pages 32 to 34 of the submitted Air Quality Assessment (AQA Blackbird Leys revised -April 2023), shall be submitted to and be approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved CEMP unless otherwise agreed 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 Oxford Local Plan 2036.

### **14. EV Charging**

Prior to occupation of the development, details of the Electric Vehicle charging infrastructure that is proposed to be installed on-site shall be submitted to, and approved in writing by, the Local Planning Authority.

The details shall include the following:

- Location of EV charging points
- Charging points to cover at least 25% of the total parking provision
- Appropriate cable provision to prepare for increased demand in future years.

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



Reason: To contribute to improving local air quality in accordance with polices M4 and RE6 of the Oxford local Plan 2036.

### **15. Archaeology – Demolition**

No demolition shall take place until the applicant, or their agents or successors in title, has submitted a method statement setting out how demolition will be undertaken in stages to facilitate archaeological trial trenching and any subsequently required recording whilst avoiding or minimizing operations that may damage below ground archaeological remains, which has been submitted by the applicant and approved in writing by the Local Planning Authority. All works shall be carried out and completed in accordance with the approved method statement, 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 Roman remains (Local Plan Policy DH4).

### **16. Landscape Scheme**

Prior to the occupation of the development hereby approved, a comprehensive Landscape Scheme shall be submitted to and be approved in writing by the Local Planning Authority. The scheme must show details of all planting areas, tree and plant species, numbers and planting sizes. The entire approved Landscaping Scheme shall be completed by the end of the planting season immediately following the completion of the development or the site being brought into use, whichever is the sooner.

Reason: To enhance biodiversity in the City in accordance with the National Planning Policy Framework and Oxford Local Plan 2036.

### **17. Landscape Plan**

Notwithstanding the approval of the submitted Landscape Masterplan, prior to first occupation or first use of the development hereby approved additional supporting information in the form of detailed Landscape Plans shall be submitted to, and be approved in writing by, the Local Planning Authority. The plans shall show details of the external hard landscaping and surface treatments including street furniture, boundaries, bin storage, bins, cycle storage, bollards and benches, and areas to be grassed or finished in a similar manner, existing retained trees and proposed new tree, shrub and hedge planting. The plans shall correspond to a schedule detailing plant numbers, sizes and nursery stock types.

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

### **18. Landscape Proposals: Reinstatement**

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

during the first available planting season unless otherwise agreed in writing by the Local Planning Authority.

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

### **19. Tree Protection Plan (TPP)**

The development shall be carried out in strict accordance with the tree protection measures contained within the planning application 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.

### **20. Arboricultural Monitoring Programme (AMP)**

The development, including demolition and enabling works, shall not begin until details of an Arboricultural Monitoring Programme (AMP) have been submitted to and been approved in writing by the Local Planning Authority. The AMP shall include a schedule of a monitoring and reporting programme of all on-site supervision and checks of compliance with the details of the Tree Protection Plan and/or Arboricultural Method Statement, as approved by the Local Planning Authority. The AMP shall include details of an appropriate Arboricultural Clerk of Works (ACoW) who shall conduct such monitoring and supervision, and a written and photographic record shall be submitted to the LPA at scheduled intervals in accordance with the approved AMP. The development shall be carried out in strict accordance with the approved AMP 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.

### **21. Car Park Layout Plan**

Prior to commencement of the development, a plan detailing the layout of the car parking area shall be submitted to and be approved in writing by the Local Planning Authority. The Car Park Layout Plan shall set out that all car parking spaces meet the minimum dimensions required and can be safely and easily accessed. All car parking dimensions shall measure a minimum of 5m x 2.5m, 5m x 2.7m if obstructed on one side and 5m x 2.9m if obstructed on both sides. Parallel bays shall measure a minimum of 6m x 2.5m and garages shall measure 6m x 3m internally.

Reason: In accordance with policy M3 of the Oxford Local Plan 2016-2036 and in the interest of highway safety.

### **22. Footway/Cycle Lane Dimensions**

Notwithstanding the approved plans, all cycle lanes within the red line plan shall measure a minimum of 2m if one-way and 3m if two-way. Furthermore, all footways within the red line plan shall measure a minimum of 2m.

Reason: in the interest of highway safety.

### **23. Travel Plan**

Prior to first occupation of the development, a Full Travel Plan shall be submitted to and be approved in writing by the Local Planning Authority. The development shall be carried out in accordance with approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To promote sustainable modes of transport in accordance with policy M1 of the Oxford Local Plan 2036.

### **24. Construction Traffic Management Plan**

Prior to the commencement of development, a Construction Traffic Management Plan (CTMP) shall be submitted to and be approved in writing by the Local Planning Authority. The CTMP shall identify;

- The CTMP must be appropriately titled, include the site and planning permission reference number.
- Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access into the site.
- Details of and approval of any road closures needed during construction.
- Details of and approval of any traffic management needed during construction.
- Details of wheel cleaning/wash facilities – to prevent mud etc., in vehicle tyres/wheels, from migrating onto adjacent highway.
- Details of appropriate signing, to accord with the necessary standards/requirements, for pedestrians during construction works, including any footpath diversions.
- The erection and maintenance of security hoarding / scaffolding if required.
- A regime to inspect and maintain all signing, barriers etc.
- Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided.
- The use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc.
- No unnecessary parking of site related vehicles (worker transport etc) in the vicinity – details of where these will be parked and occupiers transported to/from site to be submitted for consideration and approval. Areas to be shown on a plan not less than 1:500.
- Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc.
- A before-work commencement highway condition survey and agreement with a representative of the Highways Depot – contact 0845 310 1111.
- Final correspondence is required to be submitted.
- Local residents to be kept informed of significant deliveries and liaised with through the project. Contact details for person to whom issues should be raised with in the first instance to be provided and a record kept of these and subsequent resolution.
- Any temporary access arrangements to be agreed with and approved by Highways Depot.

- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.

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

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

### **25. Delivery And Service Management Plan**

Prior to first occupation of the development, a Delivery and Service Management Plan shall be submitted to and be approved in writing by the Local Planning Authority. The development shall be carried out in accordance with approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: in accordance with policy RE7 of the Oxford Local Plan 2036

### **26. Energy statement.**

The development shall be implemented in strict accordance with the approved Energy Strategy Report (prepared by Elementa, version P12, July 2023). The development shall not be occupied until evidence (including where relevant Energy Performance Certificate(s) (EPC), Standard Assessment Procedure (SAP) and Building Regulations UK, Part L (BRUKL) documents) have been submitted to the Local Planning Authority to confirm that the energy systems have been implemented according to details laid out in the approved Energy Statement and achieve the target performance as approved.

Reason: To ensure that the proposed development sufficiently incorporates sustainable design and construction principles in accordance with policies S1 and RE1 of the Oxford Local Plan 2036.

### **27. Piling Method Statement (PMS)**

Prior to commencement of the development, a Piling Method Statement (PMS) shall be submitted to and be approved in writing by the Local Planning authority in consultation with Thames Water. The PMS shall detail the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works. Any piling must be undertaken in accordance with the terms of the approved Piling Method Statement.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure.

### **28. Water Network Upgrades**

Prior to occupation of the development details to confirm the following shall be submitted to, and be approved in writing by the Local Planning Authority:

- either:- all water network upgrades required to accommodate the additional demand 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 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

### **29. Construction within 5m of Strategic Water Main**

No construction shall take place within 5m of a water main. Information detailing how the developer intends to divert the asset/ align the development, so as to prevent the potential for damage to subsurface potable water infrastructure, shall be submitted to and be approved in writing by the Local Planning Authority in consultation with Thames Water. Any construction shall be undertaken in accordance with the terms of the approved information. Unrestricted access shall be available at all times for the maintenance and repair of the asset during and after the construction works.

Reason: The proposed works will be in close proximity to underground strategic water main, utility infrastructure. The works has the potential to impact on local underground water utility infrastructure.

### **30. Secured by Design**

Prior to occupation, an application shall be made for Secured by Design (SBD) accreditation, Gold Level, 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 (Gold Level) has been received and approved in writing by the Local Planning Authority.

Reason: In the interests of the safety and security and in accordance with policy DH1 Oxford Local Plan 2016-2036

### **31. Public Art**

Prior to commencement of above ground works, a Public Art Strategy and Delivery Plan (PAS) shall be submitted to and be approved in writing by the Local Planning Authority. The PAS should, as a minimum, include the following:

- retention and re-location strategy for the existing Glow Tree and mosaic tiles at the Blackbird Leys Community Centre.
- locations for the erection of public art;
- selection and commissioning process;
- the artist's brief;
- the budget;
- possible form;
- materials;

- the timetable for provision;
- maintenance agreement and community engagement.

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

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

### **32. Play Strategy**

Prior to commencement of above ground works, a Play Strategy (PS) shall be submitted to and be approved in writing by the Local Planning Authority. The PS shall relate to all areas of play, including both formal and informal 'incidental' play spaces. The PS shall include, as a minimum, include the following:

- plans to show the locations identified for play, including the installation of play equipment;
- information to demonstrate how the views of children and young people in the area have been considered and their needs accounted for;
- the budget;
- detailed designs for each play area;
- materials;
- the timetable for provision;
- maintenance agreement and community engagement.

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

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

### **33. Boundary Treatments**

Prior to commencement of above ground works, details of the proposed boundary treatments shall be submitted to and be approved in writing by the Local Planning Authority. Details shall include as a minimum:

- A plan to show the location and extent of the proposed boundary treatments;
- Plans to show the proposed height and dimensions;
- Samples of proposed materials.

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

Reason: In the interests of the visual appearance of the area and to preserve residential amenity in accordance with policies DH1, DH5 and H14 of the Oxford Local Plan 2036

### **District Centre Specific Conditions**

### **34. Materials**

Notwithstanding the details submitted with the application, prior to the installation and/or use, samples of exterior materials shall be submitted to and be approved in writing by the Local Planning Authority and only the approved materials shall be used. Sample panels shall be erected on site for inspection and where feasible, shall remain on site for the duration of the development works.

The development shall be undertaken in accordance with the approved details.

Reason: In the interests of the visual appearance of the area and in accordance with policies DH1 and DH3 of the Adopted Oxford Local Plan 2016-2036.

### **35. Large Scale Details**

Notwithstanding the details submitted with the application, prior to commencement of above ground works large scale design details (1:50) shall be submitted to and be approved in writing by the Local Planning Authority. These shall include, as a minimum, brick detailing, joinery and glazing panels.

The development shall be carried out in accordance with these approved details unless otherwise agreed in writing by the Local planning Authority.

Reason: In the interests of the visual appearance of the area and in accordance with policies DH1 and DH3 of the Adopted Oxford Local Plan 2016-2036.

### **36. Exterior Lighting**

Details of any exterior lighting, (including architectural lighting and roof terrace lighting) including details of light spill/pattern shall be submitted to and be approved in writing by the Local Planning Authority prior to installation of any such lighting. Any lighting installed shall be completed, retained and maintained in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure there would be no adverse impacts in views and from the surrounding Conservation Areas in accordance with policies DH1 and DH3 of the Adopted Oxford Local Plan 2036.

### **37. Wind Mitigation Measures**

Prior to construction of Blocks A, B, C and D details of wind mitigation measures in accordance with the recommendations of the approved Wind and Microclimate Assessment (produced by XCO2, dated May 2023), including material samples where applicable, shall be submitted to, and be approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

Reason: To ensure that the residential amenity of occupiers is protected in accordance with policy RE7 of the Oxford Local Plan 2036.

### **38. Solar Glare Mitigation**

Prior to construction of Blocks A, B, C and D details of solar glare mitigation measures with respect to glazing, in accordance with the recommendations of the

approved Solar Glare Assessment (produced by XCO2, dated May 2023), including material samples where applicable, shall be submitted to, and be approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

Reason: To ensure that the residential amenity of occupiers is protected in accordance with policy RE7 of the Oxford Local Plan 2036 and in the interests of highway safety.

### **39. Communal Spaces Management Plan (CSMP)**

Prior to occupation a Communal Spaces Management Plan (CSMP) shall be submitted to, and be approved in writing by, the Local Planning Authority. The CSMP shall set out details for the management of communal spaces within each of the approved residential blocks. The development shall be carried out in strict accordance with the approved CSMP unless otherwise agreed in writing beforehand by the Local Planning Authority.

Reason: Reason: In the interests of the safety and security and in accordance with policies DH1 and RE7 Oxford Local Plan 2016-2036

### **40. Security and Access Strategy**

Prior to occupation of the development, a Security and Access Strategy (SAS) shall be submitted to and be approved in writing by the Local Planning Authority. The SAS shall include details/ confirmation of the following as a minimum:

- Access to the building controlled via the use of a security encrypted electronic key (e.g. fob, card, mobile device, key etc.);
- Vandal resistant external door entry panel with a linked camera;
- Ability to release the primary entrance doorset from the dwelling;
- Live audio/visual communication between the occupant and the visitor;
- Unrestricted egress from the building in the event of an emergency or power failure;
- Ability to recover from power failure instantaneously;
- Capture (record) images in colour of people using the door entry panel and store for those for at least 30 days. If the visitor door entry system is not capable of capturing images, then it should be linked to a CCTV system or a dedicated CCTV camera should be installed for this purpose. Footage should be made available to police within 3 days upon request.
- All visitor and resident activity on the visitor door entry system should be recorded and stored for at least 30 days. This information should be made available to police within 3 days upon request.
- Systems must comply with General Data Protection Regulations (GDPR)
- Compartmentation through the building must be achieved through the programming and positioning of the access controls to restrict access to each floorplate, including lifts which should also be fob access controlled.



- Lifts and stair cores must also include zoned access control, preventing residents gaining access to floors other than the one on which they reside.
- All bin and cycle stores must be covered by CCTV.

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

Reason: In the interests of the safety and security and in accordance with policies DH1 and RE7 Oxford Local Plan 2016-2036

#### **41. Obscure glazing – Block C**

The south east facing windows at first and second floor of the two and three storey outriggers to the rear of Block C as shown on the approved plans shall be glazed in obscure glass, be non-opening and thereafter retained as such.

Reason: To safeguard the amenities of the adjoining occupiers in accordance with policies H14 and RE7 of the Oxford Local Plan 2036

#### **42. Plant Equipment**

Prior to installation, large scale details (1:50) of the design, size and finished appearance of any visible mechanical plant shall be submitted to and be approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details upon installation.

Reason: To ensure high quality development and in the interests of the visual appearance in accordance with policies DH1 of the Oxford Local Plan 2016- 2036.

#### **43. Noise - Plant**

The external noise levels emitted from mechanical plant, machinery and equipment shall not exceed the existing background level at any noise sensitive premises when measured and corrected in accordance with BS4142:2014 +A1:2019 “Methods for rating and assessing industrial and commercial sound.” Reason: To protect the amenity of neighbours in accordance with policies RE7 and RE8 of the Oxford Local Plan 2036.

#### **44. Double Yellow Lines**

The development shall not be occupied until double yellow lines have been painted on both sides of Blackbird Leys Road for the entirety of the section between the northern most extent of Blackbird Leys Road, as shown on approved plan DC\_00\_DR\_A\_1210 P2, to the junction between Blackbird Leys Road and Pegasus Road. These should also continue for 10m along any side road which adjoins this land.

Reason: in the interest of highway safety.

#### **45. Raised Surfaces**

Prior to occupation of the development, raised surfaces, continuous footway/cycle lanes and vehicular give way markings shall be included at every side road entry

along the proposed cycle route on Blackbird Leys Road shown within approved plan BBL-IAL-DC-ZZ-DR-L-1002 S4-P03.

Reason: in the interest of highway safety.

#### **46. Cycle Parking Access**

All internal cycle stores shall be accessible using automatic doors. These can be controlled using key fobs for security but shall not require the user to manually open multiple doors to access/egress the cycle stores. All doors/corridors must be a minimum of 1.2m wide and any lift must be a minimum of 2m long.

Reason: To promote sustainable modes of travel.

#### **47. Drainage Strategy**

Prior to the commencement of development, excluding demolition; a detailed surface water drainage scheme for the site shall be submitted to and be approved in writing by the Local Planning Authority. Upon commencement of development, the scheme shall be implemented in strict accordance with the approved details. The scheme shall include:

- Full drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change;
- A Flood Exceedance Conveyance Plan;
- Comprehensive infiltration testing across the site to BRE DG 365 (if applicable)
- Detailed design drainage layout drawings of the SuDS proposals including cross-section details;
- Detailed design of detention basins;
- Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element,
- Details of how water quality will be managed during construction and post development in perpetuity;
- Confirmation of any outfall details and;
- Consent for any connections into third party drainage systems.

Reason: To ensure compliance with policy RE4 of the Oxford Local Plan 2036.

#### **48. SuDS As Built and Maintenance Details**

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

- As built plans in both .pdf and .shp file format;
- Photographs to document each key stage of the drainage system when installed on site;
- Photographs to document the completed installation of the drainage structures on site;
- The name and contact details of any appointed management company information.

Reason: To ensure compliance with policy RE4 of the Oxford Local Plan 2036.

#### **49. Flood Risk Assessment**

Notwithstanding conditions 52 and 53, the development shall be carried out in accordance with the submitted Flood Risk Assessment (dated May 2023, revision 5 prepared by Price and Myers) including the flood compensation measures it details. These flood compensation mitigation measures shall be fully implemented prior to occupation. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To prevent an increase in the risk of flooding elsewhere by ensuring that the flow of flood water is not impeded and the proposed development does not cause a loss of floodplain storage. To reduce the risk of flooding to the proposed development and future occupants and in accordance with Policy RE3 of the Oxford Local Plan 2036.

#### **50. Fire Safety Strategy**

The development shall be implemented in strict accordance with the approved Fire Safety Strategies (Block A, FCFS report FSS/ 311353-02B, October 2021; Block B, FCFS report FSS/ 311353-03B, June 2023; Block C, FCFS report FSS/ 311353-04A, June 2021; Block D, FCFS report FSS/ 311353-05, June 2021) and Fire Statement Form (dated 27<sup>th</sup> June 2023).

Reason: to ensure the development would comply with the relevant fire safety regulations.

### **Knights Road Specific Conditions**

#### **51. Materials**

Notwithstanding the details submitted with the application, prior to the installation and/or use, samples of exterior materials shall be submitted to and be approved in writing by the Local Planning Authority and only the approved materials shall be used. Sample panels shall be erected on site for inspection and where feasible, shall remain on site for the duration of the development works.

The development shall be undertaken in accordance with the approved details.

Reason: In the interests of the visual appearance of the area and in accordance with policies DH1 and DH3 of the Adopted Oxford Local Plan 2016-2036.

#### **52. Large Scale Details**

Notwithstanding the details submitted with the application, prior to commencement of above ground works large scale design details (1:50) shall be submitted to and be approved in writing by the Local Planning Authority. These shall include, as a minimum, brick detailing, joinery and glazing panels.

The development shall be carried out in accordance with these approved details unless otherwise agreed in writing by the Local planning Authority.

Reason: In the interests of the visual appearance of the area and in accordance with policies DH1 and DH3 of the Adopted Oxford Local Plan 2016-2036.

### **53. Lighting Design Strategy for Light-Sensitive Biodiversity**

All external lighting shall be installed in accordance with the specifications and locations set out in the Sitewide External Lighting Layout produced by CPW drawing number 200460-CPWKR-XX-DR-E-94-001 (Rev P02) and these shall be maintained thereafter in accordance with the strategy. Under no circumstances shall any other external lighting be installed without prior written consent from the Local Planning Authority.

Reason: To comply with the Wildlife and Countryside Act 1981 (as amended) and Conservation of Habitats and Species Regulations 2017 (as amended).

### **54. Japanese Knotweed Management and Eradication Plan**

Prior to the commencement of the development, a Japanese Knotweed Management and Eradication Plan shall be submitted to and be approved in writing by the Local Planning Authority. For the avoidance of doubt, this plan shall detail how the presence of Japanese Knotweed, and associated soils, will be managed throughout the construction phase and ultimately result in eradication of Japanese Knotweed from the site, in accordance with best practice guidance. The development shall be implemented strictly in accordance with the approved details.

Reason: It is an offence under the Wildlife and Countryside Act 1981 (as amended) to introduce, plant or cause to grow wild any plant listed in Schedule 9, Part 2 of the Act. Japanese Knotweed is included within this schedule. All Japanese Knotweed waste (the plant itself or material containing its rhizomes) is classed as a controlled/special waste and therefore needs to be disposed of in accordance with the Environmental Protection Act 1990 and the Environmental Protection Act Duty of Care Regulations 1991.

### **55. Archaeology – Written Scheme of Investigation**

Prior to commencement of development a written scheme of investigation (WSI) for 1) Stage 1 Geophysical survey in the western part of the Knights Road site 2) Stage 2 Trial Trenching and 3) Stage 3 Archaeological Mitigation shall be submitted to and be approved by the Local Planning Authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and:

- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works.
- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI

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 Roman remains (Local Plan Policy DH4).

### **56. On-street Parking**

The development shall not be occupied or used until the developer has submitted details of the implementation of a Residents Parking Zone to the Local Planning Authority for its approval in writing and the approved Residents Parking Zone shall thereafter be implemented, maintained and the parking controls applicable to that Zone enforced until such time as the roads are adopted by the Local Highway Authority.

Reason: To promote sustainable modes of transport.

### **57. Drainage Strategy**

Prior to the commencement of development, excluding demolition; a detailed surface water drainage scheme for the site shall be submitted to and be approved in writing by the Local Planning Authority. Upon commencement of development, the scheme shall be implemented in strict accordance with the approved details. The scheme shall include:

- Full drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change;
- A Flood Exceedance Conveyance Plan;
- Comprehensive infiltration testing across the site to BRE DG 365 (if applicable)
- Detailed design drainage layout drawings of the SuDS proposals including cross-section details;
- Detailed design of detention basins;
- Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element,
- Details of how water quality will be managed during construction and post development in perpetuity;
- Confirmation of any outfall details and;
- Consent for any connections into third party drainage systems.

Reason: To ensure compliance with policy RE4 of the Oxford Local Plan 2036.

### **58. SuDS As Built and Maintenance Details**

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:

- As built plans in both .pdf and .shp file format;
- Photographs to document each key stage of the drainage system when installed on site;
- Photographs to document the completed installation of the drainage structures on site;
- The name and contact details of any appointed management company information.

Reason: To ensure compliance with policy RE4 of the Oxford Local Plan 2036.

### **59. Flood Risk Assessment**

Notwithstanding conditions 60 and 61, the development shall be carried out in accordance with the submitted Flood Risk Assessment (dated February 2023, revision 4 prepared by Price and Myers) including the flood compensation measures it details. These flood compensation mitigation measures shall be fully implemented prior to occupation. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To prevent an increase in the risk of flooding elsewhere by ensuring that the flow of flood water is not impeded and the proposed development does not cause a loss of floodplain storage. To reduce the risk of flooding to the proposed development and future occupants and in accordance with Policy RE3 of the Oxford Local Plan 2036.

### **60. Landscape Details – Flooding**

Prior to the commencement of any groundworks within Flood Zone 2 details shall be submitted to, and approved in writing by the Local Planning Authority to demonstrate that ground levels will not be increased. If ground levels are to be increased that details of compensatory flood storage shall be submitted to and be approved in writing by the Local Planning Authority.

These compensatory flood compensation mitigation measures shall be fully implemented prior to occupation of the development.

Reason: To prevent an increase in the risk of flooding elsewhere by ensuring that the flow of flood water is not impeded and the proposed development does not cause a loss of floodplain storage. To reduce the risk of flooding to the proposed development and future occupants and in accordance with Policy RE3 of the Oxford Local Plan 2036.

### **61. Fire Safety Strategy**

The development shall be implemented in strict accordance with the approved Fire Safety Strategy (Knights Road, FCFS report FSS/ 311353-01A, October 2021).

Reason: Reason: to ensure the development would comply with the relevant fire safety regulations.

## **OUTLINE PLANNING APPLICATION**

### **62. Commencement – Time Limit**

The development hereby permitted, excluding that part of development for which full planning permission is hereby granted, shall be begun either before the expiration of five years from the date of this permission, or before the expiration of the three years from the date of the last approval of reserved matters, whichever is the later.

Reason: To prevent the accumulation of planning permissions and to enable the local planning authority to review the suitability of the development in the light of altered circumstances.

### **63. Approved Plans**

The development hereby permitted shall be carried out in accordance with the following:

- Proposed site plan - DC\_RF\_DR\_A\_1100 P2
- Design and Access – Part 2.2 The Masterplan
- Landscape Masterplan – BBL-IAL-DC-ZZ-DR-L-1000 S4 P03

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings in accordance with policies DH1 and RE7 of the Oxford Local Plan 2036 and confirm that the development is to be a phased planning permission for purposes of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended).

### **64. Approved Plans - Access**

In addition to the principle of development, planning permission is hereby granted for the means of access to the development. The development shall be carried out in full accordance with the approved means of access details, set out in the following drawings, which are hereby approved drawings,:

- Parameter Plan – Access – 01503\_JTP\_DC\_00\_DR\_A\_1103

Reason: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 5(1) of the Town and Country

### **65. Reserved Matters Application**

Approval of the details of the layout, scale, landscaping and appearance (hereafter called "the reserved matters") of development within the areas highlighted in orange by drawing number MP\_ZZ\_DR\_A\_1000 REV P1, but excluding that part of the development for which full planning permission is hereby granted, shall be obtained in writing from the Local Planning Authority before that part of the development commences. The development shall not be carried out otherwise than in accordance with the approved details.

Reason: The application is for outline planning permission and to enable the Local Planning Authority to consider these Reserved Matters in accordance with the development plan and any other material planning considerations. To accord with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 5(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

### **66. Reserved Matters – Time Limit**

Application for approval of the reserved matters, excluding that part of development for which full planning permission is hereby granted, shall be made to the Local Planning Authority before the expiration of one year from the date of this permission.

Reason: The application is for outline planning permission, and order to ensure that the replacement community facilities and open space are provided in a timely manner.

### **67. Reserved Matters – Content**

All applications for the approval of the reserved matters shall include the following details, unless otherwise agreed in writing by the Local Planning Authority:

- a) proposed footways, footpaths, verges, street lighting, cycleways and how these have been positioned to create a walkable and bikeable community;
- b) An energy and sustainability statement that specifies the sustainability measures and energy efficient measures that will be incorporated. The report shall also set out (i) how solar aspect, shade and shelter has been considered in the positioning of any buildings; (ii) the consideration of incorporating renewable technologies (such as heat pumps and PV panels) to reduce the consumption of grid electricity; (iii) the sustainability credentials of the buildings to meet policy requirements (iv) how buildings respond to inclusive design and design for health and wellbeing;
- c) car parking management plan;
- d) a supplementary travel plan;
- e) cycle parking in compliance with the relevant adopted standards at that time;
- f) street furniture, boundary treatments, signage, refuse storage;
- g) accessibility and inclusive design measures
- h) architectural detailing, external materials palette and plan demonstrating compliance with the design principles contained within the approved Design and Access Statement
- i) landscape plans including planting plans;
- j) health impact statement;
- k) a waste strategy for waste management and disposal, and material re-use to eliminate avoidable waste; and
- l) any additional traffic modelling.

Reason: To ensure a sustainable form of development and a satisfactory quality and appearance and to ensure the local planning authority has sufficient information to assess and determine reserved matters applications in accordance with the Oxford Local Plan 2036 and the policies and standards adopted at the time.

### **68. Minimum Floor Area**

A minimum of 1,200 square metres GIA of community floor space comprising Use Class F2 and/ or sui generis community uses as defined within the Town and Country Planning (Use Classes) (England) Order 1987 (as amended) (or any order revoking and re-enacting that Order with or without modification), shall be provided prior to occupation of the development and used for no other purpose.

Reason: To ensure that the existing community uses are re-provided in accordance with policies SP4, G5 and V7.

### **69. Community Use and Management Strategy**

Prior to any occupation of the development, excluding that delivered within phases 1b and 1e, a Community Use and Management Strategy shall be submitted to, and



be approved in writing by, the Local Planning Authority. The Community Use and Management Strategy shall demonstrate:

- how the existing community uses/users of the Blackbird Leys Community Centre ('existing' meaning those at the time of the granting of this consent) have been relocated or otherwise assisted, to ensure a continuity of their services;
- how the needs of the community and existing community groups have been used to inform the proposed replacement Community Centre;
- how the proposed replacement Community Centre will be managed and operated throughout the lifetime of the development including details of community events and how these will be managed so as to minimise disruption for neighbouring residential occupiers..

The Community Centre shall thereafter be operated in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

### **70. Travel Plan**

Prior to any occupation of the development excluding that part of the development for which full planning permission is hereby granted, a Full Travel Plan shall be submitted to and be approved in writing by the Local Planning Authority. The Travel Plan shall include specific detail on how staff and users will access the community centre by active travel modes. The development shall be carried out in accordance with approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To promote sustainable modes of transport in accordance with policy M1 of the Oxford Local Plan 2036.

### **71. Construction Traffic Management Plan**

Prior to commencement of the development a Construction Traffic Management Plan (CTMP) shall be submitted to and be approved in writing by the Local Planning Authority. The CTMP shall identify the following:-

- The CTMP must be appropriately titled, include the site and planning permission reference number.
- Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access into the site.
- Details of and approval of any road closures needed during construction.
- Details of and approval of any traffic management needed during construction.
- Details of wheel cleaning/wash facilities – to prevent mud etc., in vehicle tyres/wheels, from migrating onto adjacent highway.
- Details of appropriate signing, to accord with the necessary standards/requirements, for pedestrians during construction works, including any footpath diversions.
- The erection and maintenance of security hoarding / scaffolding if required.
- A regime to inspect and maintain all signing, barriers etc.
- Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided.

- The use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc.
- No unnecessary parking of site related vehicles (worker transport etc) in the vicinity – details of where these will be parked and occupiers transported to/from site to be submitted for consideration and approval. Areas to be shown on a plan not less than 1:500.
- Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc.
- A before-work commencement highway condition survey and agreement with a representative of the Highways Depot – contact 0845 310 1111.
- Final correspondence is required to be submitted.
- Local residents to be kept informed of significant deliveries and liaised with through the project. Contact details for person to whom issues should be raised with in the first instance to be provided and a record kept of these and subsequent resolution.
- Any temporary access arrangements to be agreed with and approved by Highways Depot.
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.

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

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

### **72. Delivery And Service Management Plan**

Prior to any occupation of the development, a Delivery and Service Management Plan shall be submitted to and be approved in writing by the Local Planning Authority. The development shall be carried out in accordance with approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: in accordance with policy RE7 of the Oxford Local Plan 2036

### **73. Fire Statement**

Prior to commencement of the development excluding that part of the development for which full planning permission is hereby granted a Fire Statement shall be submitted to and be approved by the Local Planning Authority. The development shall be carried out in accordance with approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: to ensure the development would comply with the relevant fire safety regulations.

### **13. APPENDICES**

- **Appendix 1** – Site location plan
- **Appendix 2** – ODRP response letter
- **Appendix 3** - Cabinet paper and copy of the advertisement for the appropriation of the land at Knights Road.

### **14. HUMAN RIGHTS ACT 1998**

14.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the rights and freedom of others or the control of his/her property in this way is in accordance with the general interest.

### **15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

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

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