

## Oxford City Planning Committee

12<sup>th</sup> December 2023

**Application number:** 23/02166/FUL

**Decision due by** 21st December 2023

**Extension of time** To be agreed

**Proposal** Demolition of Buildings 30.5 and 31.5, extension of Integrated Logistics Centre (Building 80.0) and Body-in-White/Logistics building (Building 31.0/31.3), provision of new lorry parking area, expansion of external waste storage area, realignment of internal road and installation of associated landscaping, delivery decks, canopies, shutter doors, windows, plant and equipment and all other associated works.

**Site address** BMW UK Manufacturing Ltd, Garsington Road

**Ward** Blackbird Leys Ward

**Case officer** Tobias Fett

**Agent:** David Lock                      **Applicant:** C/O Agent  
Associates

**Reason at Committee** This is a major application

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## 1. RECOMMENDATION

1.1. Oxford City Planning Committee is recommended to:

1.1.1. **approve the application** for the reasons given in the report subject to the required planning conditions set out in section 12 of this report and the satisfactory outcome of the archaeological trial trenching to ensure the proposal would accord with policy DH4 of the Local Plan 2036 and subject also to:-

- the satisfactory completion of a legal agreement or unilateral undertaking 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 and Regulatory Services to:

- finalise the recommended conditions as set out in this report including any conditions that are required to mitigate any impact on archaeology including such refinements, amendments, additions and/or deletions as the Head of Planning and Regulatory Services considers reasonably

necessary;

- finalise the recommended legal agreement or Unilateral Undertaking 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 and Regulatory Services considers reasonably necessary; and
- complete/receive the section 106 legal agreement or Unilateral Undertaking and issue the planning permission.

## **2. EXECUTIVE SUMMARY**

- 2.1. This report considers the application to approve substantial upgrades to the existing BMW Cowley plant. The works represent a very significant investment by the multinational brand into the home of the Mini brand. The proposed works would include major new additions, upgrades, and minor demolitions and associated works to enable the plant to prepare for the sole production of the new electric Mini models, and thus futureproofing the viability of the brand, but also the plant and its place within the Oxfordshire and regional economy. This development has also been supported by significant support through the UK central government due to the significance of the plant to the UK economy.
- 2.2. The proposal directly supports the UK government agenda to support economic development as well as the drive to net zero carbon emissions by enabling the production of fully electric vehicles to meet local and government targets, including reducing reliance on fossil fuels
- 2.3. The physical extensions and alterations would be contained within the curtilage of the existing plant, and only a new trailer park proposed outside the existing built-up area. The works would increase the floor space by 29,002 m<sup>2</sup> in the case of the proposed extensions, 1,248 m<sup>2</sup> from the additional canopies and docks, and a new trailer park area of 17,085m<sup>2</sup>.
- 2.4. While the proposal includes a substantial increase in new floor space it also represents a change in how BMW would use various aspects of the site and would include changes to the existing facilities in a manner that maintains the economic viability of the plant while minimising the impact on the locality and wider area. The proposed development would therefore not only help BMW move to a fully electric vehicle production, secure employment for local people as well as create a more environmentally resilient site.
- 2.5. The report sets out how the development is considered to accord with the relevant policies of the National Planning Policy Framework, Oxford Local Plan 2036 and other material considerations.

## **3. LEGAL AGREEMENT**

3.1. This application will require the applicant to enter into a unilateral undertaking to secure the travel plan monitoring payment.

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

4.1. The proposal is liable for CIL at an amount of £832,421.14.

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

5.1. The site is located within the existing MINI Plant to the east of Oxford. It is bound to the north by Horspath Road, to the west by the A4142 Eastern By-Pass Road, to the south by the B480 Garsington Road, and to the east by Roman Way and the Unipart Group site.

5.2. The plant is accessed from all sides via a network of roadways, with the main arterial route being the A4142 [Eastern By-Pass Road] to the west. Five main gates provide access to different portions of the site depending on the visitor / staff / delivery entering those points.

5.3. The rail freight access from the south-west serves the site diagonally providing a central location for deliveries in and transport of completed vehicles out.

5.4. The main car park between Gates 06 and 09, are linked by a landscaped corridor, providing the main pedestrian route into the site, with individuals finding their own way to specific areas via the network of smaller routes into the site

5.5. The BMW site as a whole forms part of a distinct cluster of business, industrial and retail areas which lie either side of the bypass with a small number of residential properties present around the site's edges.

5.6. The area to the north has the Pony Road industrial estate and further industrial and retail estates are located to the south and southeast of the application site. The ring road is the plant's western boundary, with residential areas beyond being part of the wider Cowley and Headington districts. The area to the northeast and east are sports facilities and the countryside gap between the urban Oxford and the village of Horspath, which is located in South Oxfordshire.

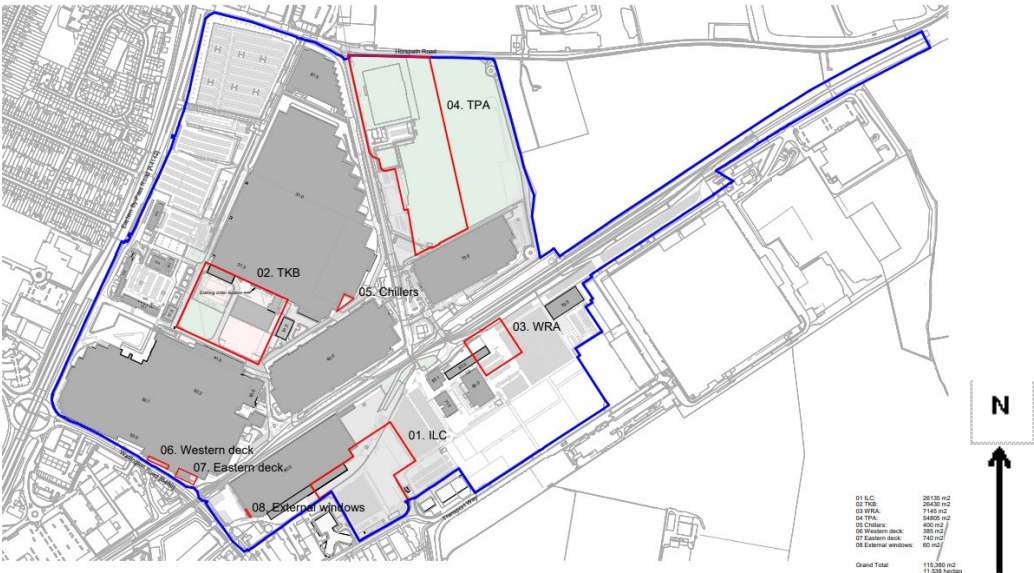
5.7. The site has a very long and established history as a car manufacturing plant and is home to the iconic Mini, which is now owned and manufactured by the BMW Group. Also connected to the site is the fact that the first 'Bullnose' Morris rolled off the line in 1913.

5.8. In 1912 Morris Motors bought the former Oxford Military College and began to mass produce vehicles in the UK. Great Western Rail opened the Morris Cowley station to service the workers travelling to the site.

5.9. The original yard for deliveries and haulage is still in use today. Between the 1920s-1960s Cowley became a significant industrial centre, resulting in the local area's population to boom. The original Morris plant has since been demolished and replaced by the Oxford Business Park, however the adjoining Pressed Steel Fisher, body manufacturing site is now home to BMW Mini producing 1000+ cars a day.

- 5.10. The established character of the site clearly reflects its industrial use and the mix of mainly commercial and existing buildings (with a large number of buildings in a variety of sizes and styles from the last 100 years), is a characteristic of the area.
- 5.11. There is also a train track and former railway sidings running from the south towards the south-eastern part of the site, with a tunnel and level crossing at the centre of the southern part of the site. The line is currently used for BMW freight only and is in BMW's ownership.
- 5.12. The site is reasonably flat but has several level changes, around the rail tracks with a gentle slope running north to south.
- 5.13. The application site relates to smaller plots within the wider BMW plant site.
- 5.14. The building of note for this application is the large Body-in-White building, which is located to the northeast, adjacent to a large section of Roman Way. On the other side of the Roman Way is a vacant field that is relevant for the proposed trailer parking area.
- 5.15. South of the Body-in-White-building and at the very centre of the plant's area is a modular logistics hall and a small landscaped area.
- 5.16. The other two larger sites subject to this application are the Integrated Logistics centre and adjacent surface storage area to the south of the site (and south of the rail tracks) as well as the existing waste storage area to the south east of the site and adjacent to the internal level rail way crossing.

5.17. See block plan below:



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Ordnance Survey 100019348

**6. PROPOSAL**

6.1. The application proposes the demolition of two buildings 30.5 and 31.5 to the centre of the site, and the erection of extensions to the Body-in-White/Logistics Building (TKB/TLO, Building 31.0/31.3) as well as a new extension to the Integrated Logistics Centre (ILC, Building 80.0). It is also proposed to create a new lorry/trailer parking area (TPA), expansion of the existing external waste storage area, the realignment of internal roads, installation of canopies, shutter doors, plant and associated works and landscaping.

6.2. The red lines of the site subject to the application cover only some parts of the wider manufacturing site, which are relevant to the proposed works.

6.3. The proposed floor areas:

Site	Floor area	Maximum heights
ILC	13,980m <sup>2</sup>	15.295m
TKB	14,980m <sup>2</sup>	18.825m
WRA (covered extension)	340m <sup>2</sup>	9.014m
TPA (inspection office)	42m <sup>2</sup>	7.606m
TPA (external area)	17,085m <sup>2</sup>	7.606m
Chiller relocation area	518 m <sup>2</sup> ,	Below adjacent building height
Delivery decks	390 m <sup>2</sup>	Below attached building height

6.4. The proposal includes the demolition of the modal logistics hall (MLH) at the centre of the site (south of the Body-In-White) and the erection of a large scale extension (TKB) in its place and the alignment of the internal service road.

6.5. The vacant field to the northeast of the site would see a trailer parking area installed with an external parking area of 17,085m<sup>2</sup> alongside an inspection office as well as landscaping, drainage pools and other associated works. The access would be provided by Roman Way as well as linked to existing parking infrastructure in this location.

6.6. To the south of the plant site near the business to the north of Transport Way, would be the extension of the ILC on an existing parking area. This would also involve creating and realigning the service road to surround the new extension, well within the BMW site.

6.7. The existing waste and recycling storage facilities to the southeast of the site would also be extended towards the east where there is additional hardstanding that would be utilised to enable this extension.

6.8. There are also smaller areas for chiller units, as well as some external alterations to fenestration, doors, and associated works, along the southern edge of the site.

**7. RELEVANT PLANNING HISTORY**

7.1. The BMW Plant has an extensive planning history, not all of which are relevant to this proposal. The following table contains the most recent planning permissions

<p>20/03011/VAR - Variation of condition 2 (Develop in accordance with approved plns) of planning permission 20/00897/FUL (Roofing alterations to assembly hall to include replacing metal cladding and glazing, and installing 10 air handling units, access walkways and staircases.) to allow relocation of the AHUs and installation of flues and air-intake ducts and the installation of balanced concentric flues and air-intake weather louvres the southern, western, and eastern external elevations and formation of 7no. galvanised steel cat ladders and fall restraint.. Permission granted, 1st March 2021.</p>
<p>20/03012/VAR - Variation of condition 2 (Develop in accordance with approved plns) of planning permission 20/00897/FUL (Roofing alterations to assembly hall to include replacing metal cladding and glazing, and installing 10 air handling units, access walkways and staircases.) to allow relocation of the AHUs and installation of two extract terminals, installation of eight grilles, four on the western wall and four on the eastern wall of the building and formation of 7no. galvanised steel cat ladders and fall restraint. Permission granted, 1st March 2021.</p>
<p>23/00764/FUL - Erection of a canopy to the north of Building 32.0. Erection of steel structure to north side. Installation of cladding to east side of existing folk lift zone. Installation of 4no. roller shutter doors and ambient air curtains to existing logistics bay. Alterations to existing boundary treatments.. Permission granted 21st June 2023.</p>

**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	RE1 - Sustainable design and construction DH1 - High quality design and placemaking DH7 - External servicing features and stores	

Conservation/ Heritage	184-202	DH2 - Views and building heights DH4 - Archaeological remains	
Housing	59-76		
Commercial	170-183	E1 - Employment sites - intensify of uses	
Natural environment	91-101	G1 - Protection of Green/Blue Infrastructure G2 - Protection of biodiversity geo-diversity G7 - Protection of existing Green Infrastructure G8 - New and enhanced Green and Blue Infrastructure	
Social and community	102-111	S2 - Developer contributions RE5 - Health, wellbeing, and Health Impact Assessment	
Transport	117-123	M1 - Prioritising walking, cycling and public transport M2 - Assessing and managing development M3 - Motor vehicle parking M4 - Provision of electric charging points M5 - Bicycle Parking	Parking Standards SPD
Environmental	117-121, 148-165, 170-183	S1 - Sustainable development RE2 - Efficient use of Land RE3 - Flood risk management RE4 - Sustainable and foul drainage, surface RE6 - Air Quality RE7 - Managing the impact of development RE8 - Noise and vibration RE9 - Land Quality	Energy Statement TAN
Miscellaneous	7-12	V8 - Utilities SP8 - MINI Plant Oxford	External Wall Insulation TAN,

## 9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 27th September 2023 and an advertisement was published in The Oxford Times newspaper on 28th September 2023.

9.2. The following consultation responses have been submitted in relation to the application and are summarised below. Full copies can be found on the Council's public access website.

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

Oxfordshire County Council (Highways)

- 9.3. A response has been received, supporting the proposal subject to a number of conditions as well as concerns which would be addressed as part of a S278 agreement directly with the County Council as Highway Authority.
- 9.4. The County Council considers the main issues for this development to be the increase in HGV traffic as well as the increase and changes to staff travel requirements. As well as the impact of the development.
- 9.5. The above issues are proposed to be dealt with by conditions requiring a travel plan and a separate traffic construction management plan to manage the impact of the development on traffic and the road network.
- 9.6. The County also considered that the impact of the development on traffic and the road network as well as access would be able to be dealt with under a S278 agreement which the developer would negotiate directly with the Highway Authority to address any changes to access nodes with the road network.
- 9.7. Any monitoring fees would be required via a unilateral undertaking with the County Council.

#### Oxfordshire County Council (Flooding)

- 9.8. The County Council, as Lead Local Flood Authority (LLFA) has requested conditions to be imposed to implement the submitted SuDS strategy as well as a condition to require further maintenance details for the strategy.
- 9.9. The County Council has provided a request for another condition to address the site's water surface flooding issues, after the applicant has submitted revised modelling data.
- 9.10. There is no objection on drainage and flooding grounds, as they could be mitigated by the three conditions requested.

#### Oxfordshire County Council (Estates)

- 9.11. The County Council is a landowner of part of the strategic site allocation within the South Oxfordshire Local Plan and endorses the Stantec concerns in regard to Air Quality, Noise and Lighting.

#### Environment Agency (EA)

- 9.12. The EA has been consulted and responded with a revised letter of no objection but requires the addition of four conditions to any planning consent.
- 9.13. The proposed development would present a risk to groundwater which is particularly sensitive in this location because the proposed development site is located upon secondary aquifer A. The proposed development would be acceptable if a planning condition is included requiring submission and subsequent agreement of further details by condition.
- 9.14. The EA also found there to be insufficient information in regard to piling/boreholes/tunnel shafts/ground source heating and cooling systems,



however this would be able to be adequately mitigated by condition as well as the decommissioning of the boreholes.

- 9.15. An additional two conditions would relate to the potential of finding unexpected contamination and managing the use of infiltration measures.

Historic England

- 9.16. Historic England was consulted. They have provided their standard advice for Councils which means there is no specific comments or objection, and that it would be up to local officers in accordance with local and national policies.

Natural England

- 9.17. Comments were received that outlined that the proposal would be acceptable, and no objection is raised.

Thames Water Utilities Limited (TW)

- 9.18. TW raised no objection on waste grounds, surface water and foul water grounds. Two conditions are requested to address capacity issues and restrictions around water provision and strategic water mains.

Oxfordshire Fire and Rescue

- 9.19. This consultee has provided the following comment: "It is taken that suitable fire service access will be provided in line with B5 of Building Regulations. 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 The Building Regulations 2010."

Thames Valley Police (TVP)

- 9.20. No objection. TVP recommend the applicant consults the guidance of Secured by Design - Commercial 2023 to ensure all specifications provide sufficient protection to the new development.

Active Travel England (ATE)

- 9.21. ATE was consulted. They have provided their standard advice for Councils which means there is no specific comments or objection, and that it would be up to local officers in accordance with local and national policies.

**Public representations**

- 9.22. In response to the statutory consultation letters of comment were received from the following

- 9.23. Ward Councillor: Requested improvements to cycle infrastructure.

- 9.24. Headington Heritage: Objects on the basis that there is an under use of cycle provision on site. As such infrastructure improvements must be made to make

routes from Cowley and Littlemore attractive and safe. There is also a need to ensure that existing and future surface water run off from the development does not result in further flooding of the Oxford Sewage Treatment works.

9.25. Cyclox: The organisation is supporting of the proposals to improve the cycle / pedestrian provision at each of the plant entrances and has provided suggestions to improve the provision. These include the use of fully continuous footway / cycle tracks at entrances, with proper prioritisation given to cyclists. Ensuring that kerbs are in compliance with LTN1/20. Appropriate visibility is provided, along with signage. The Watlington Road and Horspath Road should be reduced to 20 mph.

9.26. L&Q Estates and Brasenose College: Do not object to the application but consider that proper consideration should be given to the impact of the development upon the SODC site allocation for housing (Strat 12) at Northfield, particularly in relation to lighting, air quality and noise.

### **Officer response**

9.27. The strategic land allocation site in the South Oxfordshire Local Plan known as 'Land at Northfield' (policy STRAT12) has been considered as part of the officers' assessment. Although this site is allocated for development, the proposal at the BMW plant is coming ahead of any development of the Strat 12 site allocation and as such the proposal cannot consider the potential impacts on an unknown development.

9.28. The land allocated does not directly abut the application site, but the wider area is in similar industrial uses, and the proposal would not be considered out of character. Furthermore the proposed development is considered acceptable in principle due to the activities and use of the site already existing, and any development of the land subject to the STRAT12 designation of the South Oxfordshire Local Plan would have to adhere to and address the existing site context, which the proposal subject to this application would not change. Any assessment and mitigation proposed would therefore be considered acceptable for this matter.

9.29. All other issues are addressed as part of the below report.

## **10. PLANNING MATERIAL CONSIDERATIONS**

10.1. Officers consider the determining issues to be:

- a. Principle of development
- b. Design
- c. Impact on Heritage Assets
- d. Highways
- e. Managing the Impact of the Development
- f. Trees

- g. Flooding and Drainage
- h. Energy and Sustainability
- i. Biodiversity
- j. Archaeology
- k. Air Quality
- l. Land Quality
- m. Health Impact Assessment

**a. Principle of development**

- 10.2. Policy S1 of the Oxford Local Plan 2036 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. This applies to paragraphs 10 and 11 of the NPPF which state that a presumption in favour of sustainable development is at the heart of national planning policy. The Council will work proactively with applicants to find solutions jointly which mean that applications for sustainable development can be approved where possible, and to secure development that improves the economic, social and environmental conditions in the area. Planning applications that accord with Oxford's Local Plan and national policy will be approved without delay, unless material considerations indicate otherwise.
- 10.3. Policy E1 of the OLP 2036 states that planning permission will be granted for the intensification, modernisation and regeneration for employment purposes of any employment site if it can be demonstrated that the development allows for higher-density development that seeks to make the best and most efficient use of land and does not cause unacceptable environmental impacts and effects.
- 10.4. Policy RE2 of the Oxford Local Plan 2036 states that planning permission will only be granted where development proposals make efficient use of land. Development proposals must make best use of site capacity, in a manner compatible with the site itself, the surrounding area and broader considerations of the needs of Oxford, as well as considering the criteria set out in the policy.
- 10.5. The proposal is for multiple extensions and alterations of the existing BMW manufacturing plant to enable the company to produce fully electric vehicles.
- 10.6. The application site is already in use as a car manufacturing plant. The proposed changes would therefore be compatible with the site and the existing context.
- 10.7. The site is allocated under Policy SP8 in the Oxford Local Plan adopted in 2020, and is designated as a Category 1 employment site, recognising its important employment use.

- 10.8. The proposed development is required to enable the plant to secure car manufacturing for the future. The development would create the space as well as enable the technology and the capacity to change over from the remaining fossil fuel-based models to fully electric car models. This would in turn provide substantial benefits for the city and the wider region through securing jobs and employment at the plant as well as associated business and services industries.
- 10.9. The proposal would therefore meet site specific requirements of the policy by ensuring this vital employment site continues to deliver substantial economic benefits, outputs and employment for people in the local area.
- 10.10. The works would therefore represent a modernisation and regeneration of the existing facilities and make the most efficient use of the land, which would be in line with the above mentioned policies of the Oxford Local Plan 2036 policies and National Planning Policy Framework and would therefore be acceptable in principle.

#### **b. Design**

- 10.11. Policy DH1 of the Oxford Local Plan 2036 states that planning permission will only be granted for development of high-quality design that creates or enhances local distinctiveness. Proposals must be designed to meet the key design objectives and principles for delivering high quality development, set out in Appendix 6.1.
- 10.12. Policy DH2 of the Oxford Local Plan 2036 states that the City Council will seek to retain significant views both within Oxford and from outside, in particular to and from the historic skyline. Planning permission will be granted for developments of appropriate height or massing, as demonstrated by a range of criteria including design choices regarding height and massing; regard had to the High Buildings Study Technical Advice Note, in particular impact on skyline, competition and change of character should be explained, and demonstrating how proposals have been designed to have a positive impact with the relation of the building to the street and the potential impact on important views to the historic skyline and out towards Oxford's green setting.
- 10.13. The site does not sit in the view cone of the historic skyline from Elsfield, but has been assessed on impact on views from Elsfield. It is also not a site within 1200m of the Historic Core Area.
- 10.14. Guidance is contained in the Oxford High Buildings Study about the design of high buildings and in the High Buildings Study Technical Advice Note.
- 10.15. Each development site is constrained within the existing fabric of the car plant infrastructure whether this is adjacent buildings, roads or existing hard standing. Each of these proposed buildings has different site constraints and considerations and is split and summarised as set out below:

#### TKB Building

10.16. The TKB Site has an existing Modular Logistics Hall building on the site which is proposed to be demolished. There is an existing yard to the north and vacant space to the south-west end of the site.

10.17. A main road for the plant access is located to the west boundary and the south. To the east there is an existing building 40.0. The existing roadway access alongside this building is to be retained as well as the adjacent turning area. The north boundary comprises the existing building of which part of the gable will integrate and join with the new building.

#### Integrated Logistics Centre (ILC)

10.18. This site is bounded to the north-west corner by the existing ILC Building. The proposed building would break through into the existing. The current logistics parking area would form much of the proposed footprint of the new building. To the west is an existing unloading deck and associated canopy. The flow of HGVs would remain uninterrupted with an alternative circulation route to track the south end of the new building and meet with the existing roadway.

#### Waste Recycling Area Storage (WRA)

10.19. The waste management canopy is part of an existing facility that has additional space to the east end. Access is and would be controlled via an entrance to the west, with existing waste bays along the route to the new extension site. This would enable a new waste bay to the east end, with an HGV route around the top part of the site and around the new structure. A new fence line would continue the current site containment from the adjacent areas.

#### Trailer Parking Area (TPA)

10.20. The proposed site for the trailer park is the land adjacent to the existing roadway at Gate 8. To the east of here is the new proposed location, with a road tracking the south-east corner and open ground to the north. Existing HGV parking bays and yard space is to the south edge of the site. The required area is dictated by the tracking and spacing required for suitable navigation of HGVs and trailers along the site for access to the bays and inspection building.

#### Other works

10.21. Alongside the proposed extensions to the plant, development works in the existing areas on site are to be carried out. Most of the works are planned for building 50 but works for buildings 80 and 30 are also planned (TKB and ILC respectively).

10.22. These developments plan to better accommodate the proposed extensions and to bring the existing buildings in the plant up to a contemporary standard, these include:

- General floor refurbishment

- Three Chiller areas
- Delivery deck extensions
- Improved rest area / staff welfare areas
- Relocation and improvement to existing office spaces
- A new high voltage battery store for electric car production
- New mezzanine infrastructure

### Appearance & materials

- 10.23. The existing appearance of the site has inspired the design language of the new buildings and extensions. A vertical trapezoidal metal cladding profile has been primarily proposed, occasionally swapped for a flat metal profile of the same colour.
- 10.24. The general form and massing of the proposed buildings are designed to follow existing building heights. The new building facades will be maintained in line with the current BMW cleaning strategy. This involves a specialist cleaning contractor power washing the facades once a year.
- 10.25. The vertical trapezoidal metal cladding would be colour grey RAL9006. Insulation would be non-combustable mineral wool type to meet energy performance requirements.
- 10.26. The flat sheet metal cladding, a grey colour RAL9006 would also be insulated with a non-combustable mineral wool type to meet energy performance requirements.
- 10.27. The above materials, colours and design would be considered high quality and in line with the prevailing industrial character of the site. The proposal would reflect the existing material and colour palette and as such would be acceptable as this would accord with policy DH1 of the OLP 2036.

### **c. Impact on heritage assets and views**

- 10.28. The NPPF requires proposals which are likely to have an impact upon designated heritage assets to be based upon an informed analysis of the significance of all affected heritage assets and be sufficient to understand the potential impact of the proposal on their significance (paragraph 194). Local Planning Authorities should identify and assess the particular significance of any heritage asset affected by a proposal and take this into account when considering the impact of a proposal on a heritage asset to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal (para 195).
- 10.29. 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 (para 199). Paragraph 202 of the NPPF advises that where development proposals 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.

- 10.30. In considering whether to grant planning permission for development which affects a listed building, conservation area or their setting, section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to have special regard to the desirability of preserving a listed building and conservation areas or its setting or any features of special architectural or historic interest which it possesses. It is accepted that this is a higher duty.
- 10.31. Policy DH3 of the Oxford Local Plan states planning permission will be granted for development that respects and draws inspiration from Oxford's unique historic environment, responding to the significance character and distinctiveness of the heritage asset and locality. For all planning decisions great weight will be given to the conservation of that asset. An application for planning permission which would or may affect the significance of any designated heritage asset, should be accompanied by a heritage assessment that includes a description of the asset and its significance and assessment of the impact of the development proposed on the asset's significance. It goes on to state that where a development proposal will lead to less than substantial harm to a designated heritage asset, this harm must be weighed against the public benefits of the proposal. Clear and extensive justification for this harm should be set out in full in the heritage assessment.
- 10.32. The site does not lie within a conservation area, and neither are there any listed buildings within close proximity. That said the application is supported by a heritage, landscape and view assessment which has given consideration to whether any of the proposed works would have an impact on the significant views of the city from a range of viewpoints that may impact on the setting of the Central Conservation Area.
- 10.33. The assessment has reviewed a variety of views from within the city centre towards the application site as well as view cones and views from nearby villages to the application site. It has demonstrated that there are no significant impacts on any these views, and where there is visibility of the new buildings, the development would not protrude beyond the extent of existing built form and would be seen and experienced – at a large distance – as part of the industrial built form of the existing collection of plant buildings. In long range views from within the city centre, the extensions will not be at all visible.
- 10.34. The proposal is therefore considered acceptable in design terms and also with respect to the impact on views and as such there would be no conflict with Policy DH3 of the Oxford Local Plan 2036 and the National Planning Policy Framework.

#### **d. Highways**

- 10.35. Chapter 9 of the NPPF has regard to promoting sustainable transport and states that significant development should be focused on locations which are sustainable, through limiting the need to travel and offering a genuine choice

of transport modes (paragraphs 110-113). The NPPF also states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe (paragraph 111).

- 10.36. The Oxford Local Plan 2036 seeks to prioritise walking, cycling and public transport and states in policy M1 that planning permission will only be granted for development that minimises the need to travel. Policy M2 requires Transport Assessments to be submitted for development that is likely to generate significant amounts of movement, assessing the multi-modal impacts of development proposals and demonstrate the transport measures which would be used to mitigate the development impact. Policy M3 assesses motor vehicle parking for different types of development and whether located in a CPZ or not, assessing proposals against the standards in Appendix 7.3. Policy M4 assesses the provision of electric charging points for additional parking needs. Policy M5 assesses bicycle parking against the standards in Appendix 7.3

#### Traffic Impact

- 10.37. The application site is already associated with vast traffic movements (by road and rail); the increase in 49 two-way HGV trips is not unusual and would be able to be absorbed by the traffic network. Whilst this increase is material, it is considered proportionate to the activities of the plant. Furthermore, the impact of this would be able to be mitigated by improvements to the access junctions, that would be subject to a separate section 278 with the Local Highways Authority.
- 10.38. There is not expected to be a significant impact on the highway network as a result of the development, and although there are an additional 31 staff, there is to be a reduction in car parking bays and the improvement to the accesses for active travel users would likely result in a reduction of staff driving to site.
- 10.39. Additionally, due to insufficient space for HGV's within the existing site, the B480 does experience some congestion at certain times from vehicles. It is anticipated that the proposals will remove this situation through the improvements to the internal infrastructure. Therefore, whilst there may be an increase in HGV movements in total, it is considered appropriate to focus on improving the site accesses for the safety of staff rather than focusing on any highway capacity schemes.

#### Changes to Access Junctions

- 10.40. Due to the increase in HGV movements to the site and the concerns around pedestrian and cycle safety at the various accesses to the plant, improvements have been proposed which are welcomed by the County Council. Along with improving safety and convenience for staff and local residents, this would also assist with modal shift for staff and help achieve targets within the Local Transport and Connectivity Plan (LTCP). Whilst welcoming the changes to the accesses, the County Council feel that further improvements could be made which would further improve safety and facilitate



modal shift. As a S278 Agreement would be required in order to undertake these works the applicant would be able to achieve further changes through that process with the Local Highways Authority.

#### Construction Traffic Management

10.41. A comprehensive Construction Traffic Management Plan would be required and is conditioned. This should follow Oxfordshire County Council's template and state that no delivery's shall take place during peak times (i.e. 07:30-09:30 & 16:30-18:30). All construction traffic should arrive via the Oxford ring road (A40/A4142) from either direction be that A40(east side) or the A34. Entrance to site via Horspath Road. There should not be any requirement to use the B480. No traffic should come via Garsington or Horspath.

#### Travel Plan

10.42. The increase in HGV spaces would result in a decrease in the car parking spaces available to staff. It is therefore important that a robust travel plan is in place to ensure that alternative travel modes are highlighted and promoted to reduce car use whenever possible and to avoid any increase in off-site car parking.

10.43. A full travel plan is required prior to occupation of the new development. However, as the site is already operating and currently has an on-site community this document could be produced, and the actions progressed at any point prior to this as proposed by the attached conditions. The document should then be updated within three months of the new elements of the site being operational and the additional staff employed. Further information regarding the required criteria can be found within the OCC guidance document 'Transport for New Developments – Transport Assessments and Travel Plans March 2014'.

10.44. A travel plan has been submitted with this application, but further information would be required before it meets OCC criteria. It is advised that the applicant consults appendix 5 of the aforementioned guidance before revising and resubmitting to ensure all criteria have been met as part of the imposed condition.

10.45. A travel plan monitoring fee of £3,110 (RPI index linked) would be required to enable the travel plan to be monitored for a period of five years. This would be achieved via a unilateral undertaking with Oxfordshire County Council as the Local Highways Authority.

#### Highways Conclusion

10.46. The proposed improvements to the junction access would be dealt with directly with the Local Highways Authority under a section 278 agreement for such proposals.

10.47. Some comments have been received in regard to improvements to local cycle infrastructure, which have been considered by the County Council, which confirmed, that there are plans to address this separately. Furthermore any

such improvements would be outside the red line boundary of the current proposed application.

- 10.48. The proposed upgrades and extensions to the existing car manufacturing site would not lead to unacceptable impacts on the local highway network or to the community. Any impacts would be mitigated by the proposed conditions. The proposal would therefore be acceptable as it would accord with policies M1, M2, M3 and M5 of the Oxford Local Plan 2036.

#### Cycle parking

- 10.49. The Transport Statement (paragraph 3.3.19) refers to the fact that the current cycle parking provision is underutilised, and so no additional spaces are required at this time. However, this should be further explored as part of the above conditioned Travel Plan as there are concerns that the current set up may be due to the stands being in the wrong locations, not secure or a type of cycle parking that staff are not confident in using such as two-tier cycle parking. However, officers consider that this can be dealt with by condition.

#### **e. Managing the Impact of the Development**

- 10.50. Policy RE7 states that planning permissions will only be granted for development that ensures that the amenity of communities, occupiers and neighbours is protected and that does not have unacceptable transport impacts affecting communities, occupiers, neighbours and the existing transport network, and provides mitigation measures where necessary.
- 10.51. Policy RE8 of the Oxford Local Plan 2036 states that planning permission will only be granted for development proposals which manage noise to safeguard or improve amenity, health, and quality of life. Planning permission will also not be granted for development that will generate unacceptable noise and vibration impacts. Planning permission will not be granted for development sensitive to noise in locations which experience high levels of noise, unless it can be demonstrated, through a noise assessment, that appropriate attenuation measures will be provided to ensure an acceptable level of amenity for end users and to prevent harm to the continued operation of existing uses.
- 10.52. A noise impact assessment has been submitted for the proposed development at the existing MINI Plant in Oxford, OX4 6NL.
- 10.53. The assessment proposes that operational plant, site activity and movement of heavy goods vehicles (HGVs) on site would be assessed in accordance with BS 4142. Plant noise rating levels would be set equal to the typical representative background noise level at the nearest noise-sensitive receptors. It should be noted that only noise from new fixed plant, processes or HGV movements would be assessed against the prevailing noise levels on site and at the nearest sensitive receptors. The BS 4142 assessment would not include assessment of all existing noise sources on site.

- 10.54. Appropriate noise guidelines have been followed within the submitted report such as Noise Policy Statement for England, National Planning Policy Framework (NPPF), Planning Practice Guidance on Noise, British Standard 8233: 2014 “Guidance on sound insulation and noise reduction for buildings and BS4142:2014 +A1:2019 “Methods for rating and assessing industrial and commercial sound” and policy RE8 of the Oxford Local Plan 2036.
- 10.55. Noisy construction work is proposed to be undertaken within daytime hours, between 07.30 and 18.00, Monday to Friday and 08.00 and 13.00 on Saturdays. No work should be undertaken on Sundays or Bank Holidays. If work is required to extend into other periods beyond the core daytime hours, reduced threshold noise levels would apply and separate authorisation would need to be sought from the local authority.
- 10.56. The construction noise assessment identifies that the predicted construction noise levels do not exceed the Lowest-Observed-Adverse-Effect Level (LOAEL) or Significant Observed Adverse Effect Level (SOAEL) at any of the identified receptors except R4 Windrush Court Commercial.
- 10.57. It is reasonably assumed that during substructure and superstructure works the SOAEL would be exceeded, however, it should be noted that the noise levels in the construction model are very much worst-case, assuming all plant items associated with each scenario are all running simultaneously, which in practice this may not be the case.
- 10.58. Within the submitted assessment, vibration levels exceed the SOAEL and could be sufficient to cause complaint. However, BS 5228-2 states that vibration levels around 1.0mm/s can be tolerable with prior warning. Again this would be the worst-case level where the vibratory compaction occurs at its nearest point to the receptor. For the majority of the compaction works it is expected that experience of vibration levels would be less than the level stated above.
- 10.59. The residual effect of the vibratory compaction could be lowered through means of prior notice or carrying out works outside of office hours (08:00 – 18:00). Therefore, no significant effects are predicted due to construction vibration. Proposed plant noise level criteria have been adequately predicted at the identified receptors taking into consideration distance losses, surface acoustic reflections and, where applicable, screening provided by the building.
- 10.60. Officers are satisfied that the submitted acoustic submission and design criteria would meet our local plan guidelines in policies RE7 and RE8 given appropriate design choice of plant and mitigation measures and therefore acceptable in environmental health terms and would be supported by the proposed conditions.

**f. Trees**

- 10.61. Policy G7 of the Local Plan seeks the protection of existing Green Infrastructure features and states planning permission will not be granted for development that results in the loss of green infrastructure features such as

hedgerows, trees or woodland where this would have a significant adverse impact on public amenity or ecological interest. It must be demonstrated that their retention is not feasible and that their loss will be mitigated.

- 10.62. Policy G8 states development proposals affecting existing Green Infrastructure features should demonstrate how these have been incorporated within the design of the new development where appropriate. This applies to protected and unprotected Green Infrastructure features such as hedgerow, trees and small public green spaces.
- 10.63. The proportion of canopy cover on the whole site is very low and of the proposed areas for development only plots referenced 04.TPA and 0.2TRKB have any soft ground surface, and only 04.TPA has trees, most of which are constituted by a rectangular cypress shelter belt feature.
- 10.64. The application is supported by landscape proposals, which include references to the translocation of trees within the site (from the 'northern deck': which has been approved and the subject of application reference: 23/00764/FUL), as well as some new tree planting augmenting other native herb layer, shrub, and hedgerow planting around 04.TPA, and three specimen lime trees within the 0.2TRKB plot.
- 10.65. Additional and revised details have been received and officers are satisfied with the details submitted. The AIA identifies 26 trees to be removed and 416m<sup>2</sup> of canopy area to be removed under the scheme, tree protection measures (can be adequately captured in the Construction Environmental Management Plan general detail as risks are low) and mitigation landscaping is set out in sufficient detail, subject to a landscape tree species condition proposed to ensure more longevity species are chosen.
- 10.66. The expanded Tree Canopy Cover Assessment methodology and figures generated support the conclusion that no-net loss (in fact, a net gain) is achieved at 25 years post development at 28m<sup>2</sup>.
- 10.67. In reference to proposed landscape and canopy cover mitigations, the details are acceptable. The use of native birch and Scots pine in 04.TPA is acceptable, but details should include longer lived species than birch, e.g. common oak (as specimens); this is the enlarged semi-natural landscape area to the northwest of the trailer parking. This can be secured through condition.
- 10.68. The proposal is therefore acceptable as it has provided sufficient details to show low harm on Arboricultural matters and compliance with OLP 2036 policies G7 and G8, and any impact can be mitigated by the conditions proposed.

#### **g. Flooding and Drainage**

- 10.69. Policy RE3 of the Oxford Local Plan 2036 states that planning permission will not be granted that would lead to increased flood risk elsewhere, or where the occupants or users would not be safe from flooding.

- 10.70. Policy RE4 of the Oxford Local Plan 2036 states that all development proposals will be required to manage surface water through Sustainable Drainage Systems (SuDS) or techniques to limit run-off and reduce the existing rate of run-off on previously developed sites. Surface water runoff should be managed as close to its source as possible, in line with the drainage hierarchy outlined in the policy. Applicants must demonstrate that they have had regard to the SuDS Design and Evaluation Guide SPD/ TAN for minor development and Oxfordshire County Council guidance for major development.
- 10.71. The BMW Mini Plant site lies in Flood Zone 1, and therefore is at Very Low risk of fluvial flooding (less than 1 in 1000 probability of flooding in any given year). Parts of the site are at High risk of surface water flooding (greater than 1 in 30 probability of flooding in any given year). Groundwater flood risk is considered to be low, and recent ground investigation (undertaken by Ramboll in March 2023) encountered groundwater at depths between 8.95m and 13.46m below ground level.
- 10.72. The applicant has provided revised evidence that includes an updated baseline and as developed surface water flood modelling outputs, which introduce a site-specific topographic survey and represent existing flood levels. These indicate significantly reduced flood extents and depths within the footprint of the proposed TLO TKB building when compared against the Environment Agency Risk of Flooding from Surface Water flood mapping, due to the removal of the glass wall around some of the existing buildings e.g. Assembly.
- 10.73. The City and County Councils' concern relate to whether the new TLO TKB building could flood/ floodwater could be accommodated within the building footprint to avoid the need for compensation elsewhere. If this is not considered viable, a condition is imposed to ensure the applicant provides evidence as to what compensation means could potentially be incorporated in the scheme to offset any loss of surface water floodplain volume, and/or demonstrate that any impacts would be negligible and not have any off site impacts.
- 10.74. The revised modelling and evidence enable a revised flooding and drainage strategy. Officers are confident that these details can be conditioned, as the principle of development and the design would not be impacted. The extent of the site, its location and layout together with the flood data provided enable opportunities to comply with the imposed conditions and to enable a satisfactory outcome, in accordance with policies RE3 and RE4 of the OLP2036.

#### **h. Energy and Sustainability**

- 10.75. Policy RE1 of the Oxford Local Plan states planning permission will only be granted where it can be demonstrated that the building complies with sustainable design and construction principles. In addition, an Energy Statement must be submitted that demonstrates a 40% carbon reduction in

carbon emissions, as well as evidence that for non-residential development of over 1000sqm, the development will meet BREEAM Excellent standard.

- 10.76. The submission includes a revised sustainability statement this also includes stage 3 modelling reports for the ILC, TKB and TLO buildings.
- 10.77. The applicant has demonstrated that the proposal is targeting BREEAM excellent in their submission. An Excellent rating under BREEAM requires a score of at least 70% be achieved – based on the design stage review it is anticipated that a compliance score of 87% from the BMW Sustainable Construction Tool would be achievable for the scheme, therefore this provides sufficient equivalence to a BREEAM Excellent score.
- 10.78. The proposal also includes evidence that it would be able to achieve 40% increase in carbon reductions as well as efficient water usage. Other sustainability requirements such as water conservation, responsible material use, biodiversity enhancements and sustainable waste management are also embedded within the proposed development.
- 10.79. The sole means of achieving the above is by the substantial use of solar panels attached to the roofs of the ILC, TLO and TKB buildings, which would also help reduce carbon emission as well as cover some energy use.
- 10.80. The proposal would meet the requirements of policy RE1 of the OLP 2036 and would thereof be acceptable. A condition would be imposed to ensure compliance with the hereby approved details.

**i. Biodiversity**

- 10.81. Policy G2 of the Local Plan states development that results in a net loss of sites and species of ecological values will not be permitted. Compensation and mitigation measures must offset the loss and achieve an overall net gain for biodiversity.
- 10.82. The buildings within the application site were assessed to be of negligible suitability for roosting bats and no further survey work was recommended. A single pond was identified within 500m of the site and an eDNA survey undertaken by the project ecologist found great crested newts were absent. The proposed development is therefore unlikely to harm an European Protected Species.
- 10.83. The Ecological Impact Assessment (EclA) identifies potential impacts on general populations of breeding birds, reptiles, amphibians, and mammals, through vegetation clearance. Avoidance and mitigation measures are proposed for the construction period.
- 10.84. These are broadly acceptable, with the exception that the existing grassland within the TPA development area would be cleared within the reptile active season “where possible” and that otherwise supervision by an Ecological Clerk of Works would be required.

- 10.85. This may be appropriate where small amounts of suitable habitat are present in the application site, but clearing large swathes of grassland suitable for reptiles overwinter is not appropriate. In those circumstances clearance should entail a phased cut in the reptile active season. This should be clarified in a Construction Environmental Management Plan (CEMP) for Biodiversity, secured via planning condition.
- 10.86. The applicant has submitted a Biodiversity Metric 4.0 that indicates the proposed development would result in a net loss of 3.21 habitat units onsite (-22.96%) and a net gain of 0.32 hedgerow units (+14.93%). The applicant is proposing to enhance an area of off-site grassland to account for the shortfall in habitat units onsite. The submitted metric indicates that this would improve the position of the proposed development to a net gain of 1.08 habitat units (+7.77%).
- 10.87. An addendum to the EclA has been submitted by the applicant to address some points of clarification from officers. The existing grassland within the TPA development area, the largest area of semi-natural habitat within the application site, has now been surveyed and officers are satisfied that a robust assessment of its value has been made.
- 10.88. The applicant is proposing to achieve the increase in hedgerow units onsite by enhancing an existing native hedgerow through improved management to close existing gaps at its base and along its length. The offsite grassland to be enhanced has a very low baseline value. The applicant proposes to increase this by overseeding and adopting an ecologically beneficial management regime.
- 10.89. Officers note that the project ecologist has assessed the proposed grassland enhancements using the wrong condition criteria, and the submitted addendum therefore does not support the submitted biodiversity metric. Ideally, this would be corrected prior to determination. However, officers are confident that what is proposed can be delivered at this location, and that a detailed management plan, secured by condition, can correct the mistake.
- 10.90. The project ecologist proposes achieving this via a Habitat Management Plan, which officers suggest takes the form of a Landscape and Ecological Management Plan (LEMP) secured via planning condition.
- 10.91. Therefore it is considered that the proposals would deliver a biodiversity net gain greater than the 5% required by Policy G2 of the Oxford Local Plan 2036. Appropriate management of the onsite and offsite habitats would be secured for a minimum of 30 years.

#### **j. Archaeology**

- 10.92. DH4 of the Local Plan has regard to archaeology and the historic environment.
- 10.93. The site is located in an area that contains a Roman Road (now Roman Way) and the local area demonstrates a high potential for Iron Age and

Roman settlement and pottery production. On the earliest available maps (dating from the late 18th century) the site appears as in agricultural use and may have been so since the early medieval period. In the late 19th century, a railway line was constructed in the south part of the site.

- 10.94. Since the early 20th century, the site has been a car manufacturing plant, and has been subject to several phases of building construction and demolition. The site has been subject to substantial previous impacts including quarrying in the north and centre of the site (as seen in historic maps) and building construction and demolition throughout the 20th century due to the development and expansion of the car plant. These activities will have had a negative impact on archaeological features and artefacts. Geotechnical survey and ground investigations conducted within the site shows Made Ground to a variable depth throughout much of the site.
- 10.95. The proposed ILC, Waste Recycling Area, TLO/TKB buildings and other integration works would be situated in the central and southern part of the site. As part of the proposed development buildings 30.5 and 31.5, in the vicinity of the proposed TLO/TKB building, would be demolished.
- 10.96. The areas of the ILC, Waste Recycling and TLO/TKB buildings have been subject to substantial previous ground disturbance and are covered by up to 2.95m of made ground. This previous disturbance is likely to have truncated or removed any archaeological features present.
- 10.97. The proposed foundations for the new buildings are unlikely to extend below the depth of made ground, and therefore their impact upon unknown archaeology would likely be low or negligible.
- 10.98. It is possible that archaeological monitoring of building demolition, clearance and construction activities might be required to record any residual archaeological features or deposits in these areas. East of Roman Way, in the north-east portion of the site, there is a medium potential for previously unidentified Iron Age and Roman evidence. Ground investigations in this area suggest the presence of made ground overlying natural geology. Due to the ephemeral nature of the planned development, it is unlikely that groundworks will extend below the depth of made ground in this part of the site. Accordingly, the proposed development in this area would have a low impact on any archaeology remains present. An archaeological watching brief may be required, in any areas where the proposed development may extend below the established depth of made ground. This includes, but is not limited to, the excavation of canopy structure foundations.
- 10.99. This application is of interest because it involves ground works adjacent to the Dorchester-Alchester Roman Road located within a landscape with significant potential for prehistoric and Roman remains. Roman remains are recorded to the north and south of the BMW plant and to the east at the Oxford Road sports pitches, providing evidence for dispersed burial areas and settlement activity along the road, which was also the focus of an extensive landscape of dispersed pottery manufacturing compounds.



- 10.100. In this instance the area of greatest proposed disturbance in the area of the lorry park has been subject to an evaluation by KDK Archaeology which failed to identify any significant remains, and therefore, given the various small-scale impact proposed and the assessment of impact set out in the Oxford Archaeology report, a condition to secure an archaeological watching brief would be appropriate.
- 10.101. A desk based archaeological assessment has been submitted for this area. The applicant has agreed to carry out some further trial trenching to explore the potential for below ground archaeology on parts of the site. The trial trenching is to take place prior to committee, which officers will verbally update at the meeting if available. A condition would also be proposed for the implementation of a programme of archaeological work in accordance with a written scheme of investigation.
- 10.102. The determination of the application should be subject to the completion and reviewed outcome of the trial trenching. This will enable the Council to react to any potential findings appropriately in line with local plan policy DH4.

#### **k. Air Quality**

- 10.103. Policy RE6 of the Oxford Local Plan has regard to air quality and states planning permission will only be granted where the impact of new development on air quality is mitigated and where exposure to air quality is minimised or reduced.
- 10.104. The baseline assessment submitted 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).
- 10.105. The air quality baseline desk assessment shows air quality conditions for future users of the proposed development have been shown to be acceptable, with concentrations measured at nearby roadside monitors consistently below the air quality objectives in recent years, including those before the pandemic. Therefore, the location of the application site is considered beforehand suitable for its intended use.
- 10.106. The design and access statement shows that the new site would all be built within the grounds of the Mini Plant, and far away from a major emission source, traffic route and far away from the location of any sensitive receptor/residential area.
- 10.107. The energy statement for the Proposed Development indicates that on site renewables are proposed in the form of solar photovoltaic panels. There would be no centralised combustion plant and thus no significant point sources of emissions within the proposed development.
- 10.108. BMW is estimating a 10% increase in HGVs with the development proposals, and an increase of 31 members of staff, which are expected to result in 70 additional vehicle daily trips. The highway impact assessment concludes that

the impact of the development on the local highway network is expected to be negligible during the AM, PM and daily (07:00 – 19:00) periods. According to the site's Air Quality Assessment, the traffic data used in this assessment were provided by the appointed Transport Consultant, Ridge.

- 10.109. No car parking is expected to be built on-site as a result of this new development, so local plan policy M4 with regards to EV charging points does not apply.
- 10.110. Operational Phase: A detailed dispersion modelling assessment was undertaken using the ADMS-Roads V5 dispersion model. The traffic modelling has used 2022 background data, monitoring data, meteorological data, and traffic data to verify the model. This was the latest year with full monitoring results available. NO<sub>2</sub> annual mean, NO<sub>2</sub> one-hour mean, PM<sub>10</sub> and PM<sub>2.5</sub> annual mean and PM<sub>10</sub> 24-hour mean concentrations are expected to meet the NAQOs in 2025 at all receptors when the proposed development is operational.
- 10.111. The impacts of demolition and construction work on dust soiling and ambient fine particulate matter concentrations have been assessed on the AQ Assessment, which identified that the development is a low-risk site for dust soiling as a result of only one property having been identified within 100m of the site. The sensitivity of the area to human health impacts is low. However, it is considered that the use of good practice control measures would provide suitable mitigation for a development of this size and nature and reduce potential impacts to an acceptable/negligible level. Provided these measures are implemented and included within a dust management plan, the residual impacts are not significant, and this would be mitigated by a condition to ensure acceptability.
- 10.112. An accompanying Framework Travel Plan has been prepared to support the planning application to encourage sustainable transport choices by members of staff. Several surveys followed by Monitoring reports will be conducted and issued in years 1, 3 and 5 by the appointed travel plan coordinator to the transport authority with the aim of accessing the effectiveness of the measures contained in the travel plan. If the initial measures are not effective in meeting the targets and the local authority raise concerns regarding the results of the monitoring, discussions would be held to establish whether further measures and monitoring are required.
- 10.113. A review of the dispersion modelling results indicated that predicted air quality impacts as a result of traffic generated by the development were not significant at any sensitive location in the vicinity of the site. The results of the assessment also indicated that pollution levels were below the relevant criteria at all locations across the development. As such, the site is considered suitable for the proposed use from an air quality perspective.
- 10.114. Based on the information above, it is considered that air quality should not be viewed as a constraint to planning, and the proposed development conforms to the air quality principles of National Planning Policy Framework and the OLP 2036 policy RE6 as it can be mitigated by the proposed condition.

## I. Land Quality

- 10.115. Policy RE9 of the Oxford Local Plan 2036 states that planning applications where proposals would be affected by contamination or where contamination may present a risk to the surrounding environment, must be accompanied by a report which fulfils the relevant criteria set out in the policy. Where mitigation measures are needed, these will be required as a condition of any planning permission.
- 10.116. A wide-ranging intrusive investigation involving the installation of boreholes and the conducting of soil, groundwater and ground gas sampling has been conducted in those areas of the BMW site where new development is proposed. The only exception to this are the small areas proposed at the western and eastern deck locations which have not been investigated.
- 10.117. The results of the investigations demonstrate that major sub-surface ground contamination risks to human health, buildings and the surrounding environment do not appear to be present at those locations tested when measured against the relevant contaminant assessment criteria for a commercial end-use. However, sample results did indicate the fairly widespread presence of minor asbestos fibre contamination within made ground at the site which will need careful management to avoid potential risks to construction workers and employees during the proposed development works.
- 10.118. Significant groundwater contamination has been discounted across the proposed development areas within the submitted reports. However, it is considered that the elevated levels of BTEX contamination within soils at sample location BH07 within the TKB area, together with elevated PID readings, need to be investigated further. It is notable that no groundwater results have been obtained at this location and this should be rectified. Only 3 groundwater samples have been taken across the entire proposed development areas and none were taken within the TKB area near to the location of ground contamination in BH07. Samples from BH08 and BH09 should be obtained if possible to understand the groundwater chemistry in this area - especially as this is the location of former fuel tanks.
- 10.119. The environment agency has initially objected on the above basis due to potential ground water contamination. However additional information was provided by the applicant to satisfy both EA and council officers that this is able to be resolved by a reasonable condition.
- 10.120. This Council considered that the risk could be appropriately managed by means of imposing a standard condition, that would ensure further boreholes would be dug and samples assessed prior to relevant works taking place on site.
- 10.121. The EA furthermore considers it necessary to manage the need for new boreholes and the decommissioning on those boreholes by condition as well as the to ensure the SUDS strategy is reasonably implemented and maintained as well as any potential infiltration to be managed.

- 10.122. Although soil contamination levels (with the exception of asbestos) is largely below commercial end-use assessment limits across the site, depending on landscaping proposals, there will be a need to mitigate against potential phytotoxic risks to plant growth from heavy metals within existing site soils. In this regard further information is required to confirm the proposed risk mitigation approach within landscaped areas of the new development.
- 10.123. The slight asbestos contamination identified across the site will need to be mitigated through the provision of a robust asbestos management plan for site construction workers and nearby employees, together with details of the proposed hardstanding and/or capping of the more significantly impacted soils. Elevated asbestos at sample location WS06 (0.012% by mass) was above the limit in soils generally considered acceptable for human health. Any open landscaped areas cannot retain asbestos contaminated soils unless capped appropriately.
- 10.124. Further ground gas monitoring is required to demonstrate and confirm the provisional ground gas risk assessment rating for the site as CS1 (low risk). One monitoring round is not considered sufficient to demonstrate absence of risk.
- 10.125. A remediation plan will need to be provided in accordance with the proposed further investigation planning condition recommended below to ensure that the site is rendered suitable for use post development.
- 10.126. Considering the above the proposal would be able to be mitigated by several conditions imposed, which would be able to address the above concerns. The proposal would therefore be acceptable as it would meet the requirements of OLP 2036 policy RE9.

### **m. Health Impact Assessment**

- 10.127. Policy RE5 of the Oxford Local Plan states that Oxford seeks to promote strong vibrant and healthy communities. For major development proposals, the Council will require a Health Impact Assessment to be submitted, which should include details of implementation, and monitoring.
- 10.128. A Health Impact Assessment (HIA) has been submitted alongside an explanatory statement.
- 10.129. The Health Impact Assessment submitted for the application meets the council's requirements. The document is a well-informed evidence-based piece of work and the findings of the study have been translated into actions within design where possible. The site is one serving an economic function and therefore officers are satisfied with the steps that have been taken (where possible) to ensure that the site is of benefit to the local community.
- 10.130. The proposal meets the requirements of S1 and RE5 of the Oxford Local Plan 2036 and therefore acceptable.

## **11. CONCLUSION**

- 11.1.1. 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 proposal represents sustainable development in accordance with paragraphs 8-11 of the NPPF and the Oxford Local Plan 2036, by providing upgrades to an existing large industrial site, which would ensure the longevity of this vital economic site, ensuring employment for the region.
- 11.3. The proposed development can be adequately mitigated by several conditions to ensure there is no harm to the local community and the wider built and natural environment.
- 11.4. The report has identified that the proposal relates to some substantial changes to an already large industrial site, but officers consider that the development would be achieved in the most sensitive way possible, minimising harmful impacts while providing substantial public benefits to the City of Oxford, the surrounding county and the wider UK economy at large.
- 11.5. The proposed development would therefore not only enable BMW move to a fully electric vehicle production, secure employment for local people as well as create a more environmentally resilient site due to further investigations and mitigation works as well as enhanced natural environment by improving the tree and ecology base line.
- 11.6. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the conditions set out in section 12 of this report and subject also to the satisfactory completion (under authority delegated to the Head of Planning and Regulatory Services) of a Unilateral Undertaking or legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers.

## **12. CONDITIONS**

### *Time limit*

- 1 The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

### *Approved plans*

- 2 The development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the local planning authority.

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

#### *Approved plans*

- 3 The materials to be used in the proposed development shall be as specified in the application hereby approved. There shall be no variation of these materials without the prior written consent of the Local Planning Authority.

Reason: To ensure that the development is visually satisfactory as required by Policies S1 and DH1 of the Oxford Local Plan 2036.

#### *Air Quality*

- 4 No development shall take place until the complete list of site-specific dust mitigation measures and recommendations that are identified on Table 8-1 (pages 26 and 27) of the Air Quality Assessment that was submitted with this application (AQA Oxford Mini Plant -September 2023), are included in the site's Construction Environmental Management Plan (CEMP). The CEMP shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with these details

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

#### *Energy and Sustainability*

- 5 Development shall be carried out in accordance with the BMW Sustainable Design & Construction Statement, Version 3, dated 23.10.2023, the Stage 3 Energy Modelling Report - PO4 with the reference 5021404-RDG-STS-XX-T-ME-8401 TLO and TKB Buildings by Ridge from October 2023 and the Stage 3 Energy Modelling Report ILC Building - PO2 from Ridge, dated October 2023. Only the hereby approved details shall be implemented. Any changes shall be agreed in writing with 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 Core Policy RE6 of the new Oxford Local Plan 2016- 2036.

#### *External Lighting*

- 6 External artificial lighting at the development shall not exceed lux levels of vertical illumination at neighbouring premises that are recommended by the CIE guidance 2003 & 2017 and the ILP Guidance Notes for the Reduction of Obtrusive Light (2021). Lighting shall be minimised and glare and sky glow

shall be prevented by correctly using, locating, aiming and shielding luminaires, in accordance with the Guidance Notes.

Reason: To ensure that the amenity of occupiers of surrounding premises is not adversely affected by lighting.

### *Noise*

- 7 Prior to use, the proposed plant installation and ducting at the development shall be mounted with proprietary anti-vibration isolators and fan motors shall be vibration isolated from the casing and adequately silenced and maintained as such.

The external noise levels emitted from plant/ machinery/ equipment shall ensure that the rating level of the noise emitted from the proposed installation located at the site 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 ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise.

### *Construction Traffic Management Plan*

- 8 A Construction Traffic Management Plan (CTMP) shall be submitted to and be approved in writing by the Local Planning Authority prior to commencement of works. This should identify:
- The CTMP shall be appropriately titled, include the site and planning permission 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 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 development shall be carried out in accordance with the approved Construction Traffic Management Plan

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.

#### *Cycle Parking*

- 9 Prior to first use of the hereby approved scheme a cycle parking strategy shall be submitted and approved in writing by the Local Planning Authority. The approved strategy shall be implemented on site before first use of the development.

Reasons: To ensure sustainable methods of transport are provided in accordance with M1 and M5 of the OLP 2036.

#### *Demolition and Construction Management*

- 10 Prior to commencement of the development hereby approved, a demolition method statement and a construction management plan shall be submitted to and be approved in writing by the Local Planning Authority. Details shall include control measures for dust, noise, vibration, lighting, delivery locations, restriction of hours of work and all associated activities audible beyond the site boundary to 07:00 - 18:00 Monday to Friday daily, 08:00 - 13:00 Saturdays and no works to be undertaken on Sundays or bank holidays and advance notification to neighbours and other interested parties of proposed works and public display of contact details including accessible phone contact to persons responsible for the site works for the duration of the works. The approved details shall be implemented throughout the project period.

Reason: To ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise, vibration, dust, lighting or other emissions from the building site



### *Highways S278 Agreement*

- 11 No development shall commence until an agreement made pursuant to section 278 of the Highways Act 1980 has been entered into with the Local Highway Authority for the works on the public highway associated with the changes to the vehicular accesses. This shall detail which works need to be completed and the timing they need to be completed by. The works are primarily to address safety concerns of pedestrians and cyclists and shall comply with LTN 1/20 and the Highway Code.

Reason: In the interests of Highway Safety.

### *Travel Plan*

- 12 Prior to first occupation a travel plan shall be submitted to and be approved in writing by the Local Planning Authority. Only the approved details shall be implemented and any changes shall be agreed in writing by the Local Planning Authority.

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

### *Contamination Risk Assessment*

- 13 Prior to the commencement of the development a further element of site investigation and contamination risk assessment shall be carried out by a competent person in accordance with relevant British Standards and the Environment Agency's Land Contamination Risk Management (LCRM) procedures for managing land contamination. The updated risk assessment shall demonstrate that the risks posed by this development can be satisfactorily managed and shall be accompanied by a formal remediation and validation plan and submitted in writing and approved in writing by the Local Planning Authority.

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

### *Remedial works and validation report*

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

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

### *Unexpected Contamination*

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

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

### *Scheme to protect groundwater*

- 16 The development hereby permitted shall not commence until such time as a scheme to protect groundwater from existing contaminant has been submitted to, and approved in writing by, the Local Planning Authority. Any such scheme should include a maintenance programme of the facilities to be provided. The approved scheme shall be fully implemented and subsequently maintained, in accordance with the approved details, or in accordance with any changes as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the water environment in line with paragraph 174 of the National Planning Policy Framework of the 'The Environment Agency's approach to groundwater protection'.

### *Borehole Management*

- 17 A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall be implemented prior to the occupation of any part of the permitted development.

Reason: To ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies in line with paragraph 174 of the National Planning Policy Framework and Position Statement A8 - Building and decommissioning of structures of 'The Environment Agency's approach to groundwater protection'.

### *Piling/Investigating Boreholes*

- 18 Piling/investigation boreholes using penetrative methods shall not be carried out other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed Piling/investigation boreholes and geotechnical investigation, does not harm groundwater resources in line with paragraph 174 of the National Planning Policy Framework and Position Statement N- Groundwater Resources of the 'The Environment Agency's approach to groundwater protection'.

#### *Sustainable Urban Drainage Systems (SuDS)*

- 19 Prior to the use of the hereby approved first building the approved drainage system shall be implemented in accordance with the approved Detailed Design: Document; Flood Risk Assessment & Drainage Strategy Reference: 5021404-RDG-OXF-XX-T-C-0501 Dated 12 September 2023.

Reason: To ensure sustainable drainage in accordance with policy RE4 of the OLP 2036.

#### *Surface Water Drainage*

- 20 Construction shall not begin until a detailed surface water drainage scheme for the site, has been submitted to and approved in writing by the Local Planning Authority. This shall confirm mitigation measures to be implemented and demonstrate flood risk is suitably managed. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:
- A compliance report to demonstrate how the scheme complies with the "Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire";
  - Full drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change;
  - A Flood Exceedance Conveyance Plan;
  - Comprehensive infiltration testing across the site to BRE DG 365 (if applicable)
  - Detailed design drainage layout drawings of the SuDS proposals including cross-section details;
  - Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element, and;
  - Details of how water quality will be managed during construction and post development in perpetuity;
  - Confirmation of any outfall details.
  - Consent for any connections into third party drainage systems

Reason: To ensure development does not increase the risk of flooding elsewhere; in accordance with Paragraph 155 of the National Planning Policy Framework (NPPF), OLP 2036 policy RE3 and National Standards.

### *SuDS As Built and Maintenance Details*

- 21 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 sustainable drainage in accordance with policy RE4 of the OLP 2036.

### *Infiltration*

- 22 No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the Local Planning Authority. Any proposals for such systems shall be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 174 of the National Planning Policy Framework.

### *Archaeology*

- 23 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation 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 written scheme of investigation, unless otherwise agreed in writing by the Local Planning Authority.

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

### *Landscape Plan*

- 24 A landscape plan shall be submitted to, and approved in writing by, the Local Planning Authority prior to first occupation or first use of the development hereby approved. The plan shall show details of treatment of paved areas,

and areas to be grassed or finished in a similar manner, existing retained trees and proposed new tree, shrub and hedge planting. The plan shall correspond to a schedule detailing plant numbers, sizes and nursery stock types.

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

*Landscape Implementation*

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

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

*Arboricultural Information*

- 26 A tree survey and Arboricultural Implications Assessment carried out in accordance with the BS.5837:2012 shall be submitted to, and approved in writing by, the Local Planning Authority before development starts. This shall include a tree cover canopy assessment as well as a survey of existing trees showing sizes and species, and indicate which (if any) it is requested should be removed, and shall show in detail all proposed tree and shrub planting, treatment of paved areas, and areas to be grassed or finished in a similar manner. The approved tree survey and Arboricultural Implications Assessment shall be implemented on site before development commences.

Reason: In the interests of visual amenity in accordance with policies S1, G1, G7 and G8 of the Adopted Local Plan 2016-2036.

Construction Environmental Management Plan (Biodiversity)

- 27 No development shall take place (including demolition, ground works and vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:
- a) Risk assessment of potentially damaging construction activities;
  - b) Identification of "biodiversity protection zones" in respect of protected and notable species and habitats;
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts on biodiversity during construction (may be provided as a set of method statements) and biosecurity protocols;
  - d) The location and timing of sensitive works to avoid harm to biodiversity features;
  - e) Contingency/emergence measures for accidents and unexpected events, along with remedial measures;
  - f) Responsible persons and lines of communication;

- g) The role and responsibilities on site of a qualified ecological clerk of works (ECoW) or similarly competent person if required, and times and activities during construction when they need to be present to oversee works; and
- h) Use of protective fences, exclusion barriers and warning signs;

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: 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.

#### *Landscape and Ecological Management Plan*

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

The content of the LEMP shall include the following:

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

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

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

Reason: The facilitate the delivery of biodiversity net gain in accordance with Policy G2: Protection of biodiversity and geo-diversity of the adopted Oxford Local Plan 2036 and to ensure compliance with the Wildlife and Countryside Act 1981.

### *Ecological Enhancements*

- 29 Prior to occupation of the development, details of ecological enhancement measures including at least two bat roosting devices and two bird nesting devices shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the proposed specifications, locations, and arrangements for any required maintenance. The approved devices shall be fully constructed under the oversight of a suitably qualified ecologist prior to occupation of the approved development. Any new fencing shall include holes suitable for the safe passage of hedgehogs. The approved devices and fencing holes shall be maintained and retained in perpetuity unless otherwise approved in writing by the Local Planning Authority.

Reason: To enhance biodiversity in Oxford City in accordance with paragraph 174 of the National Planning Policy Framework.

### *Biodiversity Net Gains (BNG)*

- 30 The development hereby permitted shall be carried out in accordance with the submitted Biodiversity Net Gain Assessment Report prepared by Ramboll and dated September 2023, to ensure that there is a minimum 7.77% net gain in habitat units and 14.93% net gain in hedgerow units.

No development shall commence until a Habitat Management and Monitoring Plan (HMMP) that ensures the specified net gains will be achieved in accordance with the Biodiversity Net Gain Assessment Report has been submitted to and approved in writing by the Local Planning Authority. The HMMP shall include 30-year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports.

Monitoring reports shall be submitted to the Local Planning Authority during Years 2, 5, 10, 20 and 30 from the commencement of development, unless otherwise agreed in the HMMP, demonstrating how the BNG is progressing towards achieving its objectives and identifying any rectifying measures needed.

Reason: To ensure the delivery of biodiversity net gain in accordance with Policy G2 of the Oxford Local Plan 2036 and the paragraphs 174 and 180 of the National Planning Policy Framework.

### INFORMATIVES :-

- 1 In accordance with guidance set out in the National Planning Policy Framework, the Council tries to work positively and proactively with applicants towards achieving sustainable development that accords with the Development Plan and national planning policy objectives. This includes the offer of pre-application advice and, where reasonable and appropriate, the

opportunity to submit amended proposals as well as time for constructive discussions during the course of the determination of an application. However, development that is not sustainable and that fails to accord with the requirements of the Development Plan and/or relevant national policy guidance will normally be refused. The Council expects applicants and their agents to adopt a similarly proactive approach in pursuit of sustainable development.

- 2 The development hereby permitted is liable to pay the Community Infrastructure Levy. The Liability Notice issued by Oxford City Council will state the current chargeable amount. A revised Liability Notice will be issued if this amount changes. Anyone can formally assume liability to pay, but if no one does so then liability will rest with the landowner. There are certain legal requirements that must be complied with. For instance, whoever will pay the levy must submit an Assumption of Liability form and a Commencement Notice to Oxford City Council prior to commencement of development. For more information see: [www.oxford.gov.uk/CIL](http://www.oxford.gov.uk/CIL)
- 3 With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separated and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of ground water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.

Reason: To ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

- 4 If unexpected contamination is found to be present on the application site, an appropriate specialist company and Oxford City Council should be informed and an investigation undertaken to determine the nature and extent of the contamination and any need for remediation. If topsoil material is imported to the site the developer should obtain certification from the topsoil provider to ensure that the material is appropriate for the proposed end use.

Please note that the responsibility to properly address contaminated land issues, irrespective of any involvement by this Authority, lies with the owner/developer of the site.

- 5 There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in



some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the options available at the site.

Thames Water requests that the applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.

Where a developer proposes to discharge groundwater into a public sewer, a groundwater discharge permit will be required. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing the site remediation. Ground water permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 8507 4890 or by emailing [wwriskmanagement@thameswater.co.uk](mailto:wwriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality). Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.

- 6 The archaeological investigation should consist of a watching brief during significant ground works and should be undertaken by a professionally qualified archaeologist working to a brief issued by ourselves.

### **13. HUMAN RIGHTS ACT 1998**

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

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

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

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