

Planning Review Committee

18th April 2024

Application number:	23/02506/CT3		
Decision due by	7th February 2024		
Extension of time	29th March 2024		
Proposal	Construction of pedestrian/cycle bridge across the River Thames from Grandpont Nature Park to Oxpens Meadows (additional information)		
Site address	South Side, Oxpens Road, Oxford, Oxfordshire – see Appendix 1 for site plan		
Ward	Osney And St. Thomas Ward		
Case officer	Sarah De La Coze		
Agent:	Mr Paul Comerford	Applicant:	Oxford City Council
Reason at Committee	The application has been called in to the Planning Review Committee by Councillors Muddiman, Miles, Sandelson, Pegg, Rawle, Malik, Djafari-Marbini, Kerr, Mundy, Dunne, Jarvis and Nala-Hartley (the first 12 members) additional members calling it in were Councillors Thomas, Gant, Goddard and Latif.		

RECOMMENDATION

The Planning Review 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 2 of this report and grant planning permission subject to:

- the satisfactory completion of a legal agreement under section.106 of the Town and Country Planning Act 1990 and other enabling powers to secure biodiversity offsetting which is 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 such refinements, amendments, additions and/or deletions as the Head of Planning and Regulatory Services considers reasonably necessary; and
- finalise the recommended legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers as set out in this report, including refining, adding to, amending and/or deleting the

obligations detailed in the heads of terms (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 the section 106 legal agreement referred to above and issue the planning permission.

EXECUTIVE SUMMARY

1.2. At the Oxford City Planning Committee on the 19th March 2023 the committee resolved to approve the grant of planning permission for a new cycle and pedestrian bridge connecting Grandpont Nature Reserve with Oxford Meadows and delegated authority to the Head of Planning and Regulatory Services to issue the planning permission subject to conditions and to the prior completion of a legal agreement to secure biodiversity off-setting.

1.3. The decision of the Oxford City Planning Committee has subsequently been called-in to the Planning Review Committee by Councillors Muddiman, Miles, Sandelson, Pegg, Rawle, Malik, Djafari-Marbini, Kerr, Mundy, Dunne, Jarvis and Nala-Hartley (the first 12 members) additional members calling it in were Councillors Thomas, Gant, Goddard and Latif for the following reason:

The building of a new bridge adjacent to an existing bridge is not an efficient use of land or resources to deliver sustainable growth and development and it is therefore contrary to policies RE1 and RE2 in the Local Plan 2016-2036

1.4. A copy of the officer's committee report to the meeting of the Oxford City Planning Committee on 19th March 2024 is included within **Appendix 2** of this report. The report provided a full assessment of how the proposal would accord with the policies of the current development plan when considered as a whole, and the range of material considerations that along with the development plan policies supported the grant of planning permission. The report also includes a full assessment of how the scheme would also accord with the aims and objectives of the National Planning Policy Framework (NPPF). Having regard to the fact that the development conforms with the development plan as a whole, along with the aims and objectives of the NPPF, members were advised that paragraph 11 of the revised NPPF states that the proposal should be approved without delay. Moreover the report also concludes that there are not any material considerations that would outweigh the compliance with these national and local plan policies.

1.5. Accordingly it is considered that the committee report provided in **Appendix 2** should be read in conjunction with this report.

1.6. This report includes the verbal updates that were given to members during the meeting of the Oxford City Planning Committee on 19 March 2024 and includes the clarification provided on the specific issues which were raised during the committee meeting and in relation to the specific reasons given with the call-in request to the Planning Review Committee.

LEGAL AGREEMENT

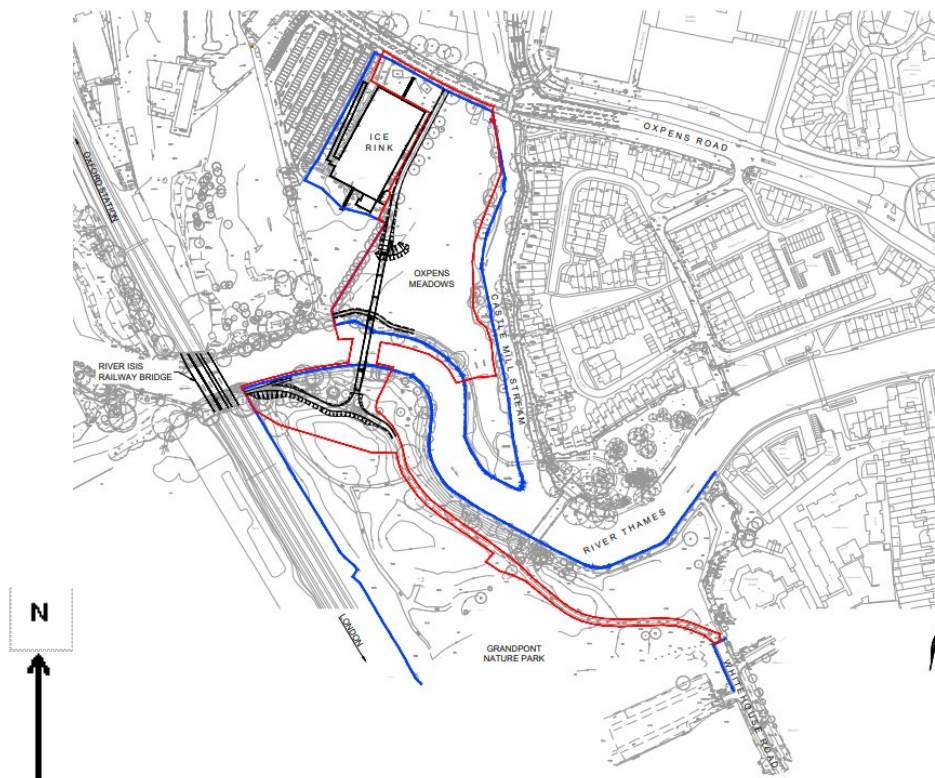
- 1.7. This application is subject to a legal agreement to secure the delivery of a minimum of 5% biodiversity net gain and a Landscape and Ecological Management Plan (LEMP) outlining the long-term ecological management of the site for a period of 30 years.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 1.8. The proposal is not liable for CIL.

SITE AND SURROUNDINGS

- 1.9. The site is located to the south west of the City Centre.
- 1.10. The bridge landing site north of the Thames sits between Oxpens Meadows and the Oxpens allocation site. Oxpens Meadows is bounded by Oxpens Road to the north, Castle Mill Stream to the East with St Ebbes beyond. To the south of the Thames is the pedestrian and cycle towpath which connects to Osney Mead and Osney Island. The Ice Rink and Oxpens allocation is to the west.
- 1.11. The landing site south of the Thames includes land part of Grandpont Nature Park, it also includes a pedestrian and cycle footpath.
- 1.12. The site is not located within a Conservation Area but sits within close proximity to the Osney and Central Conservation Areas.
- 1.13. See site plan below:



PROPOSAL

- 1.14. The application seeks permission for the construction of pedestrian/cycle bridge across the River Thames from Grandpont Nature Park to Oxpens Meadow comprising:
- i. a steel bridge structure with a total span of 98.90m with a river span of 23.39m;
 - ii. associated access points;
 - iii. improvements to existing footpath/cycleway connections;
 - iv. ecological enhancements ; and
 - v. ancillary development including hard and soft landscaping.
- 1.15. The improvement works include addressing the gradient of the path to the south of the river, within the application boundary, where the pathway to the west will be realigned to provide a gentler gradient to facilitate walking and cycling. The path adjacent to the ice rink that leads on to the Oxpens Road will be widened to allow more space for pedestrians and cyclists to pass.
- 1.16. The bridge has been designed to be a shared space between pedestrians and cyclists and will have a deck width of 3.5m. The bridge will allow for a dry route over Oxpens Meadows to be created when the meadows are flooded.

RELEVANT PLANNING POLICY

- 1.17. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Other planning documents
Design	135-141	RE1 - Sustainable design and construction RE2 - Efficient use of Land G5 - Existing open space, indoor and outdoor DH1 - High quality design and placemaking DH2 - Views and building heights	
Conservation/ Heritage	195-214	DH3 - Designated heritage assets DH4 - Archaeological	

		remains DH5 - Local Heritage Assets	
Natural environment	180-194, 157-175	RE3 - Flood risk management RE4 - Sustainable and foul drainage, surface 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	
Transport	108-117	M1 - Prioritising walking, cycling and public transport M2 - Assessing and managing development	
Environmental	189-194	RE6 - Air Quality RE9 - Land Quality	
Miscellaneous	7-12	S1 - Sustainable development RE7 - Managing the impact of development AOC1 - West End and Osney Mead SP2 - Osney Mead SP1 - Sites in the West End	West End SPD

CONSULTATION RESPONSES

1.18. A complete summary of all consultation responses received in relation to this application from statutory and non-statutory consultees and public representations is contained within Section 9 of the officer's report to the

meeting of the Planning Committee on 19th March 2024 attached at **Appendix 2**.

- 1.19. Two additional letters of comment was received following the committee of the 19th March from an address in Western Road and Cyclox. The comments refer to the impact of the bridge on the Nature Reserve, the impact of the widening of the footpath, the poor alignment, the lack of compliance with LTN1/20. These issues have been addressed in either the committee report which is attached in **Appendix 2** or in the relevant section of this report.

PLANNING MATERIAL CONSIDERATIONS

- 1.20. A copy of the officer's report to the meeting of the Planning Committee on 19th March 2024 is included within **Appendix 2**. It is considered that the officer's report provides a full assessment of the scheme in relation to the relevant policy considerations within the existing local development framework; however this report is intended to respond on the issues which have been raised in relation to the reasons given with the members' request to call the application to the Planning Review Committee
- 1.21. The minutes of the meeting show that during the meeting the Committee also discussed a number of points, therefore this report will focus on those points along with the call-in reason and the verbal updates that were given at committee meeting.
- 1.22. The following issues are discussed in this report:
- i. The building of a new bridge adjacent to an existing bridge is not an efficient use of land or resources to deliver sustainable growth and development and it is therefore contrary to policies RE1 and RE2 in the Local Plan 2016-2036
 - ii. The requirement for a new bridge when there is the existing Gasworks Bridge in the vicinity
 - iii. The impact of the bridge on the Meadows and Nature Reserve and removal of trees
 - iv. Funding of the bridge
 - v. Verbal updates given at committee
- i. The building of a new bridge adjacent to an existing bridge is not an efficient use of land or resources to deliver sustainable growth and development and it is therefore contrary to policies RE1 and RE2 in the Local Plan 2016-2036**
- 1.23. Policy RE1 relates to sustainable design and construction. The planning statement submitted with the application references this policy and how the development would accord with the criteria contained within it.

- 1.24. The policy sets out that planning permission will only be granted where it can be demonstrated that the following sustainable design and construction principles have been incorporated, where relevant:

a) Maximising energy efficiency and the use of low carbon energy;

Principally the bridge seeks to reduce energy and carbon associated with the transport network by making improvements to connectivity throughout the city in order to encourage a modal shift towards walking and cycling. The design of the bridge has also considered these issues by reducing the material demand required by the bridge as well as maximising off site construction which would also allow for few trips associated with the bridge construction.

b) Conserving water and maximising water efficiency;

As the bridge is a piece of infrastructure the use of water supply as part of its operation is not relevant.

c) Using recycled and recyclable materials and sourcing them responsibly;

The bridge limits the use of concrete which reduces its embodied carbon. The use of steel also maximises the opportunity for recycling at the end of its life as well as allowing for easier maintenance which could prolong its working life.

d) Minimising waste and maximising recycling during construction and operation;

The design process for the development has had to consider how the bridge will be constructed. This has meant that a large proportion of the bridge can be fabricated offsite within a factory where waste can be minimised as part of the controlled environment using specialist machinery. Reducing the amount of concrete to construct the bridge reduces the number of concrete pours, and optimising the sequencing of these concrete operations can reduce wastage. Finally, the use of alternative paint will be explored to reduce maintenance requirements in later life which will have waste associations. As there is limited development existing on site, opportunities to maximise recycling during construction is limited. However, the repurposing of topsoil will be encouraged during construction for example using material from excavation for fill where appropriate. There is also scope to recycle organic clearance materials for mulching the proposed landscaping, as well as the repurposing for ecological features where feasible.

e) Minimising flood risk including flood resilient construction;

Flood mitigation measures are provided as part of the scheme including allowing for climate change – this is set out in the flood risk assessment.

f) Being flexible and adaptable to future occupier needs; and

This criteria is typically meant for buildings whereby consideration is given to designing buildings that can be used for various purposes. That said the bridge will allow for future needs as it would help improve pedestrian and cycle routes in this part of the city which would help encourage the modal

shifts in access which is an objective of the County Council's wider highways strategies for the city and wider county. The provision of a bridge in this location is also identified within the Local Plan as an objective to improve connectivity throughout the West End, to support and encourage connectivity within the West End and beyond in general terms as well as in relation to allocated development sites in the Local Plan.

g) Incorporating measures to enhance biodiversity value.

The proposal has been designed to reduce impacts on the site as much as possible, and includes additional landscaping and tree planting to lessen any impacts. In addition biodiversity offsetting is proposed in accordance with policy G2 of the Local Plan.

- 1.25. On this basis officers are therefore of the opinion that the proposal accords with policy RE1 of the Oxford Local Plan.
- 1.26. Policy RE2 of the Oxford Local Plan refers to efficient use of land. The policy preamble sets out that this policy relates mainly to the provision of housing and ensuring that developments achieve an appropriate density to contribute towards the city's need especially where land is constrained. It was not meant to relate to development proposals such as this which are looking to provide infrastructure. Notwithstanding this officers have considered it in the context of the bridge. The policy states:
- 1.27. 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 addressing the following criteria:

a) the density must be appropriate for the use proposed;

The site is an open area which has the capacity to accommodate a new bridge. The bridge will be located within an area of change as identified in policy AOC1 of the Oxford Local Plan. The preamble to the policy highlights the potential for a new bridge and states "*The West End is the south west corner of the city centre, including Oxford Station. Osney Mead sits on the other side of the river, but with good connectivity to Oxford Station and potential to be better integrated with the city centre via a bridge to the West End. Much of the area is underutilised and does not reflect Oxford's international reputation or live up to its potential.*"

The policy also highlights the need to improve connectivity.

Policy AOC1: West End and Osney Mead

Planning permission will be granted for new development within the area of change where it would take opportunities to deliver the following, where relevant:

- Create high-density urban living that makes efficient use of land
- Maintain a vibrant mix of uses
- Has regard to the framework set out in the West End Design Code
- Maximise the area's contribution to Oxford's knowledge economy
- Enhance public realm along the waterways
- Enhance connectivity throughout the area, including along and across waterways
- Enhance the pedestrian and cycling experience
- Ensure that the heritage of the area informs and guides new development proposals
- Create easy and attractive transport interchange
- Reduce car parking

b) the scale of development, including building heights and massing, should conform to other policies in the plan. It is expected that sites at transportation hubs and within the city and district centres in particular will be capable of accommodating development at an increased scale and density, although this will also be encouraged in all other appropriate locations where the impact of so doing is shown to be acceptable;

The bridge has been designed to respond to its setting. The location of the bridge takes advantage of the existing levels at Grandpont. The existing towpath is unaffected and passes under the bridge. The bridge lands close to the level of the upper path through Grandpont. The low and refined profile of the bridge, combined with the aim to allow for transparency through the bridge together minimises negative impact on landscape setting. The structural design has led the form of the bridge which reflects a response to the site context. Shifting the structural mass to either end of the bridge, allows it to line up with the tree growth at which point views through are already much reduced. In addition, this structural mass is situated on opposite sides of the bridge so there is always one section that is open which maintains openness and outlook on one side or the other, when passing over the bridge and avoids a tunnel effect for users.

The bridge will bring with it a visual change to the area given but this must be seen in the context of the city. As mentioned the area to the north is an 'Area of Change' where the context of the area is expected to change and therefore officers consider that the bridge would sit comfortably within its own setting as a standalone application, it will also sit comfortably within the 'Area of Change' and will be experienced as part of a large part of the city which is likely to bring with it regeneration in the future.

c) opportunities for developing at the maximum appropriate density must be fully explored; and

The bridge is considered to be of a scale that sits comfortably within its setting. There is always a balance to be made when considering maximum appropriate density and officers are of the opinion that the proposed width, design and location of the bridge is acceptable to its specific setting taking in to account all the competing priorities.

d) built form and site layout must be appropriate for the capacity of the site.

High-density development (for residential development this will indicatively be taken as 100dph) is expected in the city centre and district centres.

As set out previously with regard to the local plan policies the bridge delivers the local plan requirements in improving connectivity in a way that is appropriate for the site and setting. The Grandpont Nature Park covers some 14 acres (excluding the recreation ground). The application sets out that the footprint of the proposed bridge and path is approximately 0.14 acre which is just 1% of the area.

1.28. On that basis, whilst it is clear that this policy was meant to apply to the provision of development such as housing, rather than an infrastructure project, officers are of the opinion that the proposed development would meet the requirements of policy RE2 of the Oxford Local Plan.

1.29. The call-in reason states that the bridge is not an efficient use of land or resources to deliver sustainable growth and development. Officers are of the opinion that a new piece of infrastructure linking and improving east west connections across the city, as well as linking significant allocation sites would help deliver sustainable growth and development. The inclusion of a new bridge in this location would help promote and encourage sustainable forms of travel across the city in line with the city and county's aspirations to reduce the reliance on the private motorcar and encourage more sustainable forms of travel. The West End SPD and Oxford Local Plan further confirms this by highlighting that a new bridge crossing is a key infrastructure project and the Osney and West End allocation sites also highlights the aspiration for a new bridge to be delivered. For these reasons the proposal is considered to comply with Oxford's Development Plan.

ii. The requirement for a new bridge when there is the existing Gasworks Bridge in the vicinity.

1.30. The officer report located in **Appendix 2** sets out that consideration was given to whether the Gasworks Bridge could be used instead of the new bridge. As the report explains, this was not considered suitable for a number of reasons. Following the committee meeting further clarification has been provided by the applicant as to why the Gasworks Bridge is not considered as an alternative

and what works would be required in order to upgrade the Gasworks Bridge to make it a suitable alternative.

1.31. The following works/issues would need to be resolved/required:

- Raising the parapet of the bridge from 1.1m to 1.4m to make it suitable for cycling
- Increasing the width of the access path on the north side to 3m to create a shared use path, necessitating the removal of part of the wall and piers on the north side and setting back other items and removal of trees before the path would narrow back to 2m
- Two path options were identified but it was recognised that there were flood implications that would need to be explored. It was suggested a 1.5m raising of path levels would be necessary for the path through the floodplain. This would involve greater construction within the meadows which is sensitive in terms of archaeology and flood capacity and would require the agreement of the Environment Agency
- The North approach, even with improvements, would be narrower only meeting minimum standards with areas of constraint, and therefore would have less capacity than the proposed route
- The existing path to Oxpens Road alongside the Castle Mill Stream is too narrow to be comfortably used for cycling and there is no room to improve it because of its location between the stream and housing.
- The Castle Mill Stream bridge is below standard to allow cyclists and pedestrians to pass, 2.05m
- The Western end of the Castle Mill Stream bridge is situated in an area of the Oxpens Meadows that regularly floods.
- The historic bridge would need to be altered, with raised parapets and removal of the piers on the Northside, affecting its appearance.

1.32. In addition to these points there is no funding available to undertake alterations to the Gasworks Bridge. Oxfordshire County Council highways also identified that the connecting routes from the Gasworks Bridge are of low quality.

1.33. Having regard to the above points, Officers are satisfied that the use of the Gasworks Bridge was explored but not taken forward for the reasons given above. When the Local Plan and West End SPD were adopted, the Gasworks bridge was in existence and the need and aspiration for a new bridge was still considered to be a key infrastructure priority. The principle of a new bridge that sits alongside the Gasworks Bridge is therefore acceptable in policy terms and officers are of the opinion that the inclusion of an existing bridge in the vicinity (the Gasworks Bridge) would not in itself be a reason for refusal as the local policy takes into account the existing infrastructure in the area and the use and existence of one bridge does not exclude the inclusion of another bridge in policy terms.

iii. The impact of the bridge on the Meadows and Nature reserve and removal of trees.

- 1.34. The bridge would bring with it a change to the appearance of the Nature Reserve and Meadows with the inclusion of a new bridge. On the south the bridge landing position has been chosen so it can land on the footpath without impacting on the tow path beneath. Tree planting is proposed to help mitigate the impact of the bridge landing location.
- 1.35. Along this stretch of the Nature Reserve there are other infrastructure elements that are visible such as the Gasworks Bridge and the Railway Bridge. The inclusion of another bridge would therefore not be seen as an alien or inappropriate addition given what else is present in the vicinity nor would it be considered out of context with this section of the Nature Reserve. The proposed bridge would not impact on the usability of the Nature Reserve and would instead see upgrades to the footpath allowing for it to be more accessible which is supported by the Local Plan. The location of the bridge on the Meadow side would still allow for a large area of useable space and is considered appropriate for this Area of Change identified in the Local Plan. As set out previously the Local Plan and West End SPD supports the inclusion of a bridge in this location and the bridge has been designed in response to its setting.
- 1.36. A number of concerns were raised about the removal of trees from the site prior to the application being determined. As set out in the officer report in **Appendix 2** the trees were removed by the applicant in advance of any planning permission in order to avoid the bird nesting season. The site is not in a Conservation Area and the trees removed were not subject to a TPO, therefore no permission was required for their removal. In addition, the forestry commission have confirmed that the works carried out did not require a felling licence.
- 1.37. The application seeks to provide additional tree planting on the site. These include 6 native trees to the north and 3 to the south of the Thames, in addition 40 feathered trees will be integrated into the wider landscaping works. Officers are therefore of the opinion that whilst the proposal will see the loss of some trees, this would not include any category A trees and the proposed planting would be acceptable in terms of mitigating against the loss of the trees.

iv. Funding for the bridge

- 1.38. The funding for the bridge is not a material planning consideration and is therefore not considered by officers when making their recommendation to approve the application and this should not be taken into account by members when considering the application.

v. Verbal updates given at committee on the 19th March 2024.

A number of verbal updates were given at the committee meeting on the 19th March, The following comments relate to those that have not already been addressed in either the committee report in **Appendix 2** or this report.

EIA Screening

- 1.39. Prior to the committee meeting, representations were made that the development had not been appropriately screened as to whether an Environment Impact Assessment (EIA) was required.
- 1.40. The applicant did seek an opinion from officers prior to the submission of the application as to whether an EIA was necessary. Having reviewed the screening request officers were satisfied that the development would not give rise to significant environmental effects that would need to be considered through the submission of an Environmental Impact Assessment. The application was supported by a range of technical documents that considered the environmental impact of the development and the assessment contained within the committee report in **Appendix 2** has considered these impacts and conditions are imposed which will mitigate any impact.
- 1.41. In addition comments were made as to whether the bridge should be screened in combination with the Oxpens development and Osney Mead allocation. The application for the bridge is a standalone development that can be delivered on its own without the need for the Oxpens or Osney Mead allocations to be delivered and vice versa. Therefore, the bridge does not need to be screened with the surrounding development allocations and was therefore screened on its own merits.

Flooding and the sequential test

- 1.42. Prior to the committee meeting, concerns were raised that the committee report did not provide commentary on the sequential and exception tests relating to flood risk as set out within the NPPF. Officers advised members at the meeting that these tests were considered within the Flood Risk Assessment submitted with the application and that officers agree with the assessment contained within this document.
- 1.43. Officers consider the development to be essential infrastructure and that this type of development is acceptable in flood zone 3b, notwithstanding this, the sequential and the exception test will still need to be met.
- 1.44. With regard to the bridge, policy SP1 and SP2 sets out that a new cycle and pedestrian bridge over the river should be delivered in this location to link and enhance routes to the city centre. The aspiration for a new bridge over a watercourse, would in itself be required to cross an area of high risk to flooding. The Local Plan and West End SPD sets out that this area should be the location for the bridge. Officers therefore consider the sequential test has been met. If a development cannot be located in an area of lower flood risk an exception test should be carried out.
- 1.45. *Paragraph 170 of the NPPF sets out:*
- 1.46. *“To pass the exception test it should be demonstrated that: a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. Both elements*

of the exception test should be satisfied for development to be allocated or permitted.”

- 1.47. The application sets out that the application would bring with it wider sustainability benefits by providing a route that improves cycle and pedestrian connectivity to the city centre as well as surrounding allocated sites. In addition, the application is supported with an FRA that demonstrates that the development would not increase flood risk. Officers therefore consider that the exception test has been met.
- 1.48. A comment was also received regarding the consultation of the application. Site notices were placed around the site in November 2023 and an advert placed in the newspaper in November 2023, in line with the statutory requirements.

CONCLUSION

- 1.49. Having regard to the matters dealt with in this report and the committee report to the Planning Committee on 19th March included in **Appendix 2**, 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.
- 1.50. The NPPF recognises the need to take decisions in accordance with section 38 but also makes clear that it is a material consideration in the determination of any planning application. The main aim of the NPPF is to deliver sustainable development, with paragraph 11 detailing the key principle for achieving this aim. The NPPF also goes on to state that development plan policies should be given due weight depending on their consistency with the aims and objectives of the NPPF. The relevant development plan policies are considered to be consistent with the NPPF.

Compliance with Development Plan Policies

- 1.51. Therefore in conclusion it is necessary to consider the degree to which the proposal complies with the policies of the development plan as a whole and whether there are any material considerations, such as the NPPF, which are inconsistent with the result of the application of the development plan as a whole.
- 1.52. The proposal is considered to comply with the development plan.

Material considerations

- 1.53. The principal material considerations which arise are addressed below, and follow the analysis set out in earlier sections of this report and in the report at Appendix 2.
- 1.54. National Planning Policy: The NPPF has a presumption in favour of sustainable development. NPPF paragraph 11 states that proposals that

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

- 1.55. Officers consider that the proposal would accord with the overall aims and objectives of the NPPF for the reasons set out within the report. Therefore in such circumstances, Paragraph 11 is clear that planning permission should be approved without delay. This is a significant material consideration in favour of the proposal.
- 1.56. The proposals submitted under this full application comprise the erection of a new cycle and foot bridge and associated footpath improvements. The proposal will not have an unacceptable impact on flooding, highways, neighbouring amenity, the historic environment, biodiversity or trees as well as the other matters discussed in the report and conditions have been included to ensure this remains in the future.
- 1.57. It is therefore recommended that the Committee resolve to grant planning permission for the development proposed subject to the conditions set out in section 2 below and to the prior completion of a legal agreement made pursuant to 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.

2. 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. Subject to other conditions requiring updated or revised documents submitted with the application, the development permitted shall be constructed in complete accordance with the specifications in the application 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 S1 of the Oxford Local Plan 2016-2036.

Materials

3. Prior to the installation of the bridge, a schedule of materials together with samples exterior materials to be used shall be submitted to and approved in writing by the Local Planning Authority and only the approved materials shall be used unless otherwise agreed in writing by the Local Planning Authority.

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

Contaminated Land 1

4. The development shall not come into use until the approved remedial works, as outlined within Chapter 9 of the submitted Ground Investigation Report by Stantec, have been carried out and a full validation report has been submitted to and approved in writing by the Local Planning Authority. All piling works must be carried out in accordance with the Environment Agency guidance for piling in potentially contaminated sites (EA, 2001 and 2002).

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

Contaminated Land 2

5. Throughout the course of the development, a watching brief for the identification of unexpected contamination shall be undertaken. Any unexpected contamination that is found during the course of construction of the approved development shall be reported immediately to the Local Planning Authority. Development on that part of the site affected shall be suspended and a risk assessment carried out by a competent person 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. Proposed new landscaped areas must only include clean, pre-tested soils that are suitable for use.

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

Construction Traffic Management Plan (CTMP)

6. A Construction Traffic Management Plan (CTMP) shall be submitted to and be approved in writing by the Local Planning Authority prior to the commencement of development. This should identify as a minimum;

- The CTMP must 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 and should account for the proposed traffic filter trial.
- 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.
- Arrangements for delivery of abnormal loads
- Detailed drawings of temporary construction access points and their reinstatement

The approved CTMP shall be adhered to during the carrying out of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding highway network, road infrastructure and local residents, particularly at morning and afternoon peak traffic times in accordance with policy M2 of the Oxford Local Plan 2016-2036.

Oxpens Road connection

7. Prior to work commencing on the bridge structure full details of the junction of the connecting path and Oxpens Road shall be submitted to and approved in writing by the Local Planning Authority. This should include proposals for dropped kerbs, tactile paving requirements and measures to prevent unauthorised vehicle access. The works shall be completed in accordance with the approved details prior to the bridge being opened to public use.

Reason: In the interests of highway safety and in accordance with policy M1 of the Oxford Local Plan 2036.

Landscape Proposals

8. Prior to commencement of development a landscaping proposals plan and canopy cover assessment shall be submitted to and approved in writing by the Local Planning Authority. The approved landscape proposals plan shall then be implemented no later than the first planting season after 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.

Landscape Proposals Reinstatement

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

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

Landscape Management Plan

10. Prior to first use of the development hereby approved a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules and timing for all landscape areas shall be submitted to, and approved in writing by, the Local Planning Authority. The landscape management plan shall be carried out and adhered to as approved in writing by the Local Planning Authority following implementation of the approved landscaping proposals plan.

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

Landscape Surface Design – Tree Roots

11. No development shall take place until details of the design of all new hard surfaces and a method statement for their construction shall first have been submitted to and approved in writing by the Local Planning Authority and the hard surfaces shall be constructed in accordance with the approved details unless otherwise agreed in writing beforehand by the Local Planning Authority. Details shall take into account the need to avoid any excavation within the Root Protection Area of any retained tree and where appropriate the Local Planning Authority will expect "nodig" techniques to be used, which require hard surfaces to be constructed on top of existing soil levels in accordance with the current British Standard 5837: "Trees in Relation to Design, Demolition and Construction – Recommendations".

Reason: To avoid damage to the roots of retained trees in accordance with policies G7, G8 and DH1 of the Oxford Local Plan 2016-2036.

Underground Services Tree Roots

12. No development shall take place until details of the location of all underground services and soakaways have been submitted to and approved in writing by the Local Planning Authority. The location of underground

services and soakaways shall take account of the need to avoid excavation within the Root Protection Areas of retained trees as defined in the current British Standard 5837 "Trees in Relation to Design, Demolition and Construction - Recommendations". Works shall only be carried out in accordance with the approved details 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.

Tree Protection Plan (TPP)2

13. The development shall be carried out in strict accordance with the tree protection measures contained within the planning application details shown on drawing number **OXPEN-STN-GEN-ALL-DR-J P04** , unless otherwise agreed in writing beforehand by the Local Planning Authority. The Local Planning Authority shall be informed in writing when physical measures are in place, in order to allow Officers to make an inspection prior to the commencement of development. No works or other activities including storage of materials shall take place within designated Construction Exclusion Zones unless otherwise agreed in writing beforehand by the Local Planning Authority. Reason: In the interests of visual amenity in accordance with policies G7, G8 and DH1 of the Oxford Local Plan 2016-2036.

Arboricultural Method Statement (AMS) 1

14. No development, including demolition and enabling works, shall take place until a detailed statement (the Arboricultural Method Statement (AMS)) has been submitted to and approved in writing by the Local Planning Authority. The AMS shall detail any access pruning proposals, and shall set out the methods of any workings or other forms of ingress into the Root Protection Areas (RPAs) or Construction Exclusion Zones (CEZs) of retained trees. Such details shall take account of the need to avoid damage to the branches, stems and roots of retained trees, through impacts, excavations, ground skimming, vehicle compaction and chemical spillages including lime and cement. The development shall be carried out in strict accordance with of the approved AMS unless otherwise agreed in writing beforehand by the Local Planning Authority.

Reason: To protect retained trees during construction in accordance with policies G7, G8 and DH1 of the Oxford Local Plan 2016-2036.

Arboricultural Monitoring Programme (AMP)

15. Development, including demolition and enabling works, shall not begin until details of an Arboricultural Monitoring Programme (AMP) have been submitted to and approved in writing by the Local Planning Authority (LPA). The AMP shall include a schedule of a monitoring and reporting programme of all on-site supervision and checks of compliance with the details of the Tree Protection Plan and Arboricultural Method Statement, as approved in writing by the Local Planning Authority. The AMP shall include details of an

appropriate Arboricultural Clerk of Works (ACoW) who shall conduct such monitoring and supervision, and a written and photographic record shall be submitted to the LPA at scheduled intervals for approval in writing in accordance with the approved AMP. The development shall then be carried out in accordance with the approved AMP unless otherwise agreed in writing by the Local Planning Authority.

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

CEMP

16. A Construction Environmental Management Plan (CEMP) for the development shall be submitted to and be approved in writing by the Local Planning Authority prior to construction works commencing on site. The CEMP shall detail and advise of the measures, in accordance with the best practicable means, to be used to minimize construction noise, vibration and dust. The development shall be carried out in accordance with the approved CEMP.

Reason: To minimise the impact of construction works on neighbouring amenity in compliance with policy RE7.

Method Statement

17. No development shall take place until the applicant, or their agents or successors in title, has submitted a detailed method statement for the construction and removal of temporary works in compliance with the Balfour Beatty method parameters (February 2024) All works shall be carried out and completed in accordance with the approved method statement, unless otherwise agreed in writing by the Local Planning Authority.

Reason: Because the development may have a damaging effect on known or suspected elements of the historic environment of the people of Oxford and their visitors, including post medieval remains in accordance with Policy DH4 of the Oxford Local Plan 2016-2036

Archaeology

18. 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 prehistoric, medieval, post medieval and early modern remains in accordance with Policy DH4 of the Oxford Local Plan 2016-2036

Great Crested Newts

19. No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's Organisational Licence (WML-OR112, or a 'Further Licence') and with the proposals detailed on plan "Oxpens Bridge: Impact plan for great crested newt District Licensing (Version 1)", dated 14th February 2024.

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the Organisational Licence (WML-OR112, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

Great Crested Newts 2

20. No development hereby permitted shall take place unless and until a certificate from the Delivery Partner (as set out in the District Licence WML-OR112, or a 'Further Licence'), confirming that all necessary measures regarding great crested newt compensation have been appropriately dealt with, has been submitted to and approved in writing by the Local Planning Authority and the Authority has provided authorisation for the development to proceed under the district newt licence. The delivery partner certificate must be submitted to this Local Planning Authority for written approval prior to the commencement of the development hereby approved.

Reason: In order to adequately compensate for negative impacts to great crested newts, and in line with section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006. In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the Organisational Licence (WMLOR112, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

Compliance with existing detailed biodiversity method statements

21. The development hereby approved shall be implemented strictly in accordance with the measures stated in Section 4 of the report 'Ecological Assessment Report' by Stantec and dated 1st March 2024, or as modified by a relevant European Protected Species Licence.

Reason: To comply with The Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats Regulations 2017 (as amended) and enhance biodiversity in Oxford City in accordance with the National Planning Policy Framework.

Construction Environmental Management Plans (Biodiversity)

22. No development shall take place (including demolition, ground works, 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 on the River Thames and surrounding habitats.
 - b) Identification of “biodiversity protection zones”.
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts on the River Thames and surrounding habitats during construction (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - 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.
 - 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 comply with the Wildlife and Countryside Act 1981 (as amended) and Conservation of Habitats and Species Regulations 2017 (as amended).

Ecological Enhancements

23. Prior to occupation of the development, details of ecological enhancement measures including at least four bat roosting devices and three 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, and evidence of installation provided to the Local Planning Authority. The approved devices shall be maintained and retained in perpetuity unless otherwise agreed 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.

Limitation of Lighting

24. No lighting shall be installed in association with the consented development without prior written consent from the Local Planning Authority. For clarity, this would include lighting on the bridge or in association with the footpaths.

Reason: To prevent impacts on bats arising from illumination of the riparian corridor or proposed roosting devices, and to comply with the Wildlife and Countryside Act 1981 (as amended) and Conservation of Habitats and Species Regulations 2017 (as amended).

Flood Risk Assessment

25. The development shall be carried out in accordance with the submitted flood risk assessment (ref OXPEN-STN-GEN-ALL-RP-C-0001-P03, dated 29th February 2024) and the following mitigation measures it details:

- The soffit height of the bridge shall be set at a minimum height of 58.20 metres above Ordnance Datum (mAOD), in accordance with section 6.1.2 of the submitted flood risk assessment.
- 84.6m³ of compensatory storage shall be provided, in accordance with section 6.2.6 of the submitted flood risk assessment and detailed in the flood compensation scheme in Appendix D (drawing reference OXPEN-STN-GENALL-DR-L-3001-P04, dated 26th February 2024). At no point during the construction of the proposed development result in a temporary loss in floodplain storage.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reasons: In accordance with paragraph 170 of the NPPF: • To prevent an increase in the risk of flooding elsewhere by ensuring that compensatory storage of flood water is provided. • To prevent an increase in flood risk elsewhere by ensuring that the flow of flood water is not impeded, and the proposed development does not cause a loss of floodplain storage. • To prevent obstruction to the flow and storage of flood water, which would lead to an increase in flood risk elsewhere. This condition is supported by local plan policy NE3 of the Oxford Local Plan 2036.

Dust Mitigation

26. The development shall be constructed in accordance with the specific dust mitigation measures as identified on the IAQM Guidance on the assessment of dust from demolition and construction.

Reason: To minimise the impact of construction works on neighbouring amenity in compliance with policy RE7 of the Oxford Local Plan

SuDS

27. The drainage system shall be implemented in accordance with the approved Detailed Design detailed below prior to the use commencing:

- Flood Risk Assessment and Surface Water Drainage Strategy 332610335 | Rev: P02 | Date: October 2023
- General Arrangement Bridge Scheme (OXPEN-STN-GEN-ALL-DR-C-0005)
- General Arrangement Bridge Scheme and Oxpens Masterplan (OXPEN-STN-GEN-ALL-DRC-0006)
- Floodplain Compensation Drawing (OXPEN-STN-GEN-ALL-DR-C-3000)
- Proposed Drainage Layout (OXPEN-STN-GEN-ALL-DR-C-0007)
- MicroDrainage Calculations • Northern Soakaway • Southern Soakaway

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal in accordance with policy RE4 of the Oxford Local Plan.

Surface Water Drainage

28. Construction shall not begin until a detailed surface water drainage scheme for the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:

- 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) and Local and National Standards and policy RE4 of the Oxford Local Plan.

SuDS As Built and Maintenance Details

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

- (a) As built plans in both .pdf and .shp file format;
- (b) Photographs to document each key stage of the drainage system when installed on site;

- (c) Photographs to document the completed installation of the drainage structures on site;
- (d) The name and contact details of any appointed management company information.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal in accordance with policy RE4 of the Oxford Local Plan.

Informatives

1. Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains. Network Rail's drainage system(s) are not to be compromised by any work(s). Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property / infrastructure. Ground levels – if altered, to be such that water flows away from the railway. Drainage does not show up on Buried service checks.
2. Any works on this land will need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basic Asset Protection Agreement, if required, with a minimum of 3 months notice before works start. Initially the outside party should contact assetprotectionwestern@networkrail.co.uk
3. Please note that this consent does not override the statutory protection afforded to species protected under the terms of The Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (as amended), or any other relevant legislation such as the Wild Mammals Act 1996 and Protection of Badgers Act 1992.
4. The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:
 - on or within 8 metres of a main river (16 metres if tidal)
 - on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
 - on or within 16 metres of a sea defence
 - involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
 - in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission

APPENDICES

- **Appendix 1** – Site Plan
- **Appendix 2** – Committee Report
- **Appendix 3** – ODRP Letter

HUMAN RIGHTS ACT 1998

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.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

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.