

Oxford City Planning Committee

15th October 2024

Application number: 22/03049/FUL

Decision due by 2nd May 2023

Extension of time To be updated (Extension of time given until 25th May 2024)

Proposal Erection of new A40 cycle and pedestrian bridge and associated pedestrian/cycle route connection works, formation of new vehicular access onto Elsfield Road and associated Elsfield Road/Woodeaton Road/Marston Interchange access and highway improvement works, formation of 2 no. new vehicular accesses onto Bayswater Road and associated highway improvement works on Bayswater Road, formation of 2 no. new Public Transport crossing bridges over the Bayswater Brook with associated bus route connection works, including a Public Transport-only access onto the A40, formation of 5 no. pedestrian/cycle bridges over the Bayswater Brook and associated pedestrian/cycle route connection works, flood alleviation measures along sections of the Bayswater Brook and landscape and infrastructure works (associated with the proposed residential and commercial development at Land North of Bayswater Brook solely within South Oxfordshire District Council).

Site address Land North of Bayswater Brook – see paragraph 5.5 of this report for site plan

Ward Barton And Sandhills Ward

Case officer Andrew Murdoch

Agent: Pegasus Group **Applicant:** Dorchester Residential Management Ltd and Christ Church

Reason at Committee This is a Major Planning Application

1. RECOMMENDATION

1.1. The Oxford City Planning Committee is recommended to:

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

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

- finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary.

2. EXECUTIVE SUMMARY

2.1. This report considers an application for the package of access works that are required to facilitate the following hybrid planning application that has been submitted to South Oxfordshire District Council under reference number P22/S4618/O.

- *Outline application with all matters reserved that is seeking permission for 1,450 dwellinghouses (C3) and 130 assisted living dwellings (C2/C3); a local centre to include Class E, F1 and F2 use; a new Primary School (up to 2FE); new community square which will also include Class E and F2 uses; green infrastructure through the provision of open space, allotments, habitat creation, recreation facilities and public park areas; associated transport infrastructure and other works.*
- *Full planning permission for the change of use of Wick Farm main building to Class E uses, and repairs to the external fabric of buildings and extensions, the refurbishment of the Well House to Class F1 use, and the erection of two new buildings for Class E uses. A number of these works are also subject to a Listed Building Consent.*

2.2. A parallel planning application has been submitted to SODC relating to the parts of the development located within the SODC boundaries (Planning reference P22/S4596/FUL.

2.3. The principle of these access works would be acceptable as they would help to deliver a mixed-use residential led scheme that was allocated within the South Oxfordshire Local Plan in order to help meet Oxford's unmet housing need. The proposals for access and movement contained within the application have been provided as part of a broader strategy and hierarchy that has been developed to provide a high quality network that integrates the Bayswater Brook development with the adjacent neighbourhood areas and wider city beyond. Although the development would result in less-than-substantial harm to a designated heritage asset, it is considered that the public benefits that would arise from the development would outweigh this harm. Subject to conditions, there would be no adverse land contamination, impact on trees, noise pollution, air quality, flood risk or drainage impacts as a result of the proposal.

2.4. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the conditions listed in the report.

3. LEGAL AGREEMENT

3.1. This application is not subject to a legal agreement

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. The proposal is not liable for CIL

5. SITE AND SURROUNDINGS

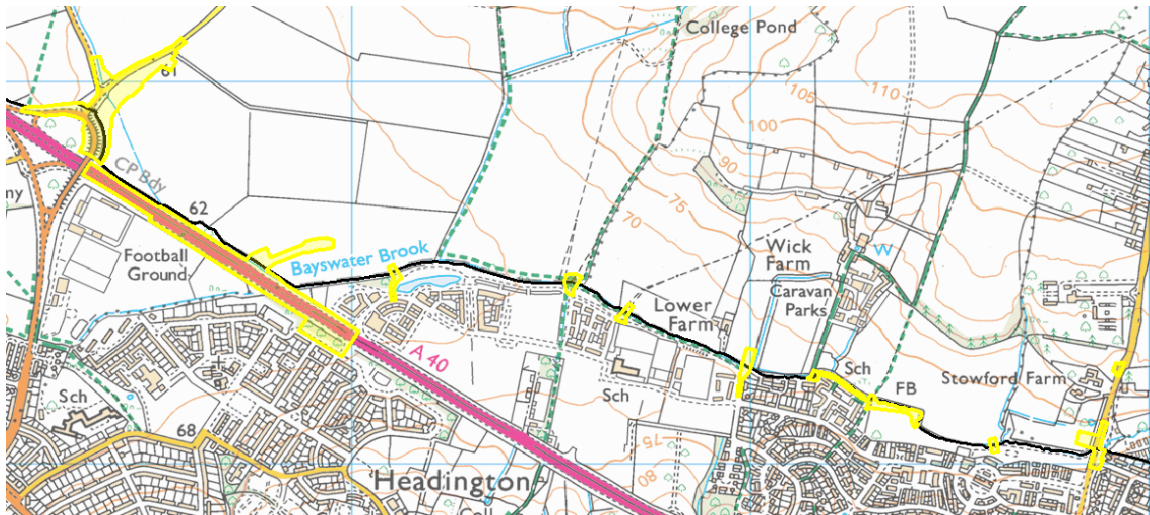
5.1. The application site consists of a number of parcels of land that lie along the north-eastern edge of the city covering approximately 8.7ha of land. These parcels include land around the northern side of the Marston Interchange with the A40 (Eastern Bypass), including the eastbound slip roads; the northern and southern sides of the A40 (Eastern Bypass); six individual parcels that cross the Bayswater Brook at various points along the linear park and open land that lies between the residential suburbs of Barton Park and Barton and Bayswater Brooke; and finally land at Bayswater Road alongside the junction with Waynflete Road.

5.2. The parcels of land straddle the administrative boundary of Oxford City Council and South Oxfordshire District Council, which is defined largely by the Bayswater Brook. The application has therefore been submitted jointly to both Local Planning Authorities. The South Oxfordshire District Council application reference is P22/S4596/FUL

5.3. The parcels sit alongside the residential suburbs of Barton, Barton Park, and Northway, within areas of low lying land that follow the Bayswater Brook. There are parts of the sites that fall within Flood Zones 2 and 3. The land around the A40 and Marston Interchange fall within the Elsfield View Cone that affords views to and from the city's historic core, whilst also comprising a sensitive landscape that has strong connections with the surrounding countryside and village of Elsfield. There is a Grade II listed boundary stone located within South Oxfordshire Land in one of the parcels that straddles Bayswater Brook at the junction with Barton Village Road. These parcels of land around the Marston Interchange, A40 Eastern Bypass, and Bayswater Farm Road, are within Oxford's Green Belt. Finally, there are a number of public rights of way that cross between the sites in both administrative boundaries.

5.4. The application forms part of a wider redevelopment of approximately 125.5ha of agricultural land to the north of Bayswater Brook within the administrative boundary of South Oxfordshire District Council. The site had been allocated for mixed-use residential led development within the Policy STRAT 13 of the South Oxfordshire Local Plan in order to help meet Oxford's housing need. A hybrid planning application which seeks outline planning permission for a residential development of up to 1,450 dwellings and other associated uses and infrastructure, and full planning permission for a mixed-use centre under reference P22/S4618/O.

5.5. See block plan below:



6. PROPOSAL

6.1. The application is seeking planning permission for a package of access works that are required to facilitate the following hybrid planning application that has been submitted to South Oxfordshire District Council under reference number P22/S4618/O.

- *Outline application with all matters reserved that is seeking permission for 1,450 dwellinghouses (C3) and 130 assisted living dwellings (C2/C3); a local centre to include Class E, F1 and F2 use; a new Primary School (up to 2FE); new community square which will also include Class E and F2 uses; green infrastructure through the provision of open space, allotments, habitat creation, recreation facilities and public park areas; associated transport infrastructure and other works.*
- *Full planning permission for the change of use of Wick Farm main building to Class E uses, and repairs to the external fabric of buildings and extensions, the refurbishment of the Well House to Class F1 use, and the erection of two new buildings for Class E uses. A number of these works are also subject to a Listed Building Consent.*

6.2. The full scope of access works submitted as part of this application includes the following:

- The erection of a new cycle and pedestrian bridge over the A40 and associated pedestrian / cycle route connection works
- The formation of a new vehicular access onto Elsfield Road and associated Elsfield Road / Woodeaton Road / Marston Interchange access and highway improvement works to create a western access to the residential development under the hybrid application.
- The formation of two new vehicular accesses onto Bayswater Road and associated highway improvement works on Bayswater Road to create the eastern access to the residential development under the hybrid application.

- The formation of two public transport crossing bridges over Bayswater Brook with associated bus route connection works, including Public Transport only accesses onto the A40 and Barton Village road
- The formation of five pedestrian and cycle bridges over Bayswater Brook and associated pedestrian and cycle connections
- Associated flood alleviation measures along sections of Bayswater Brook
- Associated landscape and infrastructure works

6.3. The above-mentioned access works straddle the administrative boundary of South Oxfordshire District Council and Oxford City Council, and therefore applications have been submitted to both councils for determination. The reference number of the South Oxfordshire District Council application is P22/S4596/FUL. It is the part of these access works that sit within the administrative boundary of the City Council that are assessed within this report and are being put to members of the Oxford City Planning Committee for consideration.

6.4. The development subject to the hybrid application (P22/S4618/O) and the package of access works subject to this application and the one submitted to South Oxfordshire District Council (22/03039/FUL and P22/S4596/FUL) constitute 'EIA development' as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended).

6.5. The applicant has undertaken an Environmental Impact Assessment to identify the likely significance of environmental effects arising from the proposed development, and the cumulative effects in combination with other proposed schemes. The Environmental Statement (ES) has accompanied this application.

7. RELEVANT PLANNING HISTORY

7.1. 13/01383/OUT: Outline application (seeking means of access) for the erection of: A maximum of 885 residential units (Class C3); a maximum of 2,500 sqm gross Class A1, A2, A3, A4 and A5 uses (with a maximum of 2,000 sqm gross foodstore Class A1); a maximum of 50 extra care housing units; a maximum of 7,350 sqm GEA hotel (Class C1); a maximum of 3,000 sqm GEA Class D1, D2 floorspace (community hub and primary school); in development blocks ranging from 2 to 5 storeys with associated cycle and car parking, landscaping, public realm works, interim works and associated highway works. (Additional information - Landscape and Cultural Heritage Statement)

8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Barton Area Action Plan SPD & Other planning	Neighbourhood Plans:
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			documents	
Design	117-123, 124-132	DH1	MP1, BA13 (BAASPD)	
Conservation/Heritage	184-202	DH2, DH3, DH4		
Housing	59-76	H1		
Commercial	170-183			
Natural environment	91-101	G1, G2, G3	BA19 (BAASPD)	
Social and community	102-111	RE7		
Transport	117-123	M1, M2,	BA5, BA6, (BAASPD) Parking Standards SPD	
Environmental	117-121, 148-165, 170-183	RE1, RE2, RE3, RE4, RE6, RE8, RE9	BA15, BA16, BA18 (BAASPD) Energy Statement TAN	
Miscellaneous	7-12	S1,	External Wall Insulation TAN,	

9. CONSULTATION RESPONSES

9.1. The planning application and Environmental Statement have been advertised. Site notices were displayed around the application site and an advertisement was published in The Oxford Times newspaper on 19th January 2023. Further rounds of consultation were undertaken on amendments to the application on the 4th October 2023 and 23rd April 2024.

9.2. Copies of all the consultation responses are available to view on the Council's public access website.

Statutory and non-statutory consultees

Oxfordshire County Council

9.3. The County Council has provided a substantive response to the hybrid application as a whole, the following comments are of relevance to this application.

9.4. *Strategic Planning*: No objection

9.5. *Lead Local Flood Authority*: No objection. The submitted FRA and associated Surface Water Drainage Strategy is descriptive and does not provide all the fully designed detailed elements required by the LLFA. A condition should be attached to secure this.

9.6. *Archaeology*: No objection subject to conditions

9.7. *Highways Authority*: No objection. The application has undergone an extensive discussions following the highways authority's initial objections but these have been overcome. The highways authority are satisfied with the revised transport Assessment and modelling for the development as a whole

9.8. The western access arrangements have been amended to reflect concerns raised and provides details regarding shared use paths; verges; sufficient swept path analysis for vehicles. The works will be secured through a S278 agreement.

9.9. The eastern access has also been amended to enable sufficient tracking of refuse vehicles, and so a 15m long coach could use the access. This resulted in minor changes.

9.10. The Barton Village Road Bus Access and Bus Bridge has been updated in order to provide sufficient restraint barriers adjacent to the culvert, and other technical changes to meet standards. The bus lane was realigned to the south and a footway/ cycleway changed to a 4.5m shared footway and cycleway. The retaining wall for the bridge was also agreed.

9.11. The A40 Bus Access and Bus Bridge is to be used for the majority of the construction phase. This requires an increase in width of the bus access bridge over Bayswater Brook to accommodate 2way traffic. The final layout has been agreed.

9.12. The Connectivity Bridges are fundamental in delivering the policies of STRAT13 but also the OCCs LTCP, which seek comprehensive, attractive and inclusive connections to ensure there is an embedded step change way from the private vehicle towards walking, cycling and public transport.

9.13. The A40 Bridge details are considered acceptable and would not result in a residual risk to the A40 public transport access.

Environment Agency

9.14. The Environment Agency initially objected to the application on the 27th July 2023 for 3 reasons – inadequate Flood Risk Assessment; concerns over the impact of the bridge crossings; and biodiversity impact.

9.15. A response was received on the 1st February 2024 which set out that one of the objections had been resolved, but maintaining concerns about the flood risk assessment details and biodiversity.

Historic England

9.16. No objection

Thames Water Utilities Limited

9.17. No comments to make

National Highways

9.18. No objection subject to conditions. A CTMP will need to be secured.

Natural England

9.19. No comments

Thames Valley Police

9.20. Initial objections received in relation to concerns over the safety of the bridge design. However the objection was subsequently removed following a redesign of the balustrading of the bridge. A condition would be needed for the long term management and maintenance of the bridge.

Old Marston Parish Council

9.21. The OMPC is concerned that there is no mention of Old Marston in the traffic management assessments. There will be impact on Old Marston.

Oxford Civic Society

9.22. The application covers multiple structures and road junctions, but the most significant is the pedestrian / cycle bridge over the A40. This appears unamended from what was issued for pre-app consultation previously. Our concerns related to the maintenance implications of all the planting and the current application provides no detail of any scheme to maintain the proposed plantings.

Public representations

9.23. A number of representations have been made on this application both in objection and support. Letters of comment have been received from the following addresses.

- 12 Baker Close; 2880 Bagsvaerd, Denmark; 33 Brampton Road; 40 Brome Place; 9 Bushey Leys Close; 16 Burdell Avenue; 7 Colterne Close; Otmoor Cottage, Church Street; 7 Cranley Road; 23 Crotch Crescent; 22, 60 Downside Road; 23, 24 Green Ridges; 39 Kennett Road; 11 Langley Close; 30 Merewood Avenue; 44, 52 Netherwoods Road; 24 Norreys Avenue; 16, 38 North Way; 54, 64 Observatory Street; 2 Overdale Close; 14 Pond Close; 6 Pound Field Close; 19 Quarry High Street; 24, 51 Ramsay Road; 15 Ridgeway Road; 89 Stanway Road; 27, 29, 54 Stowford Road; 2 Waynfilete Road; 31 William Morris Court; 18 Wilcote

Road; 11, 25, 30 Wick Farm; 8 Wychwood Lane; Weald Manor Cottages, Weald Bampton; Gresswell Environmental Trust; Cyclox; Headington Heritage; Cllr Mike Rowley

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

- This is not a suitable site for a housing development, it is one of natural beauty.
- Although recognise the need to deal with the city's housing shortage, this will impact on the quality of life of residents of Barton and the wider area.
- The number of homes has increased from the government suggested 900 to 1600.
- This will put pressure on already failing facilities – nurseries, schools, doctors and local shops.
- This development is in addition to Barton Park which has already led to flooding.
- There is annual flooding and problems with sewerage, healthcare and public transport.
- It will destroy wildlife, loss of habitats.
- It will impact on the Sydlings Copse SSSI
- The green belt will be lost.
- It will remove green space in a community where there is a shortage.
- The development will bring additional traffic into Barton.
- The traffic on Bayswater Road, Green Road, and Marsh Road is already problematic this will make it worse.
- The development will increase congestion on the A40, and the roads to other nearby villages in Elsfield, Beckley, and Stanton St John
- There are no plans for what is proposed for water management at Bayswater Brook and the impact it will have on local residents and Wick Farm residents.
- The development is in South Oxford, but it will have an impact on Oxford residents.
- The houses will not be affordable to local people.
- The height of the buildings means that those living opposite will be overborne by the development.
- There will be disturbance from construction work.
- The transport modelling would not appear to adequately assess the impact from the development on Bayswater Farm Road.
- The highway improvements will not be sufficient.
- The development will have an adverse impact on the crematorium.
- There will be an adverse impact on Wick Farm Mobile Home Park
- The flood barrier along part of Fettiplace Road will create flood risk and also narrows the footpath making it unusable.
- There are sewerage problems in Barton.
- There is concern about how water supply will be provided.
- The significant increase in greenhouse emissions
- The bridge design across the A40 is dangerous in its current form. The segregated paths on the bridge will have to cross on the Marston side as the ramps split. This will cause conflict.

- The A40 pedestrian and cycle bridge is not in a good location, it will not encourage use.
- The design of the new vehicular accesses and highway improvements are flawed.
- The most important improvements needed are for the Marston flyover, where the cycle lane with fast traffic on both sides when leaving Oxford is frightening and dangerous. This needs to be a protected lane separate from traffic. A proper cycle lane is also essential on the flyover bridge, and for the right turn towards Elsfield where the current turn is extremely dangerous because a turning bicycle has to be in the middle of the road, with fast traffic in both directions and limited visibility.
- The proposed bus routes will have an impact on the listed stones and heritage assets surrounding them. The public benefits test is not met as there are alternatives routes.
- The development will create flood risk.
- The transport work does not account for the other development in the local area.
- There would be an adverse impact on existing residential properties.
- The development has led to existing businesses having to leave their units.
- The noise and vibration from construction will have an adverse impact on the private road / bridle path to Wick Farm
- There is not enough policing in the area.
- The development will increase pollution.
- The proposal will reverse the route of the no.8 bus which will have an impact on local residents. The current route allows residents to be taken up hill.
- All bus routes much follow their current routes (i.e. clockwise direction through Barton)
- Construction traffic will have an adverse impact on existing roads.
- The development will impact on Green Belt
- Increase traffic volume through Barton.
- Does not provide enough infrastructure to support the development.
- There will be adverse ecological impact on Sydlings Copse SSSI
- Impact on air quality
- There is no assessment of the archaeology on the OPT Field
- Impact on Wick Farm residents not assessed.
- The design life of the development is only 60 years.
- No noise and vibration assessment on the crematorium has been carried out.
- There will be a loss of countryside and wildlife.
- Loss of farming land
- The proposes shared footway / cycleway connection from Bridge B5 is dangerous and unachievable. The cycleway will link in the middle of the childrens play area between the sandpit and other play equipment. The narrow footpath is used by families and should not be shared. There is insufficient width here to widen to 3m and there is a change in land levels next to the MUGA.
- The direction of the no.8 bus must not be changed. It will go the wrong way through the estate and will not be beneficial to residents with mobility issues.

9.25. In summary, the main points of support were:

- There is a severe housing crisis in Oxford. This is a high quality development and should be built as soon as possible.
- In principle it is sensible to location new housing provision closer to the city to allow better access by bus, cycle and on foot rather than closer to villages where there are fewer local amenities and car is the only realistic.
- Approve of the provisions for cyclists but should include storage for cargo bikes.
- The pedestrian and cycle routes are excellent, and it is good that they have been designed to stay open during flood.
- Mobility hubs are experimental concept but will provide good options for alternative modes of transport.

Officer response

9.26. A number of the comments that have been received in relation to this application are made in relation to the wider development of the Bayswater Brook which is part of the hybrid application (P22/S4618/O) which is with South Oxfordshire District Council. The following report relates solely to the package of access works that have been submitted to the council and therefore only those comments that relate to this have been taken into consideration where they are material.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. In considering the planning application, officers would advise members that is only the matters of direct relevance to the parts of the development falling within the City Councils administrative boundary that are being considered as part of this application. Any matters relating to the wider development submitted under the hybrid application (P22/S4618/O) are for South Oxfordshire District Council as determining authority and must be determined in line with the South Oxfordshire Local Plan 2035.

10.2. Taking the above into account, officers consider the determining issues to be:

- Principle of development
- Environmental Impact Assessment
- Design
- Heritage Impacts
- Green Belt
- Archaeology
- Ecology
- Flood Risk
- Trees
- Phasing and Delivery of Off-Site Highway Works
- Other matters

a. Principle of development

- 10.3. The National Planning Policy Framework (NPPF) has an overarching requirement that in applying a presumption in favour of sustainable development Local Authorities should be approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 10.4. The site subject to the hybrid application (P22/S4618/O) has been allocated for the development of 1,100 new homes with supporting services and facilities under Policy STRAT13 of the South Oxfordshire Local Plan 2035. This strategic allocation forms part of Policy STRAT 2 which provides the housing requirement for the district, including 4,590 homes to address Oxford's unmet housing need.
- 10.5. This contribution towards Oxford's unmet need is set out in Policy H1 of the Oxford Local Plan 2036 which relates to the scale of housing provision required to meet Oxford's unmet housing need. The subtext to Policy H1 identifies that the surrounding districts have made provision for the delivery of 14,300 homes to address Oxford's unmet housing need, based on the Oxfordshire Strategic Housing Market Assessment (SHMA).
- 10.6. The strategic allocation policy (SRAT13) requires any development of this site to provide the necessary facilities for movement, including high quality pedestrian, cycle and public transport access and connectivity to Oxford City Centre and other locations, including a new pedestrian and cycle bridge over the A40.
- 10.7. The principle of providing these access measures is therefore established through the development plan.

b. Environmental Impact Assessment

- 10.8. The application proposals constitute 'EIA Development' as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended).
- 10.9. An Environmental Statement (ES) has accompanied the application, which has considered the development proposed as part of the full access package (including the access package works submitted to South Oxfordshire District Council), along with the cumulative effects of the proposed development. A summary of the identified effects, proposed mitigation measures and residual effects is set out within Chapter 17 of the ES, and the findings have been considered within this assessment.

c. Design

- 10.10. Policy DH1 of the Oxford Local Plan states that planning permission will only be granted for development of high-quality design that creates or enhances local distinctiveness.
- 10.11. The preamble text to this policy encourages site layouts to be informed by contextual analysis and an understanding of movement needs. That new development should seek to provide a clear hierarchy and choice of routes; direct and convenient access; be designed for different modes of transport and different users, particularly encouraging walking and cycling. The quality of all routes should be designed to be truly accessible and with a mind to all of those that may use them.
- 10.12. The hybrid application (P22/S4618/O) is seeking permission for a comprehensive masterplan of the Bayswater Brook site in order to accord with Policies STRAT4 and STRAT13 of the South Oxfordshire Local Plan. The masterplan proposals have been the subject of extensive pre-application discussions with officers of SODC, Oxford City Council, and Oxfordshire County Council along with other statutory consultees such as the Environment Agency, Historic England, and Natural England.
- 10.13. The comprehensive masterplan will be delivered through a number of parameter plans submitted with the hybrid application (P22/S4618/O). An Access and Movement Parameter Plan is included within this application which establishes the developments movement hierarchy. This has been developed to encourage access by non-car modes of travel and also maximises the connectivity to the adjacent neighbourhood areas of Barton, Barton Park, and the city and facilities that lie beyond in accordance with Policy DH1.
- 10.14. The constituent parts of the access and movement strategy as they relate to the city land are as follows.

Access Works

- 10.15. Western Access: The full works comprise the realignment and widening of Elsfield Lane, with a priority junction into the site from this lane. The lane would be raised between the new access to the site and the A40 slip roads in order to provide dry access. There would also be a realignment of Woodeaton Road. A 3m wide shared footway and cycle lane would also be created throughout these works.
- 10.16. Within the city boundary the Marston Interchange will be reorganised, with the south-east A40 slip road realigned and a signalised junction provided where this meets Elsfield Lane. Elsfield Lane will continue its realignment as it moves around the interchange into Marsh Lane. There would also be a reduction in speed limit to 30mph.
- 10.17. The works subject to this application are required to improve traffic flows from the south-east A40 slip road, and also improve the capacity at the junction. Whilst the works will change the existing layout, it is considered that these would

be acceptable in order to ensure suitable access to the site. The Highways Authority have raised no objection to these works.

- 10.18. Eastern Access: The works at this end of the development would comprise a signalised junction from Bayswater Road, which would have a 4m wide segregated cycle lane and footway leading to the development, which are all outside the city boundary.
- 10.19. Within the city council land, the works for the eastern access involve improvements to the section of Bayswater Road that moves from the new junction towards Headington Roundabout. These include slight realignment of the road, and the provision of a 3m two way cycle way on the western side. There would be a new pedestrian crossing provided near the junction with Waynflete Road. The mini roundabout at the junction with Stowford Road would be removed.
- 10.20. As with the western access, the changes will alter the character of this road, but in a manner that provides a better range of choices for vehicles, pedestrians, and cyclists.

Pedestrian, Cycle, and Public Transport Connections

- 10.21. The following works within the hierarchy have been developed to provide the high quality pedestrian, cycle, and public transport connections from the development site into the city. These include connecting the network of footways, footpaths and cycle networks proposed within the hybrid application (P22/S4618/O) with the wider area. They have also been designed to provide links over the Bayswater Brook and A40 which segregate the site from Barton, Barton Park, and the wider city.
- 10.22. A40 Pedestrian and Cycle Bridge: A new pedestrian and cycle bridge would be provided linking the development site with the southern side of the A40 and Foxwell Drive.
- 10.23. The bridge would have a 5.5m wide deck that is set 6.6m above the carriageway and has 4m shared pedestrian and cycle ramps on either side. The bridge would be formed from a weathering steel and will have planting troughs within the structure to allow for planting to help soften its appearance. The bridge layout has undergone amendments through the process in response to concerns raised by Thames Valley Police in order to ensure that there was sufficient transparency on the bridge or access ramps. A management plan for the bridge landscaping is to be secured by condition. The bridge has been developed in conjunction with the Local Highways Authority and would be LTN1/20 compliant with sufficient visibility provided and safety barriers around the structure. The bridge would be delivered through a S278 agreement.
- 10.24. A number of highway works are required to deliver the bridge. These include the realignment of the A40 north-westbound carriageway approximately 1m north-eastwards of the central reservation and the narrowing of the dual-carriageway to 7.3m. The width of the lanes following the signalised junction works to Barton Park. There would also need to be a realignment of the

cycleway on the southern side of the A40 to a 4m pedestrian/cycleway adjacent to the ramps and a 3m segregated cycletrack which reduced to 2m in places, and a 2m footway under the main bridge. A 4m shared pedestrian / cycle connection from the A40 will be created into Foxwell Drive.

10.25. Members will be aware that the provision of a bridge across the A40 was originally considered during the determination of the application for Barton Park but was ultimately discounted as there was not sufficient space to land a bridge on the southern side of the A40. Through pre-application discussions, the bridge has been sited as close to the Barton Park development as possible, in order to provide a mutually beneficial connection for occupants of this neighbourhood area as an alternative to the at grade signalised junction. The bridge would help provide connections from both areas across the A40 into Foxwell Drive and Marsh Lane providing movements to the JR Hospital and city as a whole. The bridge has been designed to provide a landmark in the setting to help provide a visual gateway for users.

10.26. Pedestrian Connectivity: There are five bridges to be provided along the southern boundary of the Bayswater Brook site which allow connectivity to Barton Park via the linear park and also the open space that lies to the south of Barton.

- Bridge B1 (Barton Park West) – a 5.5m wide segregated pedestrian / cycle bridge that crosses the Bayswater Brook and connects into the existing Linear Park path to Barton Fields Road. The bridge would be of a timber construction and would have column lighting.
- Bridge B2 (Barton Park Central) – a 4m wide shared pedestrian and cycle bridge, which sits alongside the existing bridge and public right of way across the brook. The bridge would be of a timber and would have column lighting.
- Bridge B3 (Barton Primary School) – A new 4m wide shared pedestrian and cycle bridge. The bridge would be of a timber construction and have column lighting.
- Bridge B4 (Fettiplace Road) – a new 4m wide pedestrian bridge of timber construction with lighting columns to replace the existing concrete bridge crossing. The bridge would be of a timber construction. There would also be some localised works around the bridge to raise the ground level of the existing paths that lead to the current bridge in order to take the paths out of the flood zone. The bridge would be of a similar timber construction.
- Bridge B5 (Underhill Circus) – a 5.5m wide shared pedestrian / cycle bridge and 3m shared use path. The bridge would have a timber construction as with the other bridges. There would also be a shared path that would run south from the bridge connecting the development to Underhill Circus. The layout of the path connection with Underhill Circus has been revised during the application process. A pedestrian route from the path through to Underhill Circus will be updated in order to help

provide a safer and more attractive route to the community centre and bus stop that is outside the centre. A cycle connection will also be provided through Taggs Gate. There will be some minor works on Underhill Circus to make better space for pedestrians.

10.27. The bridge locations have all been chosen to either make improvements to an existing route, or where a new route is proposed to help integrate it into the surrounding area. The intention of the connections is to help build on existing movement strategies by creating connections to locations such as the Barton Primary School and existing bus routes in Barton Park, while also allowing for connections from Barton Park into Bayswater Brook in order to access their facilities such as some of the mobility hubs. Whereas the other bridges adjacent to Barton will help improve an existing right of way near Fettiplace Road and also provide access to the Barton Community Centre and Underhill Circus. There would be no objection to the location of these connections in design terms. The Linear Park in Barton Park has matured into a pleasant space that runs to the north of the development and as such care needs to be taken to ensure that these connections feel as part of Barton Park. In some cases, such as B1 and B2, there is not enough detail on the proposed surfacing to ensure that it integrates with the path network in the Linear Park. As such a condition should be attached which seeks approval of these details.

10.28. Public Transport Bridges: The hybrid application (P22/S4618/O) has a public transport strategy that would look at how existing routes could be developed, and new routes provided. The strategy seeks to provide bus only routes into the Bayswater Brook site, which would enable a route to loop through the development from the A40 and exit via the Barton Village Road.

10.29. In order to achieve this, a signalised right turn bus priority junction is to be provided on the northern carriageway of the A40 just south of the proposed A40 bridge. There would also be some highway improvements on the southern carriageway to provide a turning lane for buses going westbound along the A40 into the priority bus lane. It would also be used for construction vehicles during the construction phase of the development, and emergency vehicles long term.

10.30. A bus egress will also be provided onto Barton Village Road. This would require the provision of a bridge over the Bayswater Brook which would have a secondary channel created which would have culvert to connect to Barton Village Road. While there would be a 4m wide bus route provided, there would also be a 4.5m wide shared pedestrian and cycleway to provide further pedestrian routes into the site.

Summary

10.31. It is considered that the proposals for access and movement contained within the application have been provided as part of a broader strategy and hierarchy that has been developed to provide a high quality network that integrates the Bayswater Brook development with the adjacent neighbourhood areas and wider city beyond. The Local Highways Authority have raised no objections in terms of highway safety from the proposed access works subject to conditions and the completion of a S278 agreement to deliver the works.

10.32. As such it is considered that subject to conditions it would meet the requirements of SOLP Policy STRAT13 and Oxford Local Plan Policy DH1.

d. Heritage Impacts

10.33. The Bayswater Brook Site lies within the Elsfield View Cone that affords views of the Oxford Central (City and University) Conservation Area. There is also a Grade II Listed boundary stone located outside the city boundary to the north of Bayswater Brook, but whose setting could reasonably be considered to fall within the city boundary.

10.34. The Environmental Statement and Heritage Desk Based Assessment has considered the potential impacts on the significance of these designated heritage assets from the proposed development.

10.35. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that: "In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

10.36. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

10.37. Policy DH3 of the Oxford Local Plan specifies that planning permission will be granted for development that respects and draws inspiration from Oxford's unique historic environment (above and below ground), responding positively to the significance, character and distinctiveness of the heritage asset and locality. For all planning decisions for planning permission affecting the significance of designated heritage assets (including Listed Buildings and Conservation Areas), great weight will be given to the conservation of that asset and to the setting of the asset where it contributes to that significance or appreciation of that significance).

10.38. Elsfield View Cone: The impact of the wider development on the Oxford Central Conservation Area is considered within the context of the hybrid application (P22/S4618/O). With respect to the access works, whilst the development is not sited within the view focused on the city core and therefore Central Conservation Area, the view cone is a kinetic view which also takes reference to the areas to the south-east and the hillsides in Headington including the John Radcliffe. The assessment considers that there would be a moderate impact on the view cone from the wider residential development and works to Elsfield Lane until the landscaping has matured in around 15 years. The access works primarily involve changes to the road network at grade level which reduces the potential impacts.

- 10.39. Historic England have raised no objection to the development, in terms of the impacts on the city from the view cone but have accepted that the rolling agricultural land that lies in the foreground will be altered. In terms of the access works they have acknowledged that the works to Elsfield Lane and Marston interchange will have less impact on the views of Oxford when compared to initial proposals put forward at pre-application stage for a more considerable intervention on this highway. As such they have raised no objection.
- 10.40. It is noted that SODC officers have recommended a condition which seeks a specific lighting strategy to reduce the impact of the proposed western access works. The strategy is shown to include lower-level lighting and part-time lighting. Officers would recommend that this condition also includes the lighting scheme for the A40 bridge.
- 10.41. Grade II Listed Boundary Stone: Although the Grade II Listed boundary stone is sited within the SODC administrative boundary on the northern side of Barton Village Road, it is accepted that the setting of this listed stone would also extend into the city's boundary.
- 10.42. It should be noted that this stone was listed following the submission of this application. The bus route towards the end of Barton Village Road was relocated in order to enable the retention of the stone in situ. The access works will result in changes to the setting of the stone, but it is considered that these changes would result in low level of less than substantial harm to its significance. A condition has been recommended by SODC on their part of the access works to provide an interpretation board for passers-by. This does not need to be included on this application.
- 10.43. In line with Paragraph 205 of the NPPF consideration must be given to the impact of a proposed development on the significance of a designated heritage asset and great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 10.44. The ES has identified that there would be a low level of less than substantial harm from the Grade II listed boundary stone from the access works, whereas there would not be any harm to other designated heritage assets. In accordance with the balancing test set out above, it is considered that there would be a number of public benefits to outweigh this harm even when applying the statutory tests to put great weight and importance on the desirability of setting of the conservation area and listed buildings. These being the contribution that the housing within the hybrid application would provide in terms of meeting Oxford's unmet need; the improved pedestrian, cycle, and public transport connections for the new development and the wider area which would all result in significant social and environmental benefits. In terms of the boundary stone there would be additional benefits in terms of public access and interpretation boards to help reveal the stone and its significance.
- 10.45. The associated public benefits, which include heritage benefits and social and environmental benefits, would outweigh the less than substantial harm caused

and, subject to conditions, the scheme would comply with sections 16(2), 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, paragraphs 205, 206 and 208 of the NPPF and policies DH1 DH3 of the Oxford Local Plan 2036.

e. Green Belt

- 10.46. Oxford Local Plan Policy G3 states that planning permission will not be granted for inappropriate development in the Green Belt in accordance with national planning policy.
- 10.47. NPPF para 152 states that inappropriate development in the Green Belt should only be approved in very exceptional circumstances. It goes on to state in paragraph 155 that certain forms of development are not inappropriate provided they preserve the openness and do not conflict with the purposes of land within it. These include engineering operations; and local transport infrastructure which can demonstrate a requirement for a Green Belt location.
- 10.48. In terms of this application the works to Elsfeld Lane, Marston Interchange, and Bayswater Road would be on land that falls within the Oxford Green Belt. It should be recognised however that these works are required to deliver the housing contained within the strategic site allocation of SODC Policy STRAT13. As such officers consider that they would be considered to be both engineering operations and local transport that can demonstrate a requirement for a Green Belt location so that they would not be classed as inappropriate development.

f. Archaeology

- 10.49. The Environmental Statement and Archaeological Desk Based Assessment and Field Evaluation has considered the archaeological impacts of the development.
- 10.50. The application is of interest because it involves groundworks in the vicinity of the Bayswater Brook where paleoenvironmental remains (i.e., prehistoric pollen sequences) may be preserved, potentially in poorly understood peat deposits and involves groundworks in the vicinity of Roman settlement activity orientated on the Alchester to Dorchester Road and the villa at Wick Farm.
- 10.51. The most sensitive area of works are those located down Bayswater Road and in the vicinity of the bridge at the bottom of the hill where Roman Road side settlement activity and burials have previously been recorded. Further west along Bayswater Brook there is more general potential for prehistoric and Roman activity. There are also proposals to widen the Bayswater Brook in some areas (which has been straightened from its historic course in some locations) and to undertake various ground works relating to bridge construction, access roads, tracks and landscaping.
- 10.52. The archaeological investigation should consist of a targeted archaeological borehole transect of the Bayswater Brook channel and geoarchaeological assessment followed by a) a targeted strip and record exercise for the deeper ground works proposed at the bottom of Bayswater Road in the vicinity of known

Roman remains and b) a targeted watching brief with contingency for archaeological recording for areas of significant groundworks elsewhere. The archaeological investigation should be undertaken by a professionally qualified archaeologist working to a brief issued by ourselves.

10.53. Concerns have been raised during the consultation process with respect to the stone culvert and boundary stones at the end of Barton Village Road. The alteration of the public transport route is welcome as it will preserve these features.

10.54. In this case, bearing in mind the character of the proposed work, officers are satisfied that subject to a condition to secure targeted archaeological recording the application would accord with the aims of the National Planning Policy Framework and Oxford Local Plan Policy DH4.

g. Ecology

10.55. The Environmental Statement has considered the potential ecological impacts of the proposed access works. A biodiversity metric has also been provided which considers the potential impacts on the land within the city council administrative boundary.

10.56. Oxford Local Plan Policy G2 states that development will not be permitted that result in a net loss of sites and species of ecological value. Sites and species of importance for biodiversity and geodiversity will be protected and any development should not have an adverse impact on sites of national or international importance. On sites of local importance for wildlife, including Local Wildlife Sites, and Oxford City Wildlife Sites, development will only be permitted in exceptional circumstances where there is an exceptional need for the new development and the need cannot be met on an alternative site with less biodiversity interest; and adequate on-site mitigation measures to achieve a net gain of biodiversity are proposed; and where this is shown to not be feasible then compensation measures are secured by planning condition.

10.57. The majority of the Bayswater Brook is designated as an Oxford City Wildlife Site (OCWS) and therefore policy G2 applies. The policy states that development will not be permitted in these areas unless in exceptional circumstance. Officers would suggest that such exceptional circumstances exist for the same reasons as set out in the flood risk section below. Officers consider that there would be exceptional circumstances to allow some of the development within the OCWS.

10.58. The Oxford City Council Ecologist has reviewed the Environmental Statement and baseline habitat data contained within and has raised no objection to the development in terms of its potential impacts on habitats and protected species. In this regard, officers have sought confirmation of the raw baseline data from the river condition assessment of both the Bayswater Brook and Sydlings Brook, and following a site visit have confirmed that the assessments were accurate.

10.59. The revised Biodiversity Metric (26th March 2024) was prepared to clarify officer`s concerns with regards to how the existing or proposed encroachments

into the watercourses would be accounted for in the metric. It also did not account for all of the enhancement works that were to be proposed in the watercourse. The revisions clarified this point and has demonstrated that the works would result in an increase in the number of watercourse units (+34.09%) across the entire scheme (access works and hybrid application). This would accord with the aims of Policy G2 which seeks a 5% net gain, and the more recent mandatory 10% net gain that has been introduced by the Environment Act. It is important to make clear that this is when taking the BNG requirement across the entire development site, because given the constrained nature of the access works, which has a number of red line parcels of land, it is not possible to demonstrate a 5% net gain within those boundaries alone. However, the access works subject to this application and the companion application with SODC cannot be separated from what is a much larger application. Therefore, given Policy G2 allows for circumstances where BNG requirements could be off-set by off-site compensation, it would be entirely reasonable to take the BNG metric for the site as a whole. This should be secured by a Grampian condition which seeks to ensure that the biodiversity net gain shall be demonstrated as part of the Biodiversity Enhancement Plan to be submitted in relation to the hybrid application (P22/S4618/O)

10.60. In terms of protected species, officers recognised that the Environmental Statement has identified that the Bayswater Brook is a key feature for foraging and commuting bats. These include barbastelle, one of the rarest and most threatened species in England, and that this has a regional importance for commuting barbastelle. As such consideration needs to be given to the potential impact on light spillage on this corridor particularly from the new bridge crossings.

10.61. In order to ensure that the proposed lighting of the connectivity bridges is designed in such a way to minimise the impact on the bats, a condition should be imposed seeking agreement of the lighting strategy for the bridges. The applicant has provided a draft strategy to confirm the lighting, however, it is noted that SODC officers have sought further confirmation as to whether lighting is necessary at all and if so to ensure that these are provided to minimum acceptable levels. A condition should also be attached to this application.

10.62. Having regards to the above, officers would accept the conclusions of the Environmental Statement in terms of the Habitat Regulations process and are satisfied that the development would meet the three tests. Similarly, officers consider that the development would accord with the aims of Oxford Local Plan Policy G2 subject to the above mentioned conditions.

h. Flood Risk

10.63. The Environmental Statement has considered the impact on flood risk through the submission of a Flood Risk Assessment. The sites as they straddle the boundary with South Oxfordshire District Council contain areas of land along the southern boundary and to the west along the Bayswater Brook that are within Flood Zones 2 and 3

- 10.64. The SODC officers report for the parts of the access package that lie within their boundary (P22/S4596/FUL) recognises that a sequential test was carried out as part of the allocation process for the South Oxfordshire Local Plan. In terms of the points of access, the western and eastern works to Elsfield Lane and Bayswater Road respectively, along with the bridges along the Bayswater Brook would all be essential infrastructure for the project that would need to meet the exceptions test. The report acknowledges that to pass the test they would need to provide wider sustainability benefits to the community that outweigh the flood risk and be safe for the lifetime taking account the vulnerability of its users without increasing flood risk elsewhere and reducing overall.
- 10.65. The report goes on to take the view that the infrastructure works subject to these applications are intrinsic to the delivery of this strategic allocation, providing new homes, community infrastructure, and high quality pedestrian, cycle and public transport connections into Oxford to discourage car-based development. In terms of flood risk, the bridges have been set at such a level that their soffits are a minimum of 600mm above the 1 in 100 annual probabilities plus climate change flood event, maintaining safe access in times of high rainfall and flooding. The Flood Risk Assessment within the ES has also demonstrated that this essential infrastructure would not result in the net loss in flood plain storage or impede water flows or increase flood risk elsewhere. Having reviewed the FRA, officers would concur with the assessment of SODC officers, and would therefore consider the Exceptions Test passed.
- 10.66. The access works, along with the main hybrid application (P22/S4618/O) have been developed in conjunction with the Environment Agency. The Environment Agency initially objected to the proposal on grounds that there was insufficient information in relation to the bridge levels, use of culverts, and on the propose secondary channels. The applicant provided additional information to resolve these matters. As such the Environment Agency have removed their objection subject to a condition that the development is carried out in accordance with the amended Flood Risk Assessment. This should be imposed on the permission.
- 10.67. In addition to this, the County Council as Lead Local Flood Authority have raised no objection, subject to conditions to secure the surface water drainage scheme, confirm installation of SuDS, and to provide a survey of all ordinary watercourses along with any measures to maintain the drainage features. A construction management plan is also required to protect the Bayswater Brook from damage during the construction phase.
- 10.68. Having regards to this, officers consider that the proposal would accord with the National Planning Policy Framework and Policies RE3 and RE4 of the Oxford Local Plan 2036.

i. Trees

- 10.69. Policy G7 of the Oxford Local Plan states that 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 upon public amenity or ecological interest. It must be

demonstrated that their retention is not feasible and that their loss will be mitigated.

10.70. The Environmental Statement has included an Arboricultural Assessment which outlines the trees to be removed as part of the access works, and a Tree Canopy Cover Assessment. Having reviewed the extent of works within the city boundary, the tree removals would include the removal of 6 individual ash trees and 6 group areas of trees composed of mixed ash and willow. It would also include the partial felling of one mixed group of sycamore, willow, ash, and poplar.

10.71. Although Policy G7 only applies to the works within the city boundary, the Tree Canopy Cover Assessment considers the tree canopy impacts of the development to the whole development proposal of Bayswater Brook. It has also disaggregated this for the access application that is with the city. The area of land for the full access package that is within the city boundary has a total existing tree canopy area of 22,804m². The area of proposed tree canopy removal would be 9,316m² or 40.9%. It should be noted that the tree removals across the entire development site would account for 11.8% of the canopy cover.

10.72. The results of the new tree canopy growth for each tree size in the area of this application would show a net loss of approximately 33%. However, officers consider that the significant loss of tree canopy cover associated with the felling arising from the provision of the A40 bridge needs to be considered in the context of the development as a whole. The off-site replacement planting uplift that would occur through the development site as a whole would be in line with the hierarchical approach of Policy G7 which allows for off-site compensation where on-site is not practicable. The canopy cover assessment has demonstrated that the change of land use for the whole development site, with the inclusion of urban landscape including parks, gardens, street trees will result in a canopy cover for the whole site is above 138%. In this context, given the constraints of the positioning for the bridge and its overriding importance to the scheme, the off-site planting compensation would be acceptable in accordance with Policy G7.

10.73. Officers would therefore suggest conditions imposed which seek the Tree Protection Plan, Arboricultural Method Statement, Arboricultural Monitoring Plan, Services and Utilities details and Landscape details.

j. Phasing and Delivery of Highway Works

10.74. The Local Highways Authority have raised no objection to the works subject to this application. The infrastructure that is proposed as part of this application will be secured through a s278 agreement with the Oxfordshire County Council. This agreement will also include a number of other off-site highway works that are not subject to this application but would be secured as part of the hybrid application for the Bayswater Brook Site (P22/S4618/O).

10.75. The following off-site highway works are to be secured through the S278 agreement.

- New site accesses onto Bayswater Road and associated junction works, including signals for main site access on Bayswater Road.
- New site access onto Elsfield Road and associated junction works.
- Addition of signals to the Bayswater Road arm of the Headington Roundabout.
- Introduction of signals and re-alignment of the Marston Interchange.
- Pedestrian and Cycle Bridge over the A40.
- Improvements to Wick Close Subway.
- New and/or upgraded cycle routes along Bayswater Road.
- New and improved crossings of the Bayswater Brook into Barton and Barton Park (including PRow crossings).
- New and/or upgrades to Marsh Lane cycle routes.
- Re-aligning the cycle path as it crosses the Marston Interchange A40 off-slip towards Cutteslowe, plus other improvement works at this junction for cyclists.
- Upgrading of various pedestrian and cycle routes to key destinations, such as through Barton and towards schools as well as a new pedestrian/cycle link to Foxwell Drive from the A40 existing cycle path.
- New A40 Bus access to be used as temporary construction access.
- New bridge crossing over the Bayswater Brook to Barton Village Road for bus services.
- Works on the A40 Northern Bypass to include, but not necessarily limited to:
 - Realignment of the A40 carriageway
 - Diversion of existing cycleway
 - Northbound and southbound layby removals and/or relocations
- New bus lane from North Way onto the A40 with pre-signals to allow bus prioritisation. This requires an additional lane on the A40 eastbound on the approach to Headington roundabout.
- Toucan crossings over the A40 westbound exit arm and A40 eastbound approach arm at Headington Roundabout.
- Engineering works and/or road marking changes to support a reduction in speed limit along the A40 Northern Bypass.

- Temporary construction access(s)
- Bayswater Road (Shepherds Pit Lane) Cycle Access.
- Public transport infrastructure works required for the reversal of Bus Service 8.

10.76. The following off-site works will be subject to monitoring and review

- Removal of A40 construction access left turn lane
- Marsh Lane Cycle Improvements
- A40 widening
- A4142 widening
- Just south of Marston Interchange junction works

10.77. This application along with the access works application with South Oxfordshire District Council (P22/S4596/FUL) are an integral part of the hybrid application that secures the development of the main Bayswater Brook site (P22/S4618/O). A phasing condition has been proposed for the hybrid application to secure the stages of development including the key infrastructure works within the site. As such the delivery of the two access applications (22/03049/FUL and P22/S4596/FUL) will need to be developed in accordance with this phasing strategy. A condition has been recommended on the access package application with South Oxfordshire District Council to ensure that a phasing plan for this access infrastructure is shown in accordance with the phasing of the main site. Officers would therefore recommend a condition is also imposed on this application for the same reason.

k. Other matters

10.78. Land Contamination: The Environmental Statement has included a Geotechnical and geo-environmental report by Rolton Group. Having reviewed these details the proposed location of the bridges, access roads, and highway improvements are not considered to be on land that would have ground contamination risks. There is potential for made ground / fill in areas of the Elsfeld Lane, Marston Interchange access road and as such, there does remain a potential risk that minor made ground contamination could be encountered during excavation works.

10.79. A condition should be attached which seeks a watching brief for any unexpected contamination.

10.80. Air Quality: The Environmental Statement has considered the impacts on Air Quality from the development. The baseline assessment shows that the application site is primarily located outside of the Oxford city wide Air Quality Management Area, with the only elements within this area being the A40 bridge and the bridge crossings to Barton Park

- 10.81. The Air Quality Assessment considers that the proposed development would not generate significant traffic on the road network within the Air Quality Management Area and therefore fall below the threshold for an adverse impact and therefore impacts during the operational phase would be negligible. The construction phase will result in greater impacts with them being classed as a 'medium risk'. However, dust mitigation measures during construction phase are proposed and therefore provided they are undertaken the residual impacts would not be significant.
- 10.82. Having considered all the submitted information, officers are satisfied that subject to conditions securing the dust mitigation, the proposal would accord with the policies of the National Planning Policy Framework and the Oxford Local Plan.
- 10.83. Noise Assessment: The ES has included an Acoustic Assessment which considers the potential effects of noise from surrounding land uses on the occupants of the proposed dwellings and the potential effects during construction and operation of the Proposed Development on surrounding noise sensitive receptors and existing residents / neighbours.
- 10.84. Appropriate noise guidelines have been followed in accordance with Oxford Local Plan Policy RE8. The calculations have indicated that no adverse impacts are anticipated associated with the construction of the development on the Barton and Barton Park properties.
- 10.85. The properties within Wick Farm Park residential would be closer to the developable areas. The calculations indicate that there may be potential adverse impacts from plant being used in the vicinity. These could be minor / moderate impacts of a short duration. A condition should be imposed which seeks approval of a Construction Environmental Management Plan.

11. CONCLUSION

- 11.1. Having regards to the matters discussed in the report, officers would make members aware that the starting point for the determination of this application is in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which makes clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise.
- 11.2. The NPPF recognises the need to take decisions in accordance with Section 38 (6) but also makes clear that it is a material consideration in the determination of any planning application (paragraph 2). The main aim of the NPPF is to deliver sustainable development, with paragraph 11 the key principle for achieving this aim. The NPPF also goes on to state that development plan policies should be given due weight depending on their consistency with the aims and objectives of the Framework. The relevant development plan policies are considered to be consistent with the NPPF.
- 11.3. Therefore, in conclusion it would be necessary to consider the degree to which the proposal complies with the policies of the development plan as a whole and whether there are any material considerations, such as the NPPF,

which are inconsistent with the result of the application of the development plan as a whole.

11.4. The development, where assessed as a whole would help deliver a mixed-use residential led scheme that was allocated within the South Oxfordshire Local Plan in order to help meet Oxford's unmet housing need. The proposals for access and movement contained within the application have been provided as part of a broader strategy and hierarchy that has been developed to provide a high quality network that integrates the Bayswater Brook development with the adjacent neighbourhood areas and wider city beyond. Although the development would result in less-than-substantial harm to a designated heritage asset, it is considered that the public benefits that would arise from the development would outweigh this harm. In technical terms, the access package has been developed in conjunction with the Highways Authority who are satisfied that this accords with their requirements and will not result in an adverse impact on the highway. Subject to conditions, there would be no adverse land contamination, impact on trees, noise pollution, air quality, flood risk or drainage impacts as a result of the proposal. As such the proposal would accord with the relevant sections of the National Planning Policy Framework and the Oxford Local Plan 2036.

11.5. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the conditions set out in Section 12 below.

12. CONDITIONS

11.6. The following conditions should be imposed on any decision to grant permission. The conditions have been recommended by statutory consultees, and also reflect the conditions that have been recommended by South Oxfordshire District Council in their access application (PS/S4596/FUL)

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

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

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

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

- 3 The delivery of the development hereby approved shall accord with the phasing plan for the main Land North of Bayswater Brook site approved through condition 5 of planning permission P22/S4618/O and condition 3 of P22/S4596/FUL approved by South Oxfordshire District Council.

Reason: To ensure that infrastructure is delivered to meet the needs of the development in accordance with Policy DH1 of the Oxford Local Plan 2036.

- 4 Prior to the opening of the A40 bridge, the applicant will submit a Management Schedule, which shall include details of landscape design and management, to the Local Planning Authority, for agreement and thereafter implement in accordance with the approved schedule.

Reason: To protect the amenity of the area and in the interests of highway safety in accordance with Policies M1 and DH1 of the Oxford Local Plan 2036.

- 5 Notwithstanding the details shown on approved plans details of proposed parapet design and lighting for the connectivity bridges shall be submitted to and approved in writing by the local planning authority. The lighting proposals should firstly set out why lighting of the bridge is essential and secondly demonstrate that the proposed lighting provides the minimum acceptable levels required for legal operation, and provide detailed descriptions of all mitigation and avoidance measures, lux contour plans and compliance with Guidance Note 08/18 from the Institute of Lighting Professionals (ILP). The connectivity bridges shall thereafter be implemented in accordance with the approved details. Under no circumstances should any other external lighting be installed or any of the proposed mitigation measures be altered (e.g. glazing specification), without prior consent from the local planning authority. Reason: To mitigate the impact on protected species and to help to assimilate the development into its surroundings and 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.

- 6 Prior to the commencement of each phase or sub phase of the development (including demolition, ground works, vegetation clearance) a Construction Environmental Management Plan for that phase or sub phase for Biodiversity (CEMP Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP for each phase or sub phase (Biodiversity) shall where relevant include the following:

- a) Up to date ecological surveys for bats, reptiles, water vole/otter, badger, nesting birds and habitats shall be undertaken (as appropriate). The up to date surveys shall be of an appropriate type for the above species and survey methods shall follow national good practice guidelines.

- b) Risk assessment of potentially damaging construction activities.

- c) Identification of "biodiversity protection zones".

- d) Practical measures (both physical measures and sensitive working practices) to avoid, reduce or mitigate the impacts on important habitats and protected species during construction (may be provided as a set of method statements).

- e) The location and timing of sensitive works to avoid harm to biodiversity features.
- f) The times during construction when specialist ecologists need to be present on site to oversee works and their roles and responsibilities.
- g) Responsible persons and lines of communication.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) List of site specific dust mitigation measures and recommendations that are identified in Appendix 10.8 (pages 43-46) of the Air Quality Appendices

The approved CEMP (Biodiversity) for each phase or sub phase shall be adhered to and implemented throughout the construction period of that phase or sub phase strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the important species on the site, in accordance with provisions of the NPPF and Policy G2 of the Oxford Local Plan 2036.

- 7 Detailed measures for the protection of trees to be retained during the development shall be submitted to, and approved in writing by, the Local Planning Authority (LPA) before any works on site begin. Such measures shall include scale plans indicating the positions of barrier fencing and/or ground protection materials to protect Root Protection Areas (RPAs) of retained trees and/or create Construction Exclusion Zones (CEZ) around retained trees. Unless otherwise agreed in writing by the LPA the approved measures shall be in accordance with relevant sections of BS 5837:2012 Trees in Relation to Design, Demolition and Construction- Recommendations. The approved measures shall be in place before the start of any work on site and shall be retained for the duration of construction unless otherwise agreed in writing by the LPA. Prior to the commencement of any works on site the LPA shall be informed in writing when the approved measures are in place in order to allow Officers to make an inspection. No works or other activities including storage of materials shall take place within CEZs unless otherwise agreed in writing by the LPA.

Reason: To protect retained trees during construction. In accordance with policies CP1, CP11 and NE16 of the Adopted Local Plan 2001-2016.

- 8 A detailed statement setting out the methods of working within the Root Protection Areas of retained trees shall be submitted to and approved in writing by the Local Planning Authority (LPA) before any works on site begin. Such details shall take account of the need to avoid damage to tree roots through excavation, 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 by the LPA.

Reason: To protect retained trees during construction. In accordance with policies CP1,CP11 and NE16 of the Adopted Local Plan 2001-2016.

- 9 Prior to the start of any work on site, details of the location of all underground services and soakaways shall be submitted to and approved in writing by the Local Planning Authority (LPA). The location of underground services and soakaways shall take account of the need to avoid excavation within the Root Protection Areas (RPA) of retained trees as defined in the British Standard 5837:2012- 'Trees in relation to design, demolition and construction- Recommendations'. Works shall only be carried in accordance with the approved details.

Reason: To avoid damage to the roots of retained trees; in support of Adopted Local Plan Policies CP1,CP11 and NE15.

- 10 Prior to the commencement of development of a phase or sub phase, a scheme for the landscaping of the access works, including the planting of live trees and shrubs, shall be submitted to and approved in writing by the Local Planning Authority. These details shall include schedules of new trees and shrubs to be planted (noting species, plant sizes and numbers/densities), the identification of the existing trees and shrubs on the site to be retained (noting species, location and spread), any earth moving operations and finished levels/contours, and an implementation programme.

The scheme for each phase or sub phase shall be implemented prior to the first use of the access works associated with that phase or sub phase and thereafter be maintained in accordance with the approved scheme. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub or equivalent number of trees or shrubs, as the case may be, of a species first approved by the Local Planning Authority, shall be planted and properly maintained in a position or positions first approved in writing by the Local Planning Authority.

For the Barton Village Road public transport link and bridge (as shown on approved plan IMA-20-134-BVR-01 rev G) details of the retaining wall adjacent to the listed boundary stone shall be submitted to and approved in writing by the Local Planning Authority. The retaining wall shall thereafter be implemented in accordance with the approved plans.

For the connectivity bridges (B1-B5) details of the surfacing treatments for the proposed pathways shall be submitted to and approved in writing by the Local Planning Authority. The surfacing shall be thereafter implemented in accordance with the approved plans

Reason: To help to assimilate the development into its surroundings in accordance with Policies DH1 and G2 of the Oxford Local Plan 2036.

- 11 A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to occupation. The content of the LEMP shall include the following:
- a) Description and evaluation of features to be managed, both on and off-site;
 - b) Ecological trends and constraints on site that might influence management;
 - c) Aims and objectives of management;
 - d) Appropriate management options for achieving aims and objectives;
 - e) Prescriptions for management actions;
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
 - g) Details of the body or organization responsible for implementation of the plan; and
 - h) Ongoing monitoring and remedial measures.

The above listed sections shall include a comprehensive plan for the enhancement of river habitats for the length of the Bayswater Brook which is contained within the application site. The extent and scale of the interventions should be such that a significant ecological response could be expected. The LEMP shall specify the detail of proposed interventions, including cross section and long section information, which shall be designed to create:

- significant water velocity and depth diversity in the water channels;
- variety in the water channels in terms of planform and channel width and depth; and
- provision of coarse sediment features using gravel of an appropriate size and geological provenance.

The LEMP shall set out how the above interventions are proposed to be delivered, which should include:

- introduction of increased channel sinuosity
- alteration of uniform incised channel cross section to create areas of 2 stage channels and improved lateral connection. Any presence of secondary channels should be for flow attenuation purposes only. Given the nature of the Bayswater Brook and the potential for very low flows during the summer months, by attempting to create flow dependant river habitats across two channels it is likely to result in compromised habitat in both channels.

- creation of backwater features to mimic natural refuge areas which fish and other species can utilise during higher flows, but which also create permanent features of benefit to such species as water voles
- use of lots of large woody debris (LWD) to help slow down flow, create areas of scour and deposition and develop variety in depth and velocity
- creation of long reaches of gravel bed, with diversity of form encouraged by installation of LWD
- channel variation created using brushwood or gravel berms
- ensuring that planned river crossings comply with best practice. For example, ensuring continuation of sediment processes and species (e.g. fish movement)

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

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

Reason: To enhance biodiversity in Oxford City in accordance with the NPPF and Policies DH1 and G2 of the Oxford Local Plan 2036

- 12 The requirement for a biodiversity net gain (as a minimum no net loss) related to the development hereby approved shall be demonstrated as part of the Biodiversity Enhancement Plan to be submitted in relation to planning permission P22/S4618/O. The Biodiversity Enhancement Plan shall be based on the combined site area associated with linked application P22/S4618/O, P22/S4596/FUL, and this application 22/03049/FUL.

Reason: To secure net gains for biodiversity, in accordance with Policies G2 of the Oxford Local Plan 2036 and the NPPF.

- 13 The development shall be carried out in accordance with the submitted flood risk assessment (Land North of Bayswater Brook Flood Risk Assessment, Revision B, 03/04/2024 ref. 332510694) and the following mitigation measures it details:

-'Level-for-level' Floodplain compensatory storage to be provided as outlined in section 7.9 of the Flood Risk Assessment and Stantec Drawing 332510694/100/002 in Appendix F.

- Floodplain compensatory storage shall be completed in advance of the various phases of built development, such that there are no losses in storage at any phase of the construction, as outlined in Technical Note 5, September 2023 Job no. 332510694, and section 7.9.8 of the Flood Risk Assessment.

- All new bridge structures over the Bayswater Brook and the proposed secondary channels shall have a minimum freeboard of 600mm above the 1% annual exceedance probability plus appropriate allowance for climate change (AEP + CC) flood level, except the two proposed new bus crossings where it is accepted this is not feasible (Barton village Road Bus link, and A40 bus bridge crossing) as outlined in Technical Note 5, September 2023 Job no. 332510694 and the Flood Risk Assessment Sections 7.5.8 to 7.8.5

(a) Underhill Circus Shared Bridge (B5) shall have a minimum soffit level of 72.31 metres above ordnance datum (mAOD), giving a freeboard of 600mm over the design flood level

(b) Fettiplace Bridge (B4) shall have a minimum soffit level of 70.44 mAOD, giving a freeboard of 600mm over the design flood level

(c) Barton Park School Pedestrian/Cycle Bridge (B3) shall have a minimum soffit level of 66.58 mAOD giving a freeboard of 670mm over the design flood level

(d) Barton Park Central Bridge (B2) shall have a minimum soffit level of 65.79mAOD giving a freeboard of 610mm over the design flood level

(e) Barton Park Western End (B1) Bridge shall have a minimum soffit level of 63.74mAOD giving a freeboard of 600mm over the design flood level

(f) A40 Pedestrian/Cycle Bridge (Wilkinson Eyre) shall have a minimum soffit level of 67.80mAOD for the Bayswater Brook Crossing, giving a freeboard of 6,050mm. The new river channel crossing shall have a minimum soffit level of 66.30mAOD giving a freeboard of 4,580mm

(g) Barton Village Road Bus Bridge (TM13) shall have a minimum soffit level of 68.60mAOD for the new bridge crossing, giving a freeboard of 610mm over the design flood level. The Culvert on the Bayswater brook shall have a minimum soffit level of 67.44mAOD

(h) A40 Bus Bridge Crossing shall have a minimum soffit level of 62.40mAOD for the New Bridge Crossing, giving a freeboard of 770mm over the design flood level. The Culvert on the Bayswater Brook shall have a minimum soffit level of 61.79mAOD giving a freeboard of 110mm over the design flood level

(i) The Elsfield Lane Realignment (Downstream Boundary) replacement culvert shall have a minimum soffit level of 59.92mAOD as per the existing culvert, with three new culverts having a minimum soffit level of 60.96m AOD giving a freeboard of 70mm over the design flood level

-Provision of a new flood relief culvert under the Wick Farm access road, with dimensions as described in section 7.8.4 of the Flood Risk Assessment.

Reasons: To reduce the risk of flooding elsewhere by ensuring that compensatory storage of flood water is provided and to reduce the risk of flooding from blockages to the proposed culverts and bridges in accordance with paragraph 173 of the NPPF and Policies RE3 and RE4 of the Oxford Local Plan 2036

- 14 No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:
1. An updated site investigation scheme, based on the prior 2022 report, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site. This should also include detailed baseline monitoring of groundwater elevations across the whole site, as well as groundwater quality and surface water quality baseline datasets.
 2. The results of the further site investigation and baseline monitoring, the detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reasons: This condition seeks 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 in line with paragraph 180 of the National Planning Policy Framework. The remediation strategy should be carried out by a competent person in line with paragraph 189 of the National Planning Policy Framework.

- 15 Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the

approved verification plan to demonstrate that the site remediation criteria have been met.

Reasons: This condition seeks to ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 180 of the National Planning Policy Framework

- 16 Throughout the course of the development, a watching brief for the identification of unexpected contamination shall be undertaken by a suitably competent person. Details of the watching brief must be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. 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.

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 2036.

- 17 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 must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reasons: This condition seeks 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 180 of the National Planning Policy Framework.

- 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

Reasons: Piling/investigation boreholes using penetrative methods can result in risks to potable supplies from, for example, pollution/turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. This condition seeks to ensure that the proposed development does not harm groundwater resources in line with paragraph 180 of the National Planning Policy Framework and Position Statement N of the 'The Environment Agency's approach to groundwater protection'.

- 19 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.

Reasons: The submitted planning application indicates that boreholes will need to be installed at the development site to investigate groundwater resources/carry out soakage tests. If these boreholes are not decommissioned correctly they can provide preferential pathways for contaminant movement which poses a risk to groundwater quality. This condition seeks to ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies in line with paragraph 180 of the National Planning Policy Framework and Position Statement A of 'The Environment Agency's approach to groundwater protection'.

- 20 Prior to the commencement of a phase or sub phase of a development, where relevant, details the proposed culverts to be installed shall be submitted to and approved in writing by the Local Planning Authority. The details shall explain how the ecological functionality of the Bayswater Brook shall not be harmed.

Reason: To ensure the function and setting of the Bayswater Brook is protected and that the culverts include appropriate design mitigation measures in accordance with Policy RE4 of the Oxford Local Plan 2036.

- 21 Prior to the commencement of development, a detailed Surface Water Management Scheme, shall be submitted to and approved in writing by the Local Planning Authority. The detailed design is to be based on the principles contained within Stantec Flood Risk Assessment report reference 332510694 rev 3 dated November 2022 and Stantec Surface Water Drainage Strategy report reference 332510694/2001 dated December 2022. The scheme shall be subsequently 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

- Proposed site and finished floor levels

- Comprehensive infiltration testing across the site to BRE DG 365

- Detailed design drainage layout drawings of the SuDS proposals including crosssection details
- Detailed design for all bridge structures and associated infrastructure to be provided demonstrating management of surface water, water quality, run-off rates and volumes
- Landscape plans with sustainable drainage features integrated and co-ordinated as appropriate
- Drainage construction 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
- Consent for any connections into third party drainage systems
- Details of silt management and design against blockage
- Details of surface water management during construction

Reason: To prevent pollution and flooding in accordance with Policy RE3 and RE4 of the Oxford Local Plan 2036

- 22 Prior to the completion of the development, 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 prevent pollution and flooding in accordance with Policies RE3 and RE4 of the Oxford Local Plan 2036.

- 23 Prior to the commencement of the development, a survey of all ordinary watercourses on or on the boundaries of the site along with any improvement measures / remedial work necessary to ensure suitable flow through drainage ditches / watercourses / other drainage features to cater for the associated upstream catchment are to be submitted to and approved by the local planning authority. Details for the improvement of ditches and drainage along Elsfield Road shall be included in the submission along with any interception ditches or swales required to reduce the risk of overland flow affecting the proposed

development. The scheme shall be subsequently implemented in accordance with the approved details before the area of development related to the works is occupied.

Reason: To prevent pollution and flooding in accordance with Policies RE3 and RE4 of the Oxford Local Plan 2036.

- 24 Prior to the commencement of development a lighting strategy for the Western Access including the realignment of Elsfield Lane and works to the Marston Interchange shall be submitted to and approved in writing by the Local Planning Authority. The lighting strategy shall include measure to mitigate the impact of street lighting on the Oxford View Cone. The street lighting shall thereafter be implemented in accordance with the approved strategy.

Reason: To help to assimilate the development into its surroundings in accordance with Policies DH1 of the Oxford Local Plan 2036.

- 25 Prior to the first use of the Barton Village Road public transport link and bridge, details relating to the provision and siting of interpretation panels setting out the historic significance of the listed boundary stone shall be submitted to and approved in writing by the Local Planning Authority. The interpretation panels shall thereafter be implemented and maintained in accordance with the approved details.

Reason: To promote understanding and enhance the positive contribution this listed boundary stone makes to the public realm, in accordance with Policy DH3 of the Oxford Local Plan 2036.

- 26 No development shall commence within a phase or sub phase until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority for that phase or sub phase. The CMP for each phase or sub phase shall comply with the approved CEMP Biodiversity and LEMP approved for permission P22/S4618/O and Arboricultural Method Statement (condition 15) and condition 6 and 11 of this permission, and shall include the following matters:

(a) Traffic during construction: access, traffic routes, routes within site kept free from obstruction, hours on local highway network, wheel washing, travel plan for construction workers, location of compounds, vehicle parking and turning areas, scheme for prevention of surface water discharges onto the highway;

(b) Location of exclusion zones to prevent soil compaction for large scale planting areas, public and school playing fields, allotments and the remediation of any soil compaction;

(c) Handling and storage of topsoil;

(d) Protection of trees, hedgerows and water features identified in the LEMP and Condition 31 (Tree Protection)

(e) Archaeology protection;

(f) Environmental protection from noise, vibration (including piling), dust for residents within and adjoining the site;

(g) Contamination investigations and reporting;

(h) Method statement for the prevention of contamination or soil and groundwater and air pollution and remediation in the event of pollution;

(i) A management strategy and proposals for the minimisation of construction waste and sustainable working methods including the re-use of rainwater

(j) hours of operation for construction to be restricted to 08:00-18:00 Monday to Friday and 08:00-13:00 on a Saturday, and no work is permitted to take place on Sundays or Public Holidays without the prior written authority of the Local Planning Authority.

The development shall be carried out in accordance with CMP or such updated version as shall be subsequently approved in writing by the Local Planning Authority.

Reason: To protect the amenity of the area and in the interests of highway safety in accordance with Policy DH1 and M1 of the Oxford Local Plan 2036

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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