

Oxford City Planning Committee

21st January 2025

Application number: 22/02954/OUT

Decision due by 7th April 2023

Extension of time TBA

Proposal Outline application (with all matters reserved except for access) for a mixed-use scheme comprising residential and student accommodation (Class C2, Class C3 and Sui Generis), commercial, business and service (Class E), and Hotel (Class C1) uses, with public realm, landscaping, associated infrastructure and works, including pedestrian and cycle routes.

Site address Land At, Oxpens Road, Oxford, Oxfordshire – see **Appendix 1** for site plan

Ward Osney And St. Thomas Ward

Case officer Sarah De La Coze

Agent: Prior & Partners **Applicant:** OXWED LLP

Reason at Committee Major Application

1. RECOMMENDATION

1.1. Oxford City Planning Committee is recommended to:

1.1.1. **approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 11 of this report and grant planning permission subject to:

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

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

- finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary.
- finalise the recommended legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers as set out in this report, including refining, adding to, amending and/or deleting the obligations

detailed in the heads of terms set out in this report (including to dovetail with and where appropriate, reinforce the final conditions and informatives to be attached to the planning permission) as the Head of Planning Services considers reasonably necessary; and

- complete the section 106 legal agreement referred to above and issue the planning permission.

2. EXECUTIVE SUMMARY

- 2.1. The report considers the development of Oxpens which is an area of land located on Oxpens Road to the south west of the City Centre.
- 2.2. The application is seeking outline planning permission with all matters reserved except for access for a mixed-use development comprising 234 residential dwellings, 258 student bedrooms and 90,974sqm of commercial space. Access is the sole matter which would be reserved.
- 2.3. The proposed residential element would deliver 50% affordable housing in line with Policy H2 which would provide the delivery of much needed affordable housing to meet the Council's housing need.
- 2.4. Officers consider that the proposed development would respond appropriately to the site context, Local Plan policies and site allocation Policies AOC1 and SP1 as well as the West End and Osney SPD.
- 2.5. The proposal would provide significant public realm improvements which will include a new amphitheatre, events lawn and play area. In addition improvements would be made to the Oxpens Road, Osney Lane and the right of way (ROW) that is located alongside the development. The access arrangements that are considered in full as part of this application are acceptable. The scheme would secure the reprovision of public toilets and will incorporate a community focused space within the development.
- 2.6. The scheme would result in a high level of less than substantial harm to the setting and significance of the Central Conservation Area and Oxford skyline. However, officers consider that, having given great weight to the conservation of these designated heritage assets, the public benefits that would derive from the proposed development would outweigh the identified harm.
- 2.7. There would be no adverse land contamination, noise pollution, air quality or flood risk and drainage impact as a result of the proposal. The scheme would not have an unacceptable impact on neighbouring amenity. The development would be of a sustainable design and construction, achieving a 40% reduction in carbon emissions when set against the 2021 Part L Building Regulations and is seeking to achieve BREEAM excellent.
- 2.8. The development would result in a net gain in tree canopy cover through new and retained soft landscaping. There would be no harm to any identified protected species and the proposal would achieve a Biodiversity Net Gain of 5%.

2.9. It is therefore recommended that the Committee resolve to grant outline planning permission for the development proposed subject to the satisfactory completion (under authority delegated to the Head of Planning Services) of a legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers and legal agreements under section 38 and section 278 of the Highways Act 1980 and subject also to the conditions in section 11 of this report.

3. LEGAL AGREEMENT

3.1. This application is subject to a legal agreement to cover:

- Affordable Housing Provision to include mix of affordable housing and contributions from student accommodation
- Biodiversity Net Gain Obligations
- Secure a Community Employment and Procurement Plan
- Public Realm Delivery and Management Plan for the Public Realm and Core Pedestrian / Cycle Link
- Community Enterprise Hub Management Plan
- Archaeological Recording
- Highway Infrastructure – Oxpens Road Improvements; Becket Street / Osney Lane Improvements; Osney Lane, Becket Street, and Holybush Row junction; Westgate Junction Works
- Oxfordshire County Council Financial Contributions towards Traffic Regulation Order; Special Education Needs; Strategic Waste Infrastructure; and Travel Plan Monitoring

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. The proposal is not liable for CIL as it is an outline application. The reserved matters applications as they come forward if approved, would be liable for CIL as separate chargeable developments. The exact amount of CIL payable for all phases of development will depend on the floor area and specific uses of each reserved matters application.

5. SITE AND SURROUNDINGS

5.1. The Oxpens site is located to the south west of the City Centre.

5.2. Osney Lane is located to the north of the site and includes residential properties. The northern site boundary is also adjacent to Richard Gray Court (residential) and the Royal Mail Oxford Delivery Office. Oxpens Road forms the part of the Site's north-eastern boundary. Oxpens Road is a main busy route that circles the southern core of the City Centre. In addition to the Oxpens Road the ice rink forms part of this boundary.

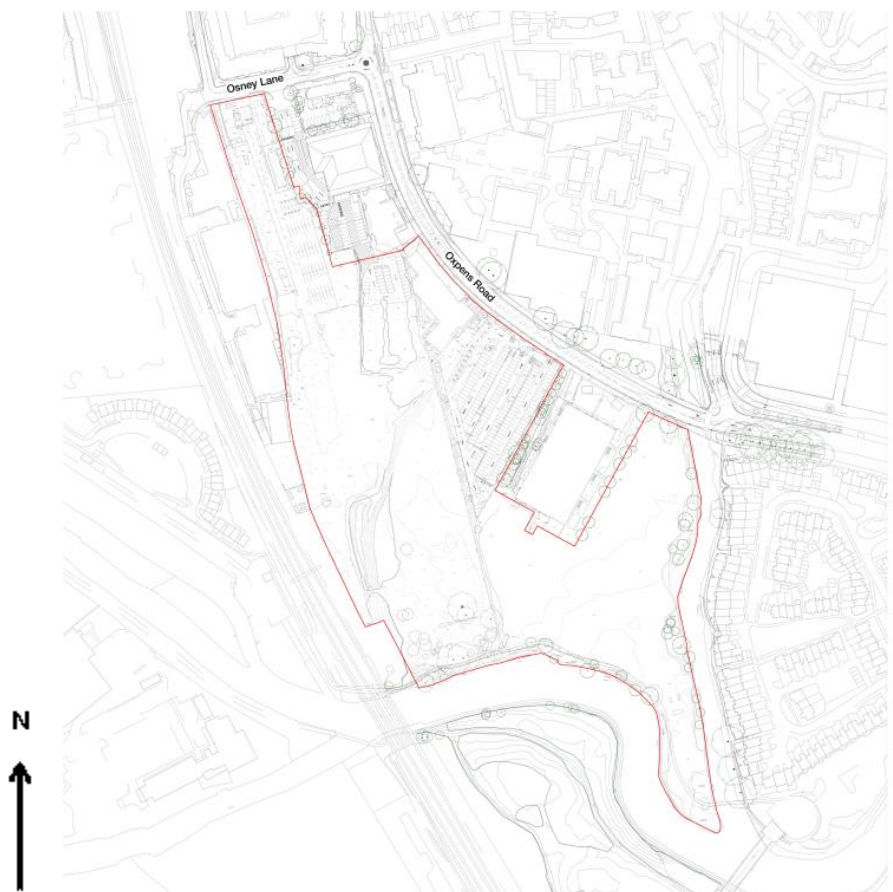
5.3. The railway line lies immediately to the west of the site. In addition to the west is Student Castle (student accommodation) and plot 16. The River Thames is located to the south along with Oxpens Meadow which defines the Site's southern boundary. Castle Mill Stream also flows through the south and east of the Site.

5.4. The site currently comprises Oxpens Road car park, car parking for Royal Mail, public toilets, the Formula One Autocentre garage and a former nightclub building that is currently occupied by Oxford Direct Services. Part of the land is currently being used by Network Rail for the construction compound for the Botley Road Bridge replacement works and Oxpens Meadows. The main access in to the site is via Osney Lane or Oxpens Road.

5.5. The site is located in highly sustainable location with the railway station and city centre in a short walking distance.

5.6. The site is not located within a Conservation Area but sits within close proximity to the Osney and Central Conservation Areas.

5.7. See location plan below:



6. PROPOSAL

6.1. The application is seeking outline planning permission with all matters reserved except for access for a mixed-use development comprising 234 residential

dwellings, 258 student bedrooms and 90,974sqm of commercial space. Access is the sole matter which would be reserved.

- 6.2. The application falls within the parameters of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and is Environmental Impact Assessment (EIA) development. The application was submitted with an Environmental Statement.
- 6.3. When submitting an outline application, certain matters relating to the appearance, landscaping, layout, and scale etc can be reserved for consideration at a later date. These are called 'reserved matters'. In this case, the access details for the scheme have been submitted for approval with this application. While some information and principles are provided on the reserved matters within the outline application, the full detail would come forward, should permission be granted for this application, via separate reserved matters applications.
- 6.4. Notwithstanding the above and access being the only reserved matter at this stage, the application has been submitted with parameter plans and a design code which would set certain parameters which the reserved matters that would follow would have to comply with.
- 6.5. The Proposed outline development would include the following as set out in the parameter plans.
- 6.6. Residential development in buildings identified on the plans as A1, A2 and A3. A1 would front Osney Lane with heights of up to 17m, 20m and 23m. This building would comprise up to 94 affordable social rent units. A2 is located to the south of A1 with heights of up to 17 m and 23m. A2 would include student accommodation (Sui Generis). The student accommodation block would seek to deliver up to 258 purpose-built student accommodation bedrooms (equivalent to 103 residential units). To the south of A2 would be A3 which would be a residential block with commercial space at ground floor. A3 includes heights of up to 20m and 23m. A3 includes 23 affordable homes (Shared Ownership) and 117 units for market. Up to 3,989 m² GEA basement space would be provided at buildings A2 and A3
- 6.7. The remaining plots would consist of commercial use. Buildings A4, A5 and A5 would front Oxpens Road and have heights of up to 20m, 23m and 27m. Building A7 would also front Oxpens Road and would have heights of up to 20m and 23m. Buildings A6, A8 and A9 would sit in the middle of the site and would have heights of up to 20m and 23m. The total commercial, business and service use floorspace that could be achieved is up to 90,974 m² (gross external area) GEA, including a mixture of potential office and laboratory space. A Hotel (Class C1) could be accommodated in any of buildings A4-A9 and is shown as a flexible use zone on the parameter plans to demonstrate this.
- 6.8. As part of the above floorspace the proposal is seeking to provide a minimum of 1350m² of predominately retail, food and beverage within Class E – commercial, business and service as defined by the Use Class Order (excluding Part (g) (uses which can be carried out in a residential area without detriment to

its amenity) including a minimum of 100 sqm for toilet facilities available for public use and a public realm management office. In addition, there would be a minimum of 250 sqm of community focussed space within the parameters of Class E which would be secured by the Section 106.

6.9. The land use parameter plan is set out below:



- Key**
- For Approval
- Residential (Class C2,C3)
 - Student Accommodation (Class C2, Sui Generis)
 - Residential (Class C2,C3) with allowances for ground floor Commercial (Class E)
 - Flexible use zone: Maximum 1 Hotel (Class C1) and/or Commercial (Class E)
 - Commercial, business and service (Class E)
 - Optional deviation of plot boundary 1.5m
- For Context
- Application Boundary
 - Area below main development platform

6.10. In addition to the above the proposal seeks to create a new public realm with the inclusion of a new amphitheatre, events lawn and play area. The public realm would begin as you enter the site with the inclusion of 'play on the way' incorporated into the landscaping and design leading through the site into the main amphitheatre which would be designed to host events and then lead in to Oxpens Meadow. The scheme would provide 1.5ha of new open space and public realm.

6.11. The public realm, specifically the events lawn and amphitheatre space would also form part of the flood mitigation, allowing the site to adjust to the site and weather conditions. The site would also provide a play area within the public realm which would be secured through the S106.

6.12. **Indicative layout of the site**



7. RELEVANT PLANNING POLICY

7.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework (December 2024)	Local Plan	Other planning documents
Design	129-138	DH1 - High quality design and placemaking DH2 - Views and building heights DH7 - External servicing features and stores	

Conservation/ Heritage	202-221	DH3 - Designated heritage assets DH4 - Archaeological remains DH5 - Local Heritage Assets	
Housing	61-78	H1 - Scale of new housing provision H2 - Delivering affordable homes H4 - Mix of dwelling sizes H7 - Community-led housing/self-build housing H8 - Provision of new student accommodation H10 - Accessible and adaptable homes H14 - Privacy, daylight and sunlight H15 - Internal space standards H16 - Outdoor amenity space standards	
Commercial	85-87, 90-95	E1 - Employment sites - intensify of uses V1 -Ensuring the vitality of centres V5 - Sustainable tourism V6 - Cultural and social activities	
Natural environment	161-182, 187-201	RE3 - Flood risk management RE4 - Sustainable and foul drainage, surface G1 - Protection of Green/Blue Infrastructure	

		<p>G2 - Protection of biodiversity geo-diversity</p> <p>G5 - Existing open space, indoor and outdoor</p> <p>G7 - Protection of existing Green Infrastructure</p> <p>G8 - New and enhanced Green and Blue Infrastructure</p>	
Social and community	96-108		
Transport	109-114	<p>M1 - Prioritising walking, cycling and public transport</p> <p>M2 - Assessing and managing development</p> <p>M3 - Motor vehicle parking</p> <p>M4 - Provision of electric charging points</p> <p>M5 - Bicycle Parking</p>	Parking Standards SPD
Environmental	196-201	<p>RE1 - Sustainable design and construction</p> <p>RE6 - Air Quality</p> <p>RE8 - Noise and vibration</p> <p>RE9 - Land Quality</p>	Energy Statement TAN
Miscellaneous		<p>S1 - Sustainable development</p> <p>S2 - Developer contributions</p> <p>RE2 - Efficient use of Land</p> <p>RE5 - Health, wellbeing, and Health Impact Assessment</p> <p>RE7 - Managing the impact of development</p>	West End Area Action Plan

		V7 - Infrastructure,cultural and community V8 - Utilities V9 - Digital Infrastructure AOC1 - West End and Osney Mead SP1 - Sites in the West End	
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8. CONSULTATION RESPONSES

8.1. Site notices were displayed around the application site on 24th January 2023 and an advertisement was published in The Oxford Times newspaper on the 19th January 2023. Following additional information the application was readvertised via site notices around the site on 14th August 2023 and an advertisement in the Oxford Times on 10th August 2023.

Statutory and non-statutory consultees

8.2. The statutory and non-statutory comments can be read in full online as part of the application documentation. The following comments have been summarised.

Oxfordshire County Council

8.3. *Education*

8.4. No objection subject to S106 contribution. Government guidance is that local authorities should secure developer contributions for expansion to special education provision commensurate with the need arising from the development.

8.5. The proposed development is expected to further increase demand for places at SEN schools in the area, and a contribution towards expansion of SEN school capacity is therefore sought based on the percentage of the pupil generation who would be expected to require places at a special school, based on pupil census data.

Calculation:

Number of pupils requiring education at a special school expected to be generated	0.4
Estimated per pupil cost of special school expansion, as advised by Government guidance "Securing developer contributions for education" (November 2019)	£89,741
Pupils * cost =	£ 35,896

8.6. The above contributions are based on a unit mix of: 163 x 1 bed dwellings 71 x 2 bed dwellings It is noted that the application is outline and therefore the above level of contributions would be subject to amendment, should the final unit mix result in an increase in pupil generation.

8.7. Waste Management

8.8. No objection subject to S106 contributions towards the expansion of household waste and recycling centre (HWRC) capacity.

Contribution	Amount	Price base	Index	Towards (details)
Household Waste Recycling Centres	£21,987	327	BCIS All-In TPI	Expansion and efficiency of Household Waste Recycling Centres (HWRC)

8.9. Healthy Place Shaping

8.10. The Public Health team will require further information before it can support this application based on the following requirements being met: – A section on the impact of the scheme on human health to be included in the environment statement with a commitment to undertake a full HIA as soon as possible so that it can inform the development of the master plan. – Confirmation that the applicant has liaised with the ICB for Buckinghamshire, Oxfordshire and West Berkshire to discuss the potential impact on health services, particularly primary care. – A detailed masterplan to be shared which shows not only the layout of the residential/student/hotel units, but also the location of these in respect to planned public realm improvements, such as areas of play, growing spaces etc. – A detailed plan showing the proposed walking and cycling routes within the new development, together with evidence of how these adjoin to existing rights of way and promote connectivity across the site. – Consideration of the impact of construction traffic on the ability for residents to actively travel on the Botley and Abingdon roads, including mitigation measures to limit the need for idling that might increase air pollution.

8.11. *Highways*

8.12. No objection subject to S106 Contributions.

Contribution	Amount £	Price base	Index	Towards (details)
Highway works	N/A	N/A	Baxter	Provision within the agreement for a financial contribution to be provided in lieu of the proposed works at the Westgate/Oxpens Rd/Thames St junction should the County Council want to deliver an alternative scheme
Traffic Regulation Orders	£7,304	April 2023	RPI-x	Consultation on amendment and if necessary, amendment of the Oxford Central Area CPZ order. Consultation on and if appropriate making of an order to introduce a 20 mph speed limit on Oxpens Road and adjoining streets as deemed necessary.

Travel Plan Monitoring	£11,810	April 2022	RPI-x	For the required monitoring of the individual Travel Plans. Cumulative figure based on separate Framework, Residential, Student, Hotel and Employment individual travel plans
Total	£19,114			

8.13. A S106 obligation to enter into a S278 agreement to provide highway improvements as detailed below.

- Delivery of pedestrian improvement on Hollybush Row, Becket Street, Osney Lane and Oxpens Road broadly in line with those shown on submitted drawings 8200355/6163, 6164, 6165, 6169 and 6170.
- Delivery of cycle improvements on Becket Steet, Osney Lane, Oxpens Road and Thames Street broadly in accordance with those shown on submitted drawing 8200355/6163, 6164, 6165, 6169 and 6170
- Delivery of surface improvements to PRow 320/116 between Oxpens meadows and Gibbs Crescent.
- Delivery of pedestrian and cycle improvements to the Westgate/Oxpens Road/Thames Street broadly in accordance with submitted drawing 8200355/6167 (unless an alternative scheme is agreed to be delivered by the County Council as will be set out in the S106 agreement)

8.14. *Drainage*

8.15. No objection subject to conditions

8.16. Thames Water

- 8.17. No objection subject to conditions
- 8.18. Thames Valley Police
- 8.19. I have reviewed the submitted documents and crime statistics for the local area. I am pleased to see consideration has been given to the principles of Crime Prevention through Environmental Design, and the design code/DAS provides a commitment to following the principles of Secured by Design. I do not object to this application at outline stage
- 8.20. Network Rail
- 8.21. No objection subject to conditions.
- 8.22. Oxfordshire Fire and Rescue
- 8.23. It is taken that these works will be subject to a Building Regulations application and subsequent statutory consultation with the fire service, to ensure compliance with the functional requirements of The Building Regulations 2010.
- 8.24. Environment Agency
- 8.25. The Environment Agency have an outstanding objection to the development on grounds that the proposed development would post an unacceptable risk of pollution to surface water quality. The Environment Agency have reviewed the updated modelling and flood risk assessment dated June 2024 and have no objection to the development on flood risk grounds subject to conditions.
- 8.26. Natural England
- 8.27. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.
- 8.28. East West Rail Company Limited
- 8.29. No objection to the application. It would not prejudice the delivery of the East West Rail project.
- 8.30. Historic England
- 8.31. Historic England has no objection to the application on heritage grounds. We consider that the application sets out a fair assessment of the impacts the illustrative scheme would have and recommend the Council weigh up the relative level of harm as set out in the NPPF.
- 8.32. ROX – Rescue Oxford
- 8.33. The balance of uses in the proposals in this outline application seem reasonable, if not exciting. However, we do believe that some key areas relating

to transport are not addressed properly. Specifically the scheme relating to other sites in the West End and the cumulative transport needs.

- 8.34. Another consideration is that the restaurants, bars, cafes and retailers should be supportive of the area immediately around it but not so great in number as to drag Oxford's shopping and hospitality offer further away from Carfax
- 8.35. *Cyclox*
- 8.36. We support the proposal for the wide cycle lanes on either side of the road. However, we think that the proposed 3.0m advisory cycle lanes are too wide and will be regularly encroached by motor vehicles. We suggest instead the lanes should be 2.75m wide and the central carriageway 5.00m, enough for two cars to pass each other comfortably. For this road design to work successfully, intermittent targeted wands need to be placed to emphasise to motor vehicle drivers that the advisory line is for people cycling but may be encroached upon. Rule 140 of the Highway Code states: "... Do not drive or park in a cycle lane marked by a broken white line unless it is unavoidable". We wish to see the cycle lanes are coloured. We ask that the county council drops its policy of not putting colour on cycle lanes. Having a coloured lane gives a strong signal to drivers that the lanes are not for motor vehicles.
- 8.37. Junction Oxpens Road / Osney Lane / Hollybush Road We object to the mini-roundabout design. This is inherently dangerous, putting cycle riders at risk of collision. We also object to the use of the buff colouring as a proxy for a pedestrian crossing.
- 8.38. The proposed mini-roundabout design, This needs to feel quite different from other examples or the potential danger for people cycling is likely to be increased. It does not fit well with the relative protection of the wide lanes.
- 8.39. Crossing Oxpens Road We support the location of the proposed Zebra crossing on Oxpens Road. However, we object to the design provided.
- 8.40. Westgate junction We think that this junction design is far from being coherent: resolved. We find the proposal to be unacceptable.
- 8.41. Oxford Civic Society
- 8.42. Oxford Civic Society supports the applications. The Oxpens site has been idle for far too long, some half a century. Oxford Civic Society has vigorously encouraged and supported West End development initiatives for many years: this application is very welcome
- 8.43. *Transport*
- 8.44. West End transport arrangements should underpin the integration of the sites. We are not at all satisfied with the transport context of this application. It is not a criticism of the proposal as the proposal does not include the transport links necessary to make this proposal a successful component of the enlarged city centre. But it needs to be said in this consultation response that the County

Council has failed to provide the Oxpens site and the West End in general with an adequate transport arrangement, or even a vision of one.

8.45. *Housing and Employment*

8.46. We are very comfortable with the proposed mix of housing and employment. There is enormous demand for specialised laboratory space and employment of even up to 3,000 people on this site is reasonable if at least a proportion are commuting via rail making best use of the site's location immediately adjacent to the station. Ultimately including, perhaps, commuting via the Cowley line.

8.47. *Urban Design*

8.48. We note that very great care has been taken to ensure that the proposed development does not intrude on the Oxford skyline (although the Oxford Civic Society does not object to well considered proposals being made for high quality skyline additions). We trust that the Design Code will ensure that Oxpens buildings will be designed to contribute positively to the skyline and to the city centre in general.

8.49. Oxford Preservation Trust

8.50. OPT have been very disappointed that this large site only proposes 337 homes, some of which are student accommodation. It is our view that the Officers should consider very carefully whether the balance as presented, between residential and commercial uses is the best use of this scarce land or whether the residential element could and should be increased.

8.51. OPT consider that it is important that views from inside the city looking out are considered as carefully as views from the outside of the city looking in. The proposed development on the site will significantly impact on a number of views, these include looking out of the city in a south westerly direction from St Georges Tower and the Castle Mound, and those looking towards the city centre from Raleigh Park. The views from Raleigh Park capture the iconic view of the city where spires, towers and cupolas can be seen against the green backdrop of the hills beyond with the importance of the foreground. The Oxpens development will sit in the foreground of this and will therefore have a significant impact. The indicative masterplan, and parameter plan show large block like buildings ranging in height from 17m to 27.5m. Buildings of this massing and scale will appear incongruous and unduly prominent in the views and it is our concern that the eye will be drawn to the large blocks of development, rather than them blending into the foreground.

8.52. We note that the application for the river bridge does not form part of the current applications, and that an application is being prepared separately by the City Council to be submitted in due course. OPT feel that the applications should not be considered in isolation, as the provision of a bridge is crucially important to making the area sustainable in transport terms, and that the proposals need to be considered as a whole.

8.53. OPT feels unable to support this development in its current form, and consider more thought needs to be given to the level of housing provision, heights, views and massing and more information provided regarding the connectivity which is essential to ensure that this site becomes fully integrated into the city and towards the west.

8.54. CPRE Oxfordshire

8.55. There is an urgent need for more affordable and social housing within the City. Whichever housing forecasts are agreed in the emerging Oxford Local Plan 2040, all scenarios under consideration identify a significant gap between housing need and physical capacity within the City, presumably with the assumption that this shortfall should be met by neighbouring districts. It is clearly more desirable that residents and employees within the City can live within it and not be forced to commute, with the associated inconvenience and expense to them and impact on air quality and congestion for all. Brownfield sites, such as this, should be prioritised to provide affordable homes. Both the existing and the emerging Oxford Local Plans clearly state that housing provision is a top priority yet this proposed application does not reflect this

8.56. Ward Councillor

8.57. I object to the Employment to Housing ratio on this mixed development which I estimate to be 7:1. If it goes ahead in its current form we will be providing space for 7 times as many workers as we are providing new homes for. An employment to housing ratio of 7:1 will put further demands on the housing supply within Oxford City and the surrounding areas. This development in its current form will make the local housing situation in Oxford WORSE not BETTER. Oxford needs more homes, more than we need more employment space. Please reconsider the employment to housing ratio and increase the number of affordable, social and market homes on this site and reduce the amount of employment space. Energy Saving Buildings: All new build in Oxford should be built to the very highest energy standards. e.g. Passiv Haus standards.

8.58. It may cost more to build, but given rising energy costs and the increasing risk to energy security, it can also be sold/rented at a higher price. Green Travel Routes: There are missed opportunities for Green travel routes. The development should provide safe, continuous, segregated cycle routes from the site to Oxford Train Station via Osney Lane and Beckett Street. The plans should also include an improved path from the site to Mill Street, via Gibbs Crescent.

Public representations

8.59. 60 letters of representation have been received from properties located in Duke Street, Fitzherbert Close, Empress Court, Christ Church Old Buildings, Stratford Street, East Street, Western Road, Tennyson Lodge, West Street, Woodins Way, Lower Fisher Row, Bedford Street, Cavell Road, Cumberlege Close, Divinity Road, Friars Terrace, Frenchay Road, Lakeside, Marlborough Road, Meadow Lane, Watermill Close, Western Road, Yarnells Road, Abbey Walk,

Coinston Avenue, Fairfax Avenue, Haynes Road, Kineton Road, Marlborough Road, Montagu Road, Tarragon Drive, Turner Drive, Vicarage Lane, vicarage Road, Buckingham, Street, William Street, Wytham Street, Ferry Road, Linton Road. In addition comments have been received from Saint Ebbe's New Development Residents' Association, University of Oxford, Save Bertie Park Campaign, Cowley Area Transport Group, Royal Mail and Councillor Pressel

8.60. The comments can be read in full on the Oxford City Council planning website. In summary, the main comments/objections/issues raised are:

- Generally supportive of the redevelopment
- Residential proportion should be increased
- More residential will have better surveillance over the site
- Need to ensure that the development will not increase flooding elsewhere
- Plans do not address the Gibbs Crescent footpath
- Improvements of the Oxpens Road is required particularly for cyclists
- Details of the connection to the train station are lacking
- Further details of the bridge are required
- Water play is insufficient for children
- The scheme should provide play areas and things for younger people to do
- Too many student rooms
- Not enough social housing
- Oxford City Council always talk about affordable housing but the proposed development does not cater to this
- Will there be increased noise from the amphitheatre
- Labs from the science and technology research are positive
- Buildings are too tall
- No more student housing
- Disappointing from a cycling safety point of view
- The cycle lanes on Oxpens road should be segregated rather than advisory
- On the corner of Beckett Street and Osney Lane, the cycle lanes disappear
- It is still unclear on the plans whether the route through the west side of the development to Beckett Street will be shared space for pedestrians and cyclists
- The amended mix of housing is wrong. There needs to be a greater proportion of truly affordable accommodation
- The lack of residential would not create a nucleus population
- The development feels like it is maybe 1 or 2 storeys too tall
- This scheme needs a Spire.
- Objection to the inactive façade to Oxpens Road
- Notwithstanding the glass facades there is negligible frontage access nor an adequate allowance in the scale of the block plans for street-facing or street-relevant uses
- good that for once the Council and Nuffield are planning to build on a brownfield site instead of greenfield and greenbelt sites in and around the city
- Oxford has a housing crisis, not an employment crisis.
- Oxwed will help heat up the housing crisis further, not contribute to lessening it, even as it adds to built infrastructure, run-off, sewage and other pollutants on the Thames.

- It is difficult to visualise exactly how the new contours will affect the overall appearance of the meadow.
- There is considerable concern over the planned re-levelling of the meadow and the effect this will have on the bird life, both during the works and afterwards.
- What is the biodiversity target being met
- In the plans there appears to be only one area of wetland plants, which is somewhat surprising.
- it is very important that the work on the new bridge and the re-levelling of the meadow are synchronised so as to avoid twofold disruption and to ensure that all the levels of both projects work together
- Protection of the seven Atlantic blue cedars alongside the ice rink: concern has been expressed that the surface roots of these trees may be damaged by the works on the meadow.
- Will there be the opportunity to comment on further detailed plans
- How will construction traffic be managed
- Lots of traffic already along Oxpens Road
- Will the development be accessible for emergency vehicles
- Who will be responsible for organising and running events in the amphitheatre?
- Can allotments be provided?
- Will buses run along Oxpens Road
- Positive that the scheme will be car free
- Oxford City Council are part of Oxwed will this be decided fairly
- Oxpens should dovetail with other surrounding developments
- Green open space should be retained in perpetuity
- Not enough of a mix to be considered a mixed use scheme
- There is no indication of a style guide or architectural vision
- Very low biodiversity target
- No transparency about embodied carbon
- What about GP surgeries & other essential services? Community centre?
- The student housing and hotel balance vis a vis the housing will not create a stable community
- Lack of housing on the site
- How is the amphitheatre a cultural contribution -how will it be managed?
- No community space or community hall being proposed
- Why is there more student accommodation proposed
- Is there a requirement for additional hotels
- the urban design for the developed area is currently unconvincing in its configuration of streets and open spaces between and inside the blocks
- The commercial district blocks including the hotel, appear to be large and densely arranged
- Care will need to be taken to ensure a high quality of architecture with a convincing and sustainable use of materials.
- No keyworker housing proposed
- Should not include commercial development
- Where is the Transport Plan

- Thames Water already unable to cope with present demand for water or waste water disposal
- On this plan there are many many more jobs than homes for those workers
- Will increase flooding
- Already increased traffic in the West End/Botley Road/Oxpens Road
- Should include underground parking
- The Beckett St/Osney Lane junction will effectively become a crossroads. Would a mini-roundabout not be a more appropriate treatment for this junction?
- Oxford is over developed and over populated
- Should be zero carbon
- Views of Oxford from the west may be further compromised
- The amount of sci-tech development here is excessive given the even more absolutely desperate need to provide good quality housing
- Site should be used more efficiently to build more homes
- The planning application does not show a cycle path, which has been proposed, alongside the ice rink
- Space standards for all new homes
- Passivhaus for new homes
- Should improve pedestrian links
- Should include SUDs maintenance plans
- Toilets should be provided in line with the City Centre Action Plan
- How does this impact the operation of the Ice Rink
- Should not conflict with parking for the Ice Rink
- Well-designed play space should be provided
- Will the development affect flooding in the neighbouring residential areas

9. PLANNING MATERIAL CONSIDERATIONS

9.1. Officers consider the determining issues to be:

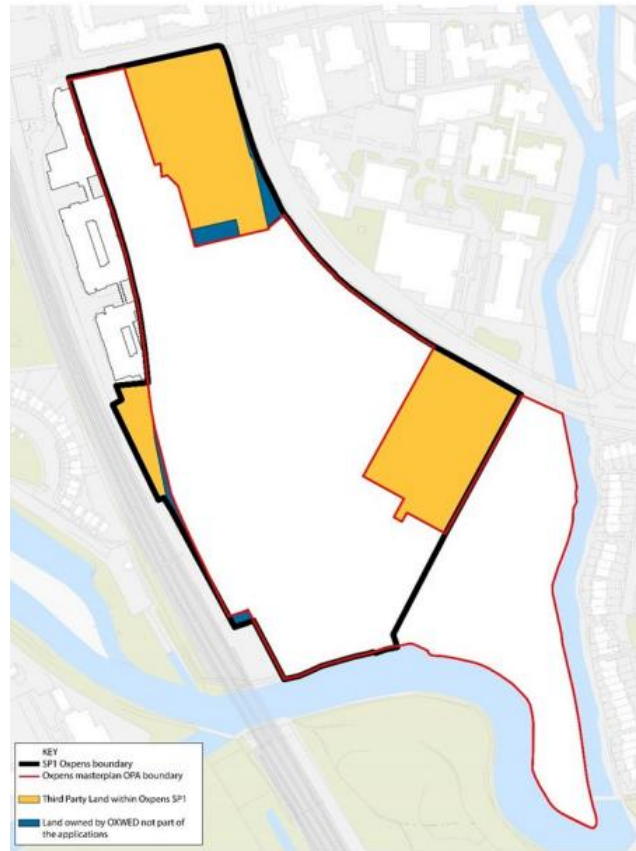
- a. Principle of development
- b. Design and Impact on the Historic Environment
- c. Impact on Neighbouring Amenity
- d. Highways
- e. Sustainability
- f. Biodiversity
- g. Drainage and Flooding
- h. Environmental Health
- i. Other matters
- j. Planning Obligations

a. Principle of development

- 9.2. The application site is an allocated site within the Oxford Local Plan (OLP) 2036. The site sits within policy AOC1 and policy SP1 which sets out the requirements for the site. The site is also included within the West End and Osney SPD.
- 9.3. Policy AOC1, which designates the area as an 'Area of Change' and sets out the principles for development in the area setting out its suitability for high-density urban living that makes efficient use of land, maintains a vibrant mix of uses and maximises the area's contribution to Oxford's knowledge economy.
- 9.4. The policy also encourages development proposals within the West End and Osney Mead to take opportunities to enhance the public realm along the waterways; enhance connectivity throughout the area, including along waterways; enhance the pedestrian and cycling experience; ensure that the heritage of the area informs and guides new development proposals; creates an easy and attractive transport interchange; and reduces car parking.
- 9.5. Policy SP1 of the OLP supports mixed use developments across the West End, which aim to deliver at least 734 homes across five named sites: (a) Oxford Station / Becket Street; (b) Student Castle Osney Lane; (c) Worcester Street Car Park; (d) Land between Park End and Hythe Bridge Street known as the 'Island site'; and (e) Oxpens.
- 9.6. The policy also goes on to state that with regards to the Oxpens area of the West End, permission will only be granted for development where it enhances Oxpens Field to create a high quality open space, including new high quality and well-located public realm, creates active frontage along Oxpens Road, enhances connectivity to Osney Mead including future proofing the proposals so they do not prevent the landing of a foot/cycle bridge across the Thames, and has regard to the Oxpens SPD. It also states that any application on the Oxpens must be accompanied by a site-specific flood risk assessment which includes mitigation measures to deal with flood risk.
- 9.7. The site is also located within the defined city centre and forms part of the West End. Policy V1 of the OLP supports town centre uses such as retail, leisure, entertainment, office, arts, culture and tourism within the defined city.
- 9.8. The Oxpens allocation refers to the allocation as a whole but this application does not include the whole area allocated within the Local Plan. The wider Oxpens site comprises a number of land owners and therefore the allocated number of 450 homes would be expected to come forward on all areas of the allocation. As the largest site within the allocation it is expected that the site would deliver a higher proportion of the allocation. The application seeks to deliver 234 homes and 258 student rooms which is the equivalent to 103 residential units when using the Housing Delivery Test. This means overall the site would deliver 337 homes (including the student accommodation equivalent) meaning that the remaining 113 homes would have to be delivered on the remaining sites which comprise of Richard Gray Court (residential); Kingsmead House (Royal Mail Oxford Delivery Office, offices above and associated parking); the former ESSO petrol station; Unit 16 (remaining unit of the former Oxford Business Centre) and the Oxford Ice Rink.

9.9. The West End and Osney SPD recognises that some development sites comprise more than one landowner, which would require coordination and co-operation between different parties to realise a holistic vision.

9.10. **Plan showing land ownership**



9.11. Paragraph 11 of the NPPF outlines the overarching requirement that in applying a presumption in favour of sustainable development. Local Authorities should be approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

9.12. The NPPF Core Principles encourage the efficient use of previously developed land. Policies S1 and RE2 of the Oxford Local Plan 2036 are consistent with this approach. Policy RE2 requires that development proposals must make best use of site capacity, in a manner compatible with the site itself, the surrounding area and broader consideration of the needs of Oxford. The development proposal must have a density appropriate for the proposed use, with an appropriate scale and massing, maximise the appropriate density with a built form and site layout appropriate to the capacity of the site.

- 9.13. The application proposes a significant number of new dwellings as well as commercial floorspace, in addition the site would bring forward and secure specific E uses, a community space and replacement toilets. Policy H1 of the Oxford Local Plan outlines that most of the Council's housing need would be met through sites allocated in the Oxford Local Plan.
- 9.14. The application is supported by a parameter plan which would fix the locations of the development and mix of development.

Commercial use and E uses

- 9.15. Local Plan policy V1 supports the development of town centre uses (retail, leisure, entertainment, office, arts, culture and tourism) within the defined city, district and local centre boundaries which the site is located within. The West End SPD and policy AOC1 states that Oxpens and the West End should seek to provide a mixed-use neighbourhood through residential and commercial uses. The site seeks to provide 90,974sqm of commercial space (including basements) across the site, this commercial space also allows for the provision of a hotel which falls under C1 use. The parameter plans set out the proposed locations for these commercial uses.
- 9.16. On 1st September 2020 Class E (Commercial, Business and Service) of the Use Class Order came into effect and replaced, amongst others, Class A1 (shops), A2 (financial and professional), A3 (restaurants and cafes), parts of D1(non-residential institutions), D2 (assembly and leisure).
- 9.17. The Oxford Local Plan recognises at paragraph 128 that Oxford has "one of the highest concentrations of knowledge intensive businesses in the UK. It has the fastest growing and one of the best educated workforces in the country and is the main centre of research and spin outs in the country. The Local Plan supports the growth of these sectors and puts in place measures to manage the effects of success". The Oxfordshire Strategic Economic Plan (2017) sets out the long term vision and ambitions for economic growth in the County, which is that overall by 2030 "Oxfordshire will be recognised as a vibrant, sustainable, inclusive world leading economy driven by innovation, enterprise and research intelligence".
- 9.18. The application sets out that there is a shortage of new and grade A commercial accommodation in the city centre. This has led to a demand for this type of commercial space in which there is currently no availability for this type of buildings with large floor plates within the city centre. The proposal seeks to provide for this need.
- 9.19. *"There is clear demand for office and laboratory space throughout the Oxfordshire region, but especially in the City Centre. This is driven by many factors but essentially this is caused by very strong demand and the lack of supply of relevant accommodation for office users and scientific companies. As the size of requirements continue to grow the size and style of existing stock also becomes a problem as Oxford, especially the city centre, does not have the standing stock to accommodate these larger requirements. Its now not uncommon for requirements to reach 125,000 to 150,000 sq ft. There are very few buildings of this size.*

9.20. *With the 'new' style requirements also comes demand for open space integral leisure and retail uses, the creation of a destination, of a 24 hour environment is really important. The tenants of these commercial building want to be able to attract good talented staff, experts in their field and the environment of the developments is key."*

9.21. Planning policy is supportive of expanding the knowledge economy within Oxford and the application sets out the need for this type of development, the proposal therefore accords with the policies of the Oxford Local Plan.

Hotel Use

9.22. Policy V5 sets out appropriate locations for holiday and other short stay accommodation. The city falls within the defined city centre boundaries and therefore the location is considered acceptable subject to it being acceptable in terms of access, parking, highway safety, traffic generation, pedestrian and cycle movements; there is no loss of residential dwelling; and it will not result in an unacceptable level of noise and disturbance to nearby residents. In addition the allocation and West End SPD encourages a mixed use neighbourhood.

9.23. The parameter plans allows for the provision for a hotel but does not require it, there is flexibility within the parameters that allow for other commercial uses to be delivered if a hotel does not come forward. The supporting information sets out that Oxpens would look to deliver a 4 start hotel. Overall the provision for a hotel is acceptable if one comes forward and the principle if a hotel would further allow for a mixed use neighbourhood to be delivered.

Residential

9.24. The Oxpens allocation sets out a minimum requirement of 450 homes to be provided across the site. The scheme seeks to provide 234 residential units in either the C2 or C3 use class and 258 student rooms which is the equivalent to 103 residential units when using the methodology for the Housing Delivery Test. This means overall the site would deliver 337 homes (including the student accommodation equivalent).

9.25. The parameter plans allow for some flexibility within the residential uses with block A1 and A3 allowing for residential uses within the use class of C3 (dwellinghouses) and C2 (residential institutions such as residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres). If a C2 use were to come forward on one of the development residential blocks it would still be required to accord with the relevant policies in the Oxford Local Plan and the scheme would still be required to deliver the housing numbers set out in the application overall.

9.26. Policy H15 and H16 sets out the requirements for inside and outside space. The design code ensures that outside space can be accommodated within the parameters and the design code set this out. The design code also sets out that all dwellings will meet the minimum requirements of policy H15. In addition, the design code sets out that the development would accord with policy H10 (accessible and adaptable homes). The outline application therefore sets out

how these policies can be met within the parameters and as part of any future reserved matter application. Any future reserved matters application would have to continue to accord to the policies of the Local Plan.

Affordable Housing and Housing Mix

- 9.27. Policy H2 of the Oxford Local Plan states that on self-contained residential developments where sites have a capacity for 10 or more homes (gross) or exceed 0.5 ha, a minimum of 50% of units on a site should be provided as affordable homes with an 80 / 20 split of social rent to intermediate housing.
- 9.28. Policy H4 of the Oxford Local Plan states that planning permission will be granted for residential development that is demonstrated to deliver a balanced mix of dwelling sizes to meet a range of housing needs and create mixed and balanced communities. Policy H4 also states that sites below the threshold or within the city centre or a district centre should demonstrate how the proposal has had regard to local housing demand, including for affordable housing demonstrated by the housing register.
- 9.29. The outline application seeks to provide 234 homes in the following mix. The mix of housing has been amended following the publication of the revised NPPF in December 2024. The revised NPPF removed the requirement to provide 'First Homes' as a type of affordable housing that is required from residential schemes. There were no transitional arrangements set out within the NPPF for schemes that were submitted prior to the publication of the revised document, therefore the requirements of Policy H2 become the material consideration in this case.
- 9.30. As a result the housing mix has been amended to achieve a mix of housing that accords with Policy H2. The mix as proposed now would be for 117 market housing, and 117 affordable homes. The affordable homes would include 94 social rented units (80%) and 23 shared ownership units (20%).
- 9.31. The housing is proposed to be delivered through 1 and 2 bed units in Blocks A1 and A3. The mix of units and their configuration has been developed in conjunction with the Council's housing team. Oxford City council has approximately 2,837 households on the Housing Register (Bands 1-5) (June 2023). Beyond this, however, there are many more households in need of decent and affordable housing. The estimated backlog of housing need for affordable housing is 26,899, according to the Oxfordshire Strategic Housing Market Assessment (SHMA, 2014). An update in 2018 identified 678 affordable units each year to support households unable to meet their needs through the housing market.
- 9.32. Currently there is a clear need for the continued prioritising of the delivery of one-bed units. This is a relatively consistent need across all assessed council applicants and including those requiring accessible units and those in temporary accommodation (with the exception of those on the transfer register at the higher levels of priority) and this is a need that has increased in recent years due to policy changes. Looking specifically at those in priority need awaiting adaptable and accessible units the second highest need (following one-beds) is for two-bed units where 63 households are on both Registers for such homes. Beyond this,

the need for three-beds, four-beds and five+ beds follows. There is limited need for larger units but, as noted above, the households waiting for the largest five+ beds homes (three households) are all within Bands 1-3.

9.33. The proposed housing mix is therefore considered acceptable given the need for 1 beds and 2 beds across the city.

Student Accommodation

9.34. The proposal seeks to provide 258 student bedrooms on the site. Policy H8 of the OLP allows for new student accommodation on sites which is allocated in the development plan, the West End allocation SP1 is also permissive of student accommodation on the site.

9.35. Policy H2 sets out the requirement for providing affordable housing contributions on developments involving student accommodation. The outline application seeks to provide 258 student bedrooms which would be liable for affordable housing contributions at reserved matters stage.

9.36. The details of the student accommodation including the requirements set out in policy H8 which includes allowing for indoor communal space and specific management strategies would have to be set out at reserved matters stage.

9.37. A large number of comments have been received with regard to the proposed number of residential properties proposed for the site, the inclusion of student accommodation on the site and the overall mix and quantum of residential units being provided as part of this application. The proposed mix of residential uses and the numbers proposed accord with the policies of the West End and Osney SPD and policies AOC1 and SP1 of the OLP with regard to ensuring a vibrant mix of uses are delivered on the site. The site is subject to different land owners and any future development on the wider Oxpens site would have to continue to work as part of the policy requirements to ensure that the overall minimum number of residential units are provided.

9.38. As such, the overall size mix of the development is considered to respond to a local housing demand and maximizes the opportunity to deliver a vibrant mixed community. The proposal is therefore considered to comply with policies H1, H2, H4, H8, H10, H11, H15 and H16 of the Oxford Local Plan.

9.39. Community Uses and Open Space

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

9.41. Policy G8 of the Oxford Local Plan also requires that for residential sites of 1.5 hectares and above, new public open space of 10% of the area covered by residential development is required. For mixed-use sites, the area of residential use should be used for that calculation, and 10% of that space used as public

open space. The proposal seeks to provide a new public open space for the city. The proposal seeks to provide approximately 1.5ha of open space as well as a new play area. The application would therefore accord with the requirements of G8. The inclusion of the open space is discussed in further detail within the design and landscaping sections of the report.

- 9.42. The existing Oxpens site includes public toilets. These are considered well used and the retention of public toilets within the city centre is encouraged in the City Centre Action Plan. In addition with the new public space it is considered the retention of toilet facilities would support the overall use of the site and improved public space. The design code sets out that as part of the proposed toilet facilities would be re-provided for public use and this can be secured through the S106.
- 9.43. Policy V7 of the Oxford Local Plan states that the City Council will work with service providers to improve access to social and community infrastructure and in particular from new development. The application has committed to 250sqm of community focused space within the class E parameters. This space would allow for the community to have access to space within the development. This would allow for further integration between the local community and the uses on site as well as provide a space that can allow for a variety of activities and uses to occur within the development. This can be secured via the Section S106.
- 9.44. The proposal is therefore considered to provide and secure a good range of community facilities above the policy requirements and would allow for the reprovision of public toilets. The proposal is therefore considered to comply with the requirements set out in policies V6, V7 and G8 of the Oxford Local Plan.
- 9.45. The application sets out how the proposal would comply with the requirements of the Oxford Local Plan and how the parameter plans and design code would secure these requirements through the reserved matters applications. The application is in outline with only access being considered in full at this stage. The proposal is therefore considered acceptable in principle.

b. Design

- 9.46. Policy DH1 of the Oxford Local Plan states that planning permission will only be granted for development which shows a high standard of design, and which respects the character and appearance of an area and uses materials appropriate to the site and surroundings.
- 9.47. Policy DH2 of the Oxford Local Plan relates to views and building heights. The policy seeks to retain significant views both within Oxford and from outside, in particular to and from the historic skyline. Planning permission will not be granted for development proposed within a view cone or the setting of a view cone if it would harm the special significance of the view.
- 9.48. Policy DH3 of the Oxford Local Plan refers to heritage assets and states 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 affecting the significance of

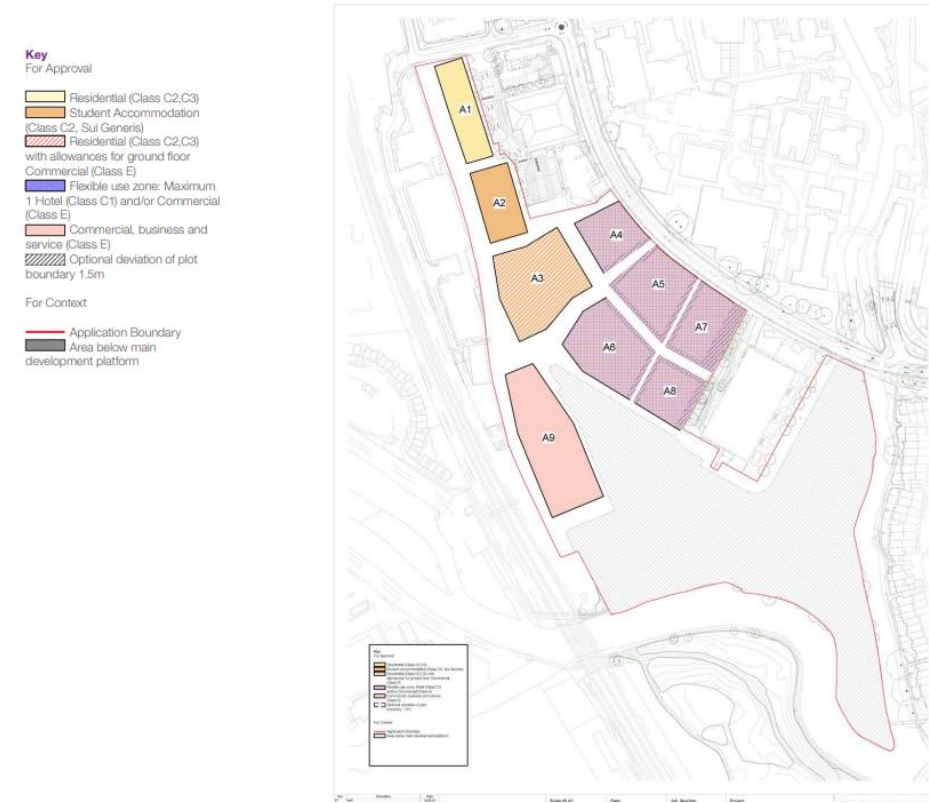
designated heritage assets, great weight will be given to the conservation of that asset and to the setting of the asset where it contributes to that significance or appreciation of that significance.

- 9.49. Policy DH5 of the Oxford Local Plan refers to local heritage assets and states that planning permission will only be granted for development affecting a local heritage asset or its setting if it is demonstrated that due regard has been given to the impact on the asset's significance and its setting and that it is demonstrated that the significance of the asset and its conservation has informed the design of the proposed development.
- 9.50. Policy RE2 of the Oxford Local Plan sets out that planning permission will be granted where development proposals make efficient use of land. The policy sets out that any development shall have a density that is appropriate for the site, the scale, height and massing should conform to the other policies in the OLP, built form and site layout must be appropriate for the capacity of the site.
- 9.51. The application site is a former cattle market site lying to the north and west of the Ice Rink adjacent to and including Oxpens Meadow. Part of the site most recently used as a car-park, scrub land colonised by a natural grown landscape and areas of hardstanding associated with former industrial uses – gas works/railway lines and more recently vehicle parking.
- 9.52. To the east of the site is Oxpens Road, providing important vehicular connection across the southern edge of the town centre and sitting opposite the southern boundary of the College which is presently highly defensive in character, enclosed, railed and gated off and with buildings that turn their backs to the road. To the west of the site is the Oxford to Didcot (Reading/Paddington) railway line and to the south by the River Thames which separates the site from the C20 housing in New St Ebbes an area that provided a decant from the earlier housing area in St Ebbes to the north of the present Oxpens Road. The Ice Rink is an architecturally distinctive building in the south – east sector of the site and together with the open meadow bordering the Thames offers a point of continuity. There are a number of tall trees along the northern bank of the river that together with the open meadow land form a typical riparian edge to eastern/south-eastern edge of the site. The northern portion of the site is marked by a series of student housing blocks of four to five storeys set along its western side, separating the Oxpens site from the railway lines at this point. The northern edge of the site faces onto Oxpens Lane with late C20, primarily three storey with some attic/fourth storey elements apartment/flat blocks on the opposite side of the street and three storey flats on the north-east edge.
- 9.53. The application is an outline application with only access reserved, therefore the specific design of the buildings will not be determined until reserved matters stage. Notwithstanding this to ensure that the site can accommodate the development proposed, and to ensure that there are agreed parameters a design code and parameter plans have been submitted setting out how the proposed quantum of development can be achieved on the site.

9.54. Illustrative images have also been included to give an indication of how the site could be laid out within the parameters. This document is for illustrative purposes only and would not be an approved drawing.

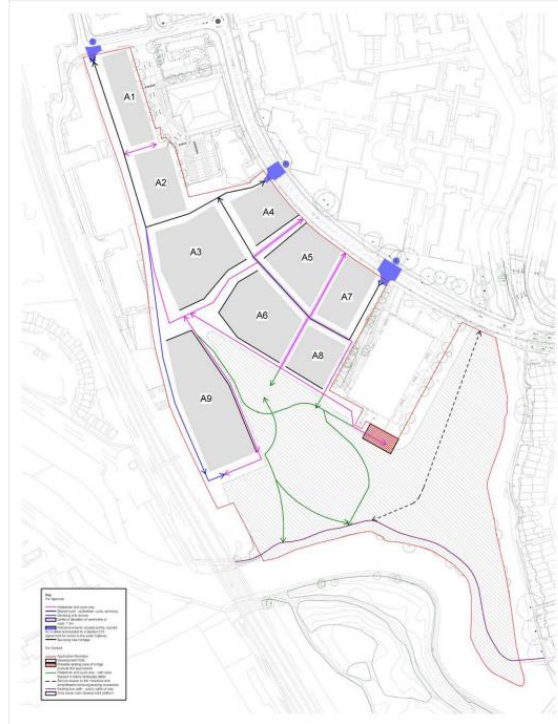
9.55. The parameter plan booklet can be found in full online as part of the application documents but the following parameters are included, Land use, public realm, movement and access, building heights and basements.

9.56. Landuse Plan



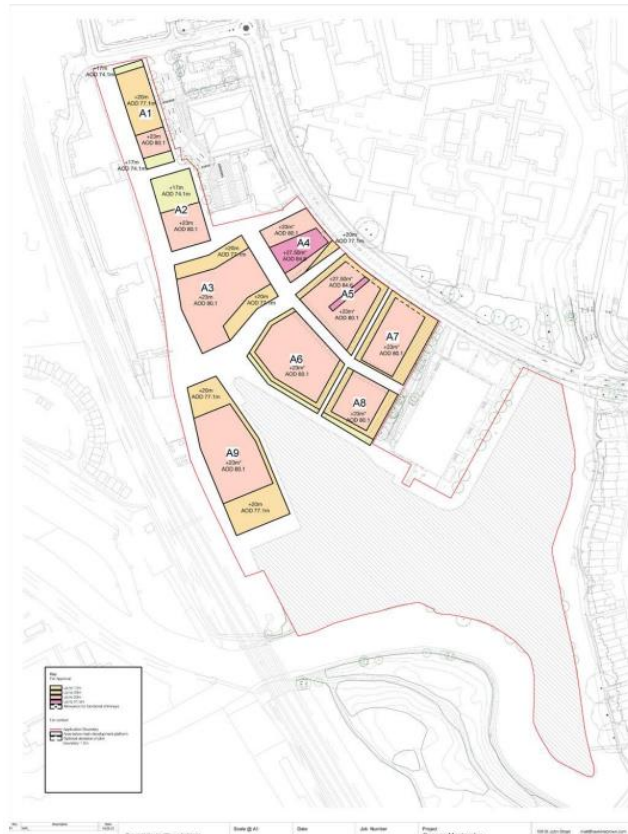
9.57. Movement and Access

- Key**
- For Approval
- Pedestrian and cycle only
 - Shared road - pedestrian, cycle, servicing
 - Servicing only access
 - Limits of deviation of centre line of road -1.5m
 - Indicative area for access points, applied for in detail and subject to a Section 278 agreement for works to the wider highway
 - Servicing free frontage
- For Context
- Application Boundary
 - Development Plots
 - Potential landing zone of bridge (outside this application)
 - Pedestrian and cycle only - wet route. Subject to future landscape detail
 - Service access to the meadows and amphitheatre following existing connection
 - Existing tow path - public rights of way
 - Area below main development platform



9.58. Parameter Heights

- Key**
- For Approval
- Up to 17m
 - Up to 20m
 - Up to 23m
 - Up to 27.5m
 - Allowance for functional chimneys
- For context
- Application Boundary
 - Area below main development platform
 - Optional deviation of plot boundary 1.5m



9.59. Whilst an outline application, the parameter plans set out the layout, general massing and overall form of the building plots. The parameter plans set limits on the height and maximum developable area for the site. At the reserved matters

stage it will be important for the design to take a conservation-led approach to ensure any impact on heritage specifically views is minimised.

- 9.60. The proposal seeks to secure maximum heights for the development. The dark pink areas would see the highest points in the development at 27.5m the light pink would see a maximum height of up to 23m, the yellow areas would have a maximum height of 20m and the green a maximum height of 17m. The impact of the development on views is considered further in the report.
- 9.61. In addition to the parameter plans the application has been submitted with a design code. The design code seeks to secure an overall design approach for the site by looking at the individual character areas and design approaches such as materials, building design, streets, active frontages, neighbouring amenity etc. The design code should be read in conjunction with the parameter plans in order to understand the type of development that will come forward in the reserved matter applications. In addition the design code seeks to ensure that a high level of design and consideration are applied through the reserved matters applications allowing the site to be developed in a cohesive manner where all plots abide and following the design code.
- 9.62. Comments have been received relating to the potential design of the buildings coming forward and specific design elements that should or should not be included. It should be noted that notwithstanding the parameter plans and design code, the design of the buildings at reserved matters stage would still be an important consideration and would be determined on a case by case basis on their own merit. Final detailed designs depending on the architectural details can impact on massing, appearance, bulk, impact on views etc and therefore whilst the design code seeks to ensure quality enshrined in the principle of development, any reserved matters application would still be considered against local and national planning policy with regard to good design and the specific impact that each building would have, and how each building relates to its location within the development as well as its impact on views and the historic environment. The application was submitted with a indicative scheme which shows how the massing could appear in views, whilst these images are helpful to understand the overall height and quantum of development it should be noted that these are only indicative and should not be considered acceptable just because they have been submitted with the application, as stated each building that comes forward would have to be accompanied by its own evaluation of how it sits on the site, how it complies with the design code and the impact it has on views.
- 9.63. The development would be a high-density development with buildings with large floorplates. These large floorplates have been proposed to provide maximum flexibility for a range of uses within the commercial area, the supporting information sets out the requirement for these large floor plates in the city in which there is a demand. Officers acknowledge that these floor plates would be some of the largest to be delivered within the city centre for this type of use, and the scale and massing that they would create would come with it visual and design implications both in short range views and those longer views which are discussed further in the report.

- 9.64. Given the parameters, the proposal must be assessed against the maximum the parameters could deliver. The development would establish a large mixed use commercial area which would be the first in the West End to come forward in this way. Policy AOC1, which designates the area as an 'Area of Change' and sets out principles for development in the area including that it creates high-density urban living that makes efficient use of land, maintains a vibrant mix of uses and maximises the area's contribution to Oxford's knowledge economy. The West End SPD further sets out the aspirations for the area "*The West End and Osney Mead should be an environment where leading-edge anchor institutions and companies cluster and connect with start-ups, business incubators and accelerators. Innovation districts help to revitalise and regenerate city centres by encouraging entrepreneurship as well as in Oxford's case providing an opportunity to build on the city's key strengths in research and development, alongside the retention of existing assets and delivery of new housing and other city centre uses.*"
- 9.65. The West End SPD states: "*A compatible mix of land uses is desirable for most buildings to maximise the efficiency of land usage and to create vibrant and multi-functional spaces within buildings. It is however recognised that there are operational and management challenges with the practical delivery of these developments. The Osney Mead and Oxpens Character Areas will be characterised by large amounts of employment space, and the aspiration will be to integrate a mix of employment types, as well as space for residential dwellings, food and drink, shops, leisure, and community facilities.*"
- 9.66. Policy SP1 and the West End SPD refer to the requirement for any development to improve the public realm and create an active frontage along Oxpens Road. A parameter plan titled landscape and public realm set out the location for potential on plot planting along the Oxpens Road with a minimum of 75m² being provided.
- 9.67. The inclusion of buildings along with greening to the Oxpens Road would bring activity into this part of the city and would help humanise and visually improve the character and appearance of Oxpens Road. As well as the design of the building plots the scheme seeks to include large areas of public realm. Policy G8 of the OLP states that for residential sites of 1.5 hectares and above, new public open space of 10% of the area covered by residential development is required. For mixed-use sites, the area of residential use should be used for that calculation, and 10% of that space used as public open space. As well as the landscaping that would be provided between the building plots, the scheme seeks to include a new amphitheatre, public events lawn that integrate in to Oxpens Meadows. The proposal seeks to provide approximately 1.5ha of open space and the scheme seeks to incorporate the newly created open space in to the Oxpens Meadows allowing for the proposal to open up to the rivers edge and provides a new public space that can be used for a variety of events.
- 9.68. The amphitheatre would be a sunken area which would allow for it be used in a variety of ways with its arrangement allowing for seating to be incorporated and to allow for activation in this part of the site. The amphitheatre along with the surrounding buildings would allow for an inside outside environment to be created and would allow for the buildings to spill out into these open areas. The amphitheatre would be accessible with ramped areas and would allow for events

to take place. The events lawn would be provided which would be the largest soft landscaped area in the development. The lawn would be able to accommodate a range of events and would incorporate a range of features such as a play area and different planting arrangements to compliment its function and environment such as swales to pick up rainwater and to provide a play on the way experience. The proposal includes a play strategy which includes play on the way as well as an area dedicated to play. Play on the way would be incorporated within the lanes and the design code sets out where this would be located. Any play on the way would be designed in to be integrated into the landscape. The proposal seeks to secure 750m² of publicly accessible play provision. The play area would benefit from a range of natural play equipment with the final layout and design being agreed and secured through the S106.

9.69. Comments from neighbours have been received with regard to noise and communication about possible events. As part of the application and S106 agreement there would be a management strategy of the open space which would include the management of events and as part of that the agreement would include how events are advertised and managed. In addition any separate licences required to run the events would have to be sought from the relevant licensing department.

9.70. The scheme has been designed in a way to make best use of the site whilst allowing for the waters edge to be opened up. The residential elements would be located close to other residential areas and the commercial space would be located and arranged to promote activation on the key routes and to compliment the location of the open space.

9.71. Officers are therefore of the opinion that the parameter plans together with the design code would be acceptable at outline stage to set the framework for future development on the site. The reserved matters applications that would follow would deal specifically with the architectural detailing which would then be assessed by the policies set out in the OLP. The overall design strategy is therefore considered acceptable and in accordance with the policies of the Oxford Local Plan.

Impact on the Conservation Areas

9.72. Policy DH2 of the Oxford Local Plan refers to views and building heights. Policy DH3 refers to heritage assets and states 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. When considering the impact of a proposed development on the significance of a designated heritage asset, paragraph 212 of the NPPF states that great weight will be given to the conservation of that asset. In addition officers are required to take account of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended and section 16 of the NPPF which states that, with respect to buildings or other land in a Conservation Area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Comments have been received with regard to the impact of the development on the Conservation Area and Oxford Skyline.

9.73. The proposed scheme has the potential to impact the setting of the following Conservation Areas:

- Central (University and City) – specifically the setting of its central core which is intrinsically linked to its landscape setting.
- Osney Conservation Area

9.74. Of these, the Central Conservation Area would be most impacted by the proposed development. A summary of the significance of the Conservation Areas is set out below.

9.75. Osney Conservation Area: Osney Town was designated as a Conservation Area in recognition of its special townscape quality, its relationship with the Thames and its archaeological interest. The boundaries were drawn to include the main island extending south-eastwards to include the mill complex of the former abbey and Osney Cemetery bordering the railway line. The character area identifies the river as having “an important setting to the Conservation Area. The Thames separates Osney from the rest of Oxford and creates an air of tranquillity despite its proximity to the main road. The roar of the water passing through the sluices under Osney Bridge can drown out the noise of traffic with the trees and other vegetation along the banks and walls of the stream acting as a buffer between the two elements.” It then goes on to say “The towpath forms part of the Thames Path, passing over Osney Lock, weaving its way through Oxford and beyond. In Osney, it is an important element of local amenity providing a rural escape from the nearby city. Trees, meadows, wildlife and boats enhance the long views of the river and help mask Osney Mead Industrial Estate to the south of the island”.

9.76. The proposal would be visible from certain vantage points in the Osney Conservation area but given the separation distance and the other intervening development such as Student Castle the scheme is not considered to impact on the setting of Osney Conservation Area.

9.77. Central Conservation Area: The designated boundary of the Central Conservation Area encloses the medieval town within its surviving historic walls, the extension of the town east out to the River Cherwell including the meadows associated with that riparian landscape, the post medieval, C16 and C17 extension of the town from the North Gate of the medieval settlement along St Giles to the edge of the North Oxford Victorian suburb. The later extension of the town to the west including the beginnings of the C19 industrial areas including remnants of tanneries, breweries and other post medieval industry beyond the line of the Canal it includes the residential suburb of St Thomas with its parish church, surviving C17 buildings and later C19 housing bordered by the easternmost streams of the River Thames and the southern expansion to the town that overlies the earlier monastic sites of Greyfriars and Blackfriars, the historic and modern suburb of St Ebbes, that extends to the reunited course of the River Thames as it flows under Folly Bridge, the present day manifestation of the Grandpont Causeway part of the medieval route into Oxford from the south. The Oxpens site sits just outside the boundary on its southern edge and it is the setting of the Conservation Area along this edge, the character and appearance of the areas within the boundary, St Ebbes and St Thomas as well as the present

day views out of the Conservation Area, from street level as well as from key high places that connect it to its surrounding landscape that make a significant contribution to the setting of the heritage asset and thus to its significance.

9.78. The proposal would be visible in the Central Conservation Area in long range and short range views due to the overall, scale, height and massing of the development. To fully understand the impact of the parameters of the proposal on the Central Conservation Area it is considered appropriate to consider the buildings that forms its significance and therefore officers have considered the impact on the Listed Buildings, non designated heritage assets and views when looking at the impact comprehensively and this analysis is carried out in the following sections of the report.

Impact on Listed Buildings and Designated and Non-designated Heritage Assets

9.79. Policy DH5 of the Oxford Local Plan states that planning permission will only be granted for development affecting a local heritage asset or its setting if it is demonstrated that due regard has been given to the impact on the asset's significance and its setting and that it is demonstrated that the significance of the asset and its conservation has informed the design of the proposed development.

9.80. In accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant planning permission, "special regard should be given to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses." A finding of harm to the setting of a Listed Building gives rise to a strong presumption against planning permission being granted. The presumption can be outweighed by powerful material considerations.

9.81. The protection of the fabric of scheduled monuments is established by the Ancient Monuments and Archaeological Areas 1979 Act.

9.82. Paragraph 219 of the NPPF states that "Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably."

9.83. The site itself does not contain any designated heritage assets but does include the non-designated heritage asset, Oxpens Meadow which is on the Oxford heritage Asset Register (OHAR). In the wider area there are a number of scheduled monuments, Listed Buildings and Conservation Areas. The ES sets out the assets located within 500m of the site. The proposed scheme has the potential to impact the setting of a number of Listed Buildings and when viewed together more specifically the Oxford Skyline. The particular grouping of spires and towers of a number of high grade Listed Buildings that rise above the rooftops of the mass of buildings in the city. This group composition symbolises Oxford and its presence in views of the city has provided the substance for description of Oxford in literature as well as the subject matter for illustration in paintings.

Each element of the composition (see below) represents part of the evolution of the city as well as the influences on that evolution, each element providing a piece of the historical jigsaw puzzle that tells the story of the city, its buildings, occupants and visitors “representing a thousand years of architectural history, patronage and ingenuity” (Assessment of the Oxford View Cones– Part 1 para. 1.3.1) This heritage asset has a high cultural value, a high historical value, a high aesthetic value “ it is the strong sense of unity they impart to the city – the way they combine into the finest townscape – which endlessly fascinates and stays in the mind’s eye” as well as a high associative value (all those historical figures and events that are associated with each of the heritage assets).

9.84. Combined, these values amount to an extremely high, if not the highest level of significance for a single heritage asset.

9.85. It is possible to identify individual Listed Buildings from their towers or spires that contribute to the Oxford Skyline. The setting of any, each or all of these buildings (towers or spires) may be impacted by development that impacts the group with the most significant being:

- Tom Tower (Christchurch) – Grade I listed
- St Mary the Virgin (tower and spire) - Grade I listed
- Radcliffe Camera dome - Grade I listed
- St George’s Tower (Oxford Castle)-Grade I listed
- Christchurch Cathedral (spire) Grade I
- St John the Baptist (Merton College Chapel) – tower – Grade I
- Magdalen College Bell Tower – Grade I
- Lincoln College Library (former Church of St Martin and All Saints) – spire – Grade I
- All Souls – twin towers - Grade I
- Sheldonian Cupola – Grade I
- Tower of the Five Orders – Schools Quad-Bodleian Library – Grade I
- Queens College cupola – Grade I
- Radcliffe Observatory Tower – Grade I
- Exeter College Chapel spire – Grade II*
- St Aldate’s Church spire – Grade II*
- St Peter–le Bailey (St Peter’s College Chapel)- Grade
- Wesleyan Memorial Church spire – Grade
- St Barnabas – Grade I -
- St Phillip and St James – Grade I
- Nuffield College – tower and copper spire –
- Said School ziggurat –

9.86. In addition to the above you have St Thomas’ Church and churchyard – Grade II – late C12 origin which sits close to the development site and Oxpens Meadow. The meadow forms part of the important landscape setting of Oxford being the characteristic edge to the River Thames as it passes around and through Oxford and particularly where it flows through less developed areas such as Port meadow to the north-west and Oxpens and Christchurch meadows to the south.

9.87. Given the heights set out in the parameter plans the development would have an impact on the Oxford Skyline. The application was submitted with a Townscape and Visual Impact Assessment (TVIA) which considers the impact of the development on views.

Impact on views

9.88. The Townscape and Visual Impact Assessment (TVIA) sets out the impact of the development on a number of views, this can be read in full as part of the application documentation.

Long range views

9.89. Raleigh Park: The proposal would introduce new built form in the middle ground of this view beyond student castle. The city towers would remain visible in this view including the 'shoulders' of these towers. There would be a change in this view due to the introduction of development at this height in this location. In winter the illumination of the buildings would be visible but would sit against the illumination of other buildings such as the Westgate.

9.90. Boars Hill: The development would not be visible from this view point due to intervening vegetation and therefore the development would not impact on this view.

9.91. Hinksey Hill: The proposal would introduce new built form into the middle distances to the left of the view. Although it would somewhat change the character of the left-central part of the view, it would not affect the central part of the view towards the main city centre heritage assets which would be viewed in other areas of the view.

9.92. Doris Hill: Due to the intervening mature vegetation and built forms, the proposed outline development would not be visible from this viewpoint, meaning that there would be no change to the view.

9.93. South Park: The proposal would introduce built form into the far distance behind the Meadow Building and the Bodley and Tom Towers of Christ Church, and the tower of the Cathedral Church, and beyond the roofs of the Westgate Centre. The Proposed development would be backed by the Western Hills and would not break the horizon. It would be occupy the background of views of a number of historic buildings but the parameters have been designed to ensure that it doesn't adversely impact on the legibility of the skyline.

Medium Views

9.94. Castle Mound: The proposal would introduce new built form into the middle distance of the right-hand side of this view, in front of the Student Castle development. It would be backed by the Western Hills and would not break the horizon. The development would be highly visible from this view and would noticeably change how this view is experienced. The proposal has been designed to ensure that the green of the hills beyond are still visible and that there is variation of height within the blocks to mitigate the harm to this view. The introduction of the proposal in this view would bring with it a level of height and

massing that is not currently seen in this part of the city from this view and would change the way this view creating some adverse effects through screening some of the floodplain trees and lower areas of hillside that are currently visible due to the height and massing of the proposed development.

- 9.95. St Georges Tower: The proposal would introduce new built form into the middle distance of this view, in front of the Student Castle development. It would be backed by the Western Hills and would not break the horizon. The proposal would be highly visible in this view and would noticeably change the way this view is experienced. The design has sought to limit and mitigate the harm by having a variation in roof height. As with the Castle Mound view due to the height and massing of the proposed buildings set out in the parameter plans the proposal would see the introduction of large, tall buildings in a location which hasn't previously been seen and these buildings would create some adverse effects through screening some of the floodplain trees and lower areas of hillside that are currently visible.
- 9.96. Carfax: The proposal would introduce new built form into the far distance of this view, in front of the Student Castle development. It would be backed by the Western Hills, and would not break the horizon. The proposal would be read in conjunction with other modern roofscapes such as Marks and Spencer's and the Westgate. Given the other development within the view the development would not be overly prominent.
- 9.97. St Mary's Tower: The Proposed Outline Development would introduce new built form into the far distance of this view, between the Westgate Centre in front and the Student Castle development and the buildings of the Osney Industrial Estate behind. It would be backed by the Western Hills, and would not break the horizon. The proposal would sit behind a number of prominent building but would not be overly prominent.

Short and Close Range Views

- 9.98. The development would be more prominent in short range views and would alter the way the city is experienced in this area.
- 9.99. Oxpens Meadow: The Proposed Outline Development would introduce a considerable amount of new built form into this view, behind and to the left of the Ice Rink and in front of the Student Castle development. The development would introduce a new quarter to this part of the city and would incorporate its open space into the Meadows increasing the green infrastructure in the locality.

Overview

- 9.100. The harm to heritage assets arises primarily from the impact of the proposed development on important views of both the collective Oxford Skyline and from the impact that the proposed development would have on the special character and appearance of the Central Conservation Area and whether that special character or appearance would be preserved.

- 9.101. The rendered building mass (masterplan renders) indicates that using the parameters of height the development could sit below the “shoulders” of the various building elements (towers and spires, plus Castle Motte) that make up the recognised and celebrated Skyline as seen in views from the west, so potentially eliminating obstruction. The profiles of the individual elements could remain unobstructed and therefore identifiable with all the symbolic values, the different elements of evolution of the city still able to be seen, understood and interpreted by the viewer. Notwithstanding this, the development would bring with it a substantial change to this part of Oxford and its skyline.
- 9.102. The proposed development would also appear in views from the east as a background to the “Skyline”. However from here it would have a considerably more limited presence and would appear more broken and thus not as a continuous mass reducing the level of harm that would be caused to a low level of less than substantial harm.
- 9.103. The buildings would sit at a height where they would be visible in skyline views and would change the character and appearance of those views. They would also appear in views of the landscape setting of Oxford which is an important element of the setting of the heritage assets, including the Central Conservation Area whose designation covers the historic core of Oxford.
- 9.104. The large floor plates would bring with them large massings so even though the site plan is broken down into urban blocks these gaps may not to be perceived in views resulting in a high level of massing across the site. The proposal would not completely obstruct the skyline however as demonstrated by the masterplan representation of parameters and design codes they would cause some distraction from the valued skyline views by inserting substantial building mass at a consistent, high level (above the present rooflines). They would sit at a height where they would be visible in skyline views and would change the character and appearance of those views. They would also appear in views of the landscape setting of Oxford which is an important element of the setting of the heritage assets, including the Central Conservation Area whose designation covers the historic core of Oxford. This partial disturbance and disruption would, it is therefore considered by officers cause “less than substantial” harm to the significance of the various heritage assets, including the contribution that their setting makes to their significance. However due to the level of significance of the heritage assets, officers consider that the level of less than substantial harm would be at the higher end of less than substantial harm.
- 9.105. Historic England has been consulted on the application. As part of their comments they commend the heritage assessment in its thoroughness and detailed consideration of the impact of the proposals on heritage assets both through changes in immediate setting and from longer range views, with regard to the scheme they state:
- 9.106. *“This outline application illustrates that the amount of development proposed on the site would result in buildings that could have a degree of harm to the experience of historic Oxford through obscuring some of the green landscape bowl seen beyond the urban areas and through the introduction of a larger scale*

of building into the view from the high vantage points of St George's Tower and Castle Mound in particular."

9.107. *The careful modelling exercises that have taken into account views from outside the city (as set out in Appendix F.1 Townscape, Heritage and Visual Impact) illustrate that it is possible to develop the site in a manner that could have a limited negative impact on appreciation of the historic city in the long range views. In particular, the modulation of the buildings can be designed to avoid obscuring historic landmark buildings. The Design Code submitted sets out a commitment to ensure that the massing, character, materials and window details of buildings should be designed to contribute positively to the skyline of Oxford, which is welcomed.*

9.108. *In conclusion, we broadly concur with the heritage impact assessment and consider the level of harm to the Central Conservation Area and the Castle to be less than substantial at the lower end of the scale."*

9.109. The individual Listed Buildings that form the Oxford skyline and the significance of the Central Conservation Area, combined, these values amount to an extremely high, if not the highest level of significance for a single heritage asset and therefore any development that sits within it will always cause some level of harm. It is therefore considered that the proposed development would result in high levels of less than substantial harm to the long and medium range views. Great weight is given to the conservation of the heritage assets. In line with paragraph 202 of the NPPF where a proposal would result in less than substantial harm, this harm should be weighed against the public benefits of the proposal. The public benefits of the scheme are explored as part of the balancing exercise further in the report.

Landscaping

9.110. Policy G1 of the Oxford Local Plan states that planning permission will not be granted for development that would result in harm to the Green and Blue Infrastructure network.

9.111. Policy G5 of the Oxford Local Plan states that the Council will seek to protect existing open space.

9.112. Policy G7 of the Oxford Local Plan states planning permission will not be granted for development that results in the loss of green infrastructure features such as hedgerows, trees or woodland where this would have a significant adverse impact upon public amenity or ecological interest. It must be demonstrated that their retention is not feasible and that their loss will be mitigated.

9.113. Policy G8 of the Oxford Local Plan states that development proposals affecting existing Green Infrastructure features should demonstrate how these have been incorporated within the design of the new development where appropriate. This applies to protected and unprotected Green Infrastructure features, such as hedgerows, trees and small public green space. Policy G8 also requires that for residential sites of 1.5 hectares and above, new public open space of 10%

of the area covered by residential development is required. For mixed-use sites, the area of residential use should be used for that calculation, and 10% of that space used as public open space. The site seeks to incorporate landscaping throughout the whole development.

- 9.114. The proposal would be required to provide 4,402 sqm as open space. This equates to 0.44 ha. The proposal seeks to provide 1.5ha of open space created on land that is currently inaccessible, result in a positive overprovision of open space. As set out in the design section of the report the open space would incorporate the more formalised amphitheatre, events lawn and play area in addition landscaping has been incorporated throughout the scheme and this has been set out in the design code. The development would allow the waters edge to be more accessible through providing routes down to the tow path.
- 9.115. The development strategy has informed the landscaping strategy, including existing trees and new tree planting proposals across the whole site. The strategy as set out in the Arboricultural Implications Assessment (AIA) states that all trees intended for removal under the scheme shall be felled under the initial enabling application. No further trees should need to be removed for the rest of the scheme.
- 9.116. At present, approximately 15% of the site is covered by tree canopy. Canopy coverage average for Oxford is 22% (Oxford Urban Forest Strategy 2021 (OUFS)). The TCCAS model for the enabling works predicts that in a 'no-development scenario' coverage for the site would increase to 17% over the period +25 years (i.e. c.2050). In a 'development scenario' after an initial canopy loss the site would be restored to this 17% projection at +25 years; as a consequence of the EWA mitigation proposal, i.e. no net loss; this is compliant with Oxford Local Plan (OLP).
- 9.117. Further tree planting is proposed in outline form in the outline application; the details of which would be secured through reserved matters. NB. due to the scheme's tree canopy strategy, all new tree planting associated with reserved matters (under the outline application) would represent additional tree cover, i.e., over and above the site's 17% current tree canopy area, and as modelled under the +25 years EWA mitigation scenario.
- 9.118. A condition requiring the submission of an outline or draft TCCAS should be attached to any Outline consent; this being to provide information on the targets for tree planting expressed through the canopy cover metric. This would enable the establishment of planting parameters; although there are no prescribed targets for tree canopy cover, beyond 'no-net loss', in the OLP and OUFS, it would be desirable for the scheme to be able to attain at least the average Oxford canopy coverage of 22%.
- 9.119. The design code sets out the strategy for landscaping of the future reserved matters applications. The design codes states that "*The Proposed Outline Development will be characterised by extensively visible green infrastructure, including rain gardens, swales, green walls, climbing planting up facades, green roofs, water gardens, river terrace and street trees.*" The design code sets out

the expectations for the areas and spaces within the development with regard to planting and landscaping.

9.120. Officers are of the opinion that the landscape strategy would allow the development to successfully create a high-quality landscaped scheme that the reserved matters application would have to implement. The proposal is therefore considered acceptable with regard to policies G1, G5, G7, G8 of the Oxford Local Plan.

Archaeology

9.121. Policy DH4 of the Oxford Local Plan relates to Archaeological remains. NPPF paragraph 203 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. NPPF Paragraph 205 states that where appropriate local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

9.122. The proposed development involves groundworks in a location that has the potential to preserve remains relating to 1) prehistoric settlement activity of the gravel islets located between the braided channels of the Thames floodplain 2) prehistoric peat deposits and prehistoric to early Saxon alluvial deposits that have the potential to preserve contemporary features and environmental sequences/organic remains 3) medieval settlement and industrial activity on the periphery of Osney Abbey and south of Osney Lane 4) medieval water management features and trackways 5) Civil War features including activity in the periphery of Harts Sconce Royalist redoubt and potentially the outer line of the Royalist defences on the eastern fringe of the site 6) post medieval land and water management features.

9.123. The northern part of the site has the highest sensitivity with the potential for medieval settlement remains. Here no basements are planned and so the scope of archaeological requirements will depend on the approach to foundation design. Further trial trenching may be appropriate to help clarify the extent and significance of remains. Subsequently sensitive foundation design may help reduce the impact on archaeological remains obviate, however targeted excavation may be needed where foundations and other works penetrate, and fragment identified archaeological levels.

9.124. For the areas of ground reduction in the central part of the site (remediation and landscaping) monitoring of the ground reduction (alluvial sequence) will be required and for zones of the site where ground reduction is planned that will either expose natural gravel or cut just above it (where there may be a danger of compaction of archaeological remains by heavy plan) the site should be stripped to the level of the gravel promontory under archaeological control, and subject to archaeological excavation of exposed archaeological features.

- 9.125. The Archaeological Impact Assessment highlights that certain infrastructure works (i.e. attenuation tanks) are likely to impact on levels with archaeological potential, these areas should be subject to the strip and record process where appropriate (there would be potential to undertake further evaluation work to further refine areas requiring recording if necessary).
- 9.126. Where basements are brought forward in their allocated plots these should be subject to strip and record excavation (again there is scope to undertake further evaluation trenching to refine the extent of recording if necessary).
- 9.127. Paragraph 205 of the NPPF states that where appropriate local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.
- 9.128. Taking in to account the results of the archaeological evaluation and impact assessment, a condition will be included to secure a programme of archaeological recording set out within an overarching archaeological master plan that is required because of the multiple phases of work involved in this scheme (landscaping, remedial work and sequence of reserved matters applications. In addition, the heads of terms will secure the publication of the archaeological results.
- 9.129. Mitigation measures can be secured via conditions and through the section S106 and therefore the proposal is considered to comply with policy DH4 of the Oxford Local Plan.

Harm to the historic environment and public benefits

- 9.130. Paragraph 212 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (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.
- 9.131. It is considered that the proposal would not lead to substantial harm to (or total loss of significance of) a designated heritage asset as set out in the NPPF and Planning Policy Guidance. The scheme is therefore considered to have less than substantial harm at the higher end. In line with Paragraph 215 of the NPPF any harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 9.132. The National Planning Policy Guidance sets out what is meant by the term public benefits:
- 9.133. "Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework. Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to

the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit.”

- 9.134. There are aspects of the development that would have a harmful impact on the character and appearance and significance of the historic assets most notably the impact of the development in views which is set out in the heritage section. The harm attributed to the archaeology can be mitigated through conditions.
- 9.135. The site is an allocated site for this type of development and therefore there is an expectation and understanding that some level of change would be required to the site as well as to the Conservation Area in order to fulfil the requirements of the allocation. The West End SPD is permissive of height on the site and there is an expectation that the West End would come forward as a new quarter for Oxford which would comprise of high quality dense development. Officers consider that overall the quantum of development proposed is appropriate for the site. With the proposal being submitted with a design code there is mechanisms to ensure that future reserved matters application deliver high quality buildings. In addition each individual reserved matters application will be determined on their own merits in combination with the design code and the policies of the Oxford Local Plan. Each reserved matter application will still have to be tested in views to ensure that the detailed design is appropriate for the location and that the impact on views is acceptable.
- 9.136. Officers do consider there is a fine balance in terms of the quantum of development on the site – weighing up the impact on heritage assets whilst making an efficient use of the site.
- 9.137. There are a number of benefits associated with the scheme and due to the multifaceted nature of the building there are many direct and indirect benefits to the scheme.
- 9.138. Officers consider that the following public benefits would be delivered.
- 9.139. Affordable Housing and Student Accommodation: The proposal seeks to deliver 234 dwellings with 50% being affordable as well as 258 student bedrooms.
- 9.140. The delivery of 234 dwellings and 258 student bedrooms would help the Council meet the housing need for the plan period. In allocating the site there is an expectation that a minimum of the equivalent of 450 homes would be provided across the Oxpens site. A minimum number is attributed to each allocation to ensure that the Council meet their overall housing set out in Policy H1. The delivery of housing in a Local Planning Authority’s area against its requirement is measured in the Housing Delivery Test (HDT) which was introduced by the Government in November 2018. There are sanctions for authorities that are not delivering the required number of homes, including potentially that applications be assessed against the presumption in favour of sustainable development, rather than against local planning policies. The application is part of a wider allocation and therefore there is an expectation that the remaining plots within the allocation would also be contributing to the overall minimum figure.

- 9.141. The Housing Delivery Test applies a ratio to assess the number of student rooms equivalent to one home. This ratio was calculated using ONS data about the number of students occupying student-only HMOs, on average. The ONS data for Oxford is very similar to the national picture. The HDT uses the equation that for every 2.5 student beds provided, 1 C3 dwelling is released. Therefore, using this methodology, this indicates that with a net gain of 258 student beds at Oxpens that there is scope for 103 C3 houses to be released back to the rental market. This principle is embedded in the Housing Delivery Test, established by Central Government, and was tested in the Examination in the Local Plan. Therefore, the provision of the overall equivalent of 337 dwellings on the site is considered a significant public benefit.
- 9.142. New Commercial Area: The proposal estimates that the proposed commercial floorspace set out in the outline application would accommodate between 1,065 to 3,800 Full Time Equivalent gross jobs.
- 9.143. The application states that *“The new residents, student, employees and hotel visitors accommodated on-site would give rise to additional local expenditure on local goods and services. The new households are estimated to generate £3.5 million annual spending and students approximately £1.6 million annual spend, a proportion of which would be captured within the local area. Depending on employment accommodated on-site new employees would generate an estimated £2.8 million to £10.2 million per year. Hotel visitors are also expected to generate additional spending locally – an estimated £5.4 million annually. This local spending would be an indirect, permanent, moderately significant beneficial effect for the local economy”*.
- 9.144. Oxwed has also committed to prioritise space for E uses that would seek to try and ensure a mixed-use neighbourhood. The design code sets out that a minimum of 1350m² of predominately retail, food and beverage within Class E (excluding Part (g)) including a minimum of 100 sqm for toilet facilities available for public use and a public realm management office would be provided. In addition, Oxwed have committed to 250sqm of community focused space would be provided with the parameters of Class E.
- 9.145. There are a wide range of economic benefits that the development would bring during construction. The commercial and economic benefits from the scheme are considered significant public benefits.
- 9.146. Public Realm: The proposal would provide a new open public realm into this part of Oxford that would be capable of supporting a wide range of events. In addition, the scheme seeks to provide greening to Oxpens Road and to help unlock this part of the city for pleasure and business. The scheme would also provide a play area for those living in the site and surrounding area as well as those visiting the site. These public realm offers are considered to provide public benefits.
- 9.147. Biodiversity: The scheme would provide a Biodiversity Net Gain (when accounting for the required contribution towards off site provision) and reduction in carbon emissions, in excess of Local Plan requirements, as detailed below in the relevant sections.

9.148. On the basis of the above, having given great weight to the conservation of the designated heritage assets, it is considered that the benefits of the scheme collectively would outweigh the identified high level of less than substantial harm and would comply with the requirements of paragraph 215 of the NPPF. As a result, the proposals are considered to comply with the requirements of national and local planning policies in relation to the impact on designated heritage assets as required by section 16 of the NPPF and Policies DH1, DH2, DH3 and DH4 of the Oxford Local Plan 2036.

c. Impact on neighbouring amenity

9.149. Policy H14 of the Oxford Local Plan states that planning permission will only be granted for new development that provides reasonable privacy, daylight and sunlight for occupants of both existing and new homes. Policy H14 sets out guidelines for assessing development in terms of whether it will allow adequate sunlight and daylight to habitable rooms of the neighbouring dwellings.

9.150. Policy RE7 of the Oxford Local Plan states that planning permission will only be granted for development that ensures that standards of amenity are protected. This includes the amenity of occupiers and neighbours is protected in addition to not having unacceptable unaddressed transport impacts and provides mitigation measures where necessary. The development will be located in close proximity to other residential properties specifically the Student Castle development which sits to the west of the site, the properties located on Osney Lane to the north and Richard Gray Court to the northeast of the site, the wider area there is the St Ebbe's area to the east of the site.

9.151. The residential properties along Osney Lane would be located opposite a residential block with the intervening road. The separation distance would be approx. 13.9 at the nearest point. This separation distance is similar between the Student Castle development and block A1. Block A2 would be located slightly closer to Castle Mill with a separation distance of approx. 12.7m. Block A3 would have a separation distance of 12.4m at the closest point to Student Castle. The distances between block A1, A2 and A3 are much more reduced with separation distancing ranging from 7.3m to 9.3m. Block A1 would be located approx. 29.8m away from the end block of Richard Gray Court and approx. 19.5m away from the Royal Mail building. Block A3 would be located approx. 12m away from commercial block A4 and between 12m and 15.7m away from commercial block A6. The separation distances vary along the application site. With regard to separation distances between the development site and those neighbouring residential properties, officers are satisfied that due to the distances and intervening road the development would not have an unacceptable impact with regard to overlooking and privacy. The separation distances between the development blocks themselves are much more reduced and therefore overlooking and loss of privacy is more likely to occur. The design code has set out how future reserved matters applications should seek to resolve this potential issue. This includes ensuring the buildings are designed to mitigate overlooking by including for example angled windows to avoid direct overlooking to windows in opposite buildings, well designed privacy screens or offset windows. Officers consider that the layout of the building blocks due to their close proximity would bring with it some level of overlooking and loss of privacy. The scheme seeks to

provide a high density development, and this requires the development to be closely integrated and with this overlooking would likely occur. Notwithstanding this, the design code sets out mitigation and any reserved matter application would have to provide mitigation measures which would be assessed on a case by case basis.

- 9.152. With regard to impact on outlook and overbearing impact, as set out above the separation distances between the development and existing neighbouring properties are considered to sufficient so that the scheme is not considered overbearing or to unacceptably impact on neighbouring outlook. The outlook between the development blocks where the separation distances are reduced would be more limited. In addition, it is likely that the development would have the potential to be somewhat overbearing again due to the limited separation distances. The design code and future applications would have to seek to reduce the impact of this through detailed design and uplift in the design and layout quality in the spaces affected.
- 9.153. A daylight and sunlight assessment was submitted with the application it concludes that:
- 9.154. *“For the adjacent Student Castle development a comparison with average daylight factor (ADF) was adopted as the Daylight and Sunlight Report assessment methodology for its planning application. That development was designed with the expectation that the Oxpens site would be developed, with and further away in St Ebbes, Mill Street and Gibbs Crescent are considered to be sufficiently distanced so not to be adversely impacted with regard to overlooking, loss of privacy, over a proportional reduction in daylight for Student Castle. The same theoretically should apply in return to the Oxpens development. On this basis the impact should be considered minor.*
- 9.155. *The overall effect on daylight to surrounding properties including 1-12 Richard Gray Court, Rowland Hill Court, and Student Castle will have a minor adverse and not significant effect.*
- 9.156. *In terms of sunlight a negligible effect has been assessed on all receptors including 13-18 Richard Gray Court, 1-12 Richard Gray Court, Richard Gray Court and Student Castle.*
- 9.157. *Negligible adverse and not significant overshadowing effects have been assessed for Richard Gray Court and Oxford & Cherwell Valley College.”*
- 9.158. The development is therefore not considered to adversely impact on neighbouring properties.
- 9.159. With regard to the proposed properties, as the application is in outline an assumption has to be made based on the parameters. The development seeks to provide a high density urban living and with that the amenity afforded to the properties may be compromised depending on the final design, this is due to the combination of the proximity and height of the parameters.

9.160. As the reserved matters applications come forward they would have to deal with these issues to ensure that any potential harm is mitigated through the design of the individual buildings. There are elements off the design code that seek to provide mitigation relating to amenity and this would have to be incorporated in to the reserved matters application.

9.161. The residential properties located in Rowland Court, Gibbs Crescent and St Ebbes are considered sufficiently separated from the development so not to be impacted with regard to loss of light, outlook, overbearing impact and loss of privacy. Notwithstanding this, these properties would experience an increase in general activity associated with the proposal by the increased number of movements and potentially by any activities or events that take place within the site. The site is an allocation site that is earmarked for a mixed use scheme and therefore the potential for activity levels are expected and are considered acceptable for this type and level of development. Any events would be subject to the necessary licences which would deal with noise, operating times etc and therefore would be managed on an event by event basis subject to the necessary licences required. In addition, an event management plan would be required which would detail the management of any events across the site.

d. Highways

9.162. Policy M1 of the OLP states that Planning permission will only be granted for development that minimises the need to travel and is laid out and designed in a way that prioritises access by walking, cycling and public transport. Policy M2 of the OLP states that a transport assessment must be submitted for development that is likely to generate significant amount of movement. Policy M3 of the OLP relates to car parking.

9.163. The application is an outline application with all matters reserved expect for highways. The main vehicular access would be provided from Osney Lane and from Oxpens Road adjacent to the Ice Rink as detailed on the access parameter plan. Other access points would be available for pedestrians and cyclists.

9.164. The application seeks permission for three vehicular access points shown in the plan below:

- Osney Lane Access [in-only]
- Oxpens Road (North) [out-only] – Off Oxpens Road, between the site of the former Esso Petrol Station and Building A4; and
- Oxpens Road (South) [in-only] – Off Oxpens Road, located between the Ice Rink and Building A7



**Key
For Approval**

- Pedestrian and cycle only
- Shared road - pedestrian, cycle, servicing
- Servicing only access
- Limits of deviation of centre line of road -1.5m
- Indicative area for access points, applied for in detail and subject to a Section 278 agreement for works to the wider highway.
- Servicing free frontage

For Context

- Application Boundary
- Development Plots
- Potential landing zone of bridge (outside this application)
- Pedestrian and cycle only - wet route. Subject to future landscape detail
- Service access to the meadows and amphitheatre following existing connection
- Existing tow path - public rights of way
- Area below main development platform

9.165.

9.166. The junction with Osney Lane would be formed with a new vehicle cross over adjacent to the access to Student Castle and the carriageway between Osney Lane and Becket Street would be formed of a raised table expected to be of a buff coloured and would highlight the junction to road users. A pedestrian crossing point would also be provided. Both access points on Oxpens Road are arranged as vehicle cross overs and would be designed so as to give priority to pedestrians using the footway.

9.167. The development would sit adjacent to Oxpens road which is one of the main connecting roads around the city centre and therefore carries a significant level of traffic. The scheme proposes improvements to Oxpens Road, these include giving more space to cyclists. Cycle lanes are proposed at 2.75 m wide which would provide a benefit to cyclists whilst allowing sufficient room for vehicles and therefore reducing encroachment into the cycle lane. The County Council states that at the detailed design stage of the S278 works the positioning of strategically placed vertical protection of the cycle lanes will be integrated with the scheme. In addition, as part of the application the proposal will provide a new zebra crossing outside the central frontage (between blocks A4 and A5) on Oxpens Road. It is anticipated that this would be wide to accommodate the flow of pedestrians across the road at peak times. This will be raised to footway level to allow for ease of pedestrian movement and help to maintain low vehicle speeds.

9.168. A number of comments have been received with regard to highways matters, specifically with regard to the proposed improvements and works to the roads that impact on cyclists. Extensive pre application discussion took place to determine what the best approach would be for the development and the impact this would have on the neighbouring roads. The Oxpens development location

along the Oxpens road is limited and there is limitation as to what can be achieved such as segregated cycle lanes due to the limited width of the road. The proposal therefore seeks to deliver the best possible option within the existing parameters of Oxpens Road. The application deals solely with access the specific arrangements for the inside of the site will come forward as part of the reserved matters applications.

- 9.169. Proposed works to the Oxpens Road, Westgate junction (unless an alternative scheme is agreed to be delivered by the County Council as will be set out in the S106 agreement). The proposed improvements provide for an increase in pedestrian capacity by amending the existing splitter island on the western arm and increasing the width of the footway on the north side. The primary benefit of the works however is to provide for cycle facilities at the junction that are segregated from vehicles and pedestrians. This is achieved by providing a new connection between the carriageway on Speedwell Street and the junction through the landscaped strip. The additional movements will then be accommodated with advanced cycle signals.
- 9.170. Osney Lane / Hollybush Row. The existing mini roundabout to the north of the site is proposed to be amended to make it a less formal vehicle orientated junction and more in keeping with the city centre style of junction and is envisaged to be similar to that currently located at the end of Broad Street and will provide a link in character to Frideswide Square in the West End. This junction arrangement provides a natural break where the width of cycle lane that can be provided changes on each side of the junction and so will make this more apparent to users rather than a narrowing of the lanes. To assist with pedestrian movements to and from the site it is proposed to provide a zebra crossing on all arms of the junction to assist pedestrians heading to and from the bus stops etc. This will be further supported by side entry road treatments to St Thomas Street (both sides) which will give pedestrian priority at those points.
- 9.171. Public right of way: On the south side of the site is the Thames Path which runs alongside the river. To the west this runs under the rail line and connects to Gibbs Crescent. This is a footpath and it has been investigated if this could be upgraded to a bridleway or cycletrack to allow for a cycle connection here however the legal width of the route is insufficient to allow for cycling as is the headroom under the rail bridge and so this type of upgrade is not deliverable. It is however possible to improve the surface which will make the route a more attractive connection for walking between the site and the residential area to the west. It is expected that this would be delivered as part of the wider highway works improvements.
- 9.172. Policy H8 of the Oxford Local Plan which relates to student accommodation states that students should not bring cars into Oxford. However it is recognised that's some disabled and operational spaces should be available. The scheme proposes to be car free with the expectation of disabled car parking spaces which is considered acceptable in this location. The site is located within a highly sustainable location and is in walking distance to a number of bus stops.
- 9.173. Car parking: Policy M3 of the Oxford Local Plan states that in Controlled Parking Zones (CPZs) or employer-linked housing areas (where occupants do not have an operational need for a car) where development is located within a 400m walk

to frequent (15minute) public transport services and within 800m walk to a local supermarket or equivalent facilities (measured from the mid-point of the proposed development) planning permission will only be granted for residential development that is car-free. The need for disabled parking must be considered in all residential developments in accordance with the standards set out in Appendix of the OLP.

- 9.174. The parking requirements for all non-residential development, whether expansions of floorspace on existing sites, the redevelopment of existing or cleared sites, or new non-residential development on new sites, will be determined in the light of the submitted Transport Assessment or Travel Plan, which must consider the objectives of this Plan to promote and achieve a shift towards sustainable modes of travel. The presumption will be that vehicle parking will be kept to the minimum necessary to ensure the successful functioning of the development.
- 9.175. The residential blocks will be located within 800m of the Sainsbury's located on Park End Street and Sainsbury's in the Westgate. Bus stops are primarily located on Norfolk/Castle Steet which is approximately a 500m walk northeast from the centre of the site and Frideswide Square/ Park End Street which is approximately 5-600m from the centre of the site to the north, whilst the public transport services are located marginally further away than the 400m set out in the policy it is considered that the range of public transport available to the site is excellent and would be attractive to future residents. The application proposes 25 blue badge spaces, 3 car club spaces across the site. This number is considered acceptable for the proposal and would allow for car parking to be kept to a minimum.
- 9.176. Cycle Parking: Policy M5 of the Oxford Local Plan states that planning permission will only be granted for development that complies with or exceeds the minimum bicycle parking provision as set out in Appendix 7.3 of the OLP. Whilst in outline the proposal seeks to provide 162 visitor cycle parking across the public realm. The specific location and number will be determined at reserved matters stage.
- 9.177. Loss of Oxpens Car Park: The development will result in the loss of Oxpens car park. The Oxpens car park whilst used by users of the ice rink is not an ice rink car park. The proximity of the Westgate car park is considered to still offer sufficient parking provisions in the area. In addition, the ice rink benefits from its own parking area to the front which can accommodate some parking and the site is currently investigating the potential to provide further onsite parking.

e. Sustainability

- 9.178. Policy RE1 sets out the sustainability requirements for new major development. Planning permission will only be granted for development proposals for new build major developments (over 1000sqm) which achieve at least a 40% reduction in the carbon emissions from a code 2021 Building Regulations.
- 9.179. New build non-residential development of over 1,000sq. m. must also achieve at least a 40% reduction in carbon emissions from a 2013 Building Regulations

(or future equivalent legislation) compliant base case as well as a BREEAM Excellent accreditation.

9.180. The application was submitted with a sustainability statement and energy statement. The documents set out the passive approach:

9.181. Commercial E Uses

- Mixed mode ventilation (naturally ventilated in mild weather, mechanically ventilated with heat/coolth recovery in more extreme conditions).
- Natural ventilation façade openings to be secure and not part of daylighting strategy (eg, louvres).
- Well daylit spaces (eg 2% daylight factor average in occupied spaces).
- Good form factor (the external envelope area is minimised by designing a compact building form, reducing heat loss)
- Good envelope with optimised glazing ratio. Insulation continuous and generally free of thermal bridges.
- Solar control to all glazing.
- North facing rooflights, external shading to west/south facades (where no adjacent buildings).

Residential

- Dual aspect dwellings are preferred for comfort. However, where this is not possible cooling may be needed. Cooling should be a highly efficient, low carbon, reversible system i.e. a heat pump.
- Good form factor.
- Balconies should be independently self-supporting, not from main structure.
- Good envelope with optimised glazing ratio.
- Insulation continuous and generally free of thermal bridges.
- Aiming for well daylit spaces (eg 2% daylight factor average in occupied spaces).
- Mechanical ventilation with heat recovery during the winter. MVHR located adjacent to façade to reduce cold bridging of outside air ducts.
- Solar control to all glazing.

Hotel

- Good form factor.
- Good envelope with optimised glazing ratio. Insulation continuous and generally free of thermal bridges.
- Well daylit spaces (eg 2% daylight factor average in occupied spaces).
- Mechanically ventilated with heat/coolth recovery throughout the year.
- Solar control to all glazing.

9.182. In addition, across the site the site strategies such as high efficiency heat pumps, air source heat pumps and solar PV panels will be included. The specifics for each building will be required and assessed as part of the reserved matters applications.

9.183. Overall, the development is targeting BREEAM excellent and their approach seeks to achieve a 40% reduction in line with policy RE1 which is acceptable in compliance with policy RE1 of the Oxford Local Plan.

f. Biodiversity

- 9.184. Policy G2 of the Oxford Local Plan states that development that results in a net loss of sites and species of ecological value will not be permitted. Policy G2 also identifies that compensation and mitigation measures must offset the loss and achieve an overall net gain for biodiversity. For all major developments proposed on greenfield sites or brownfield sites that have become vegetated, this should be measured through use of a recognised biodiversity calculator. To demonstrate an overall net gain for biodiversity, the biodiversity calculator should demonstrate an improvement of 5% or more from the existing situation.
- 9.185. The ES includes an Ecological Impact Assessment (EclA). The assessment identifies that there is one Special Area of Conservation (SAC); Oxford Meadows, and four Sites of Special Scientific Interest (SSSI) statutory designations within the 2km search area (Magdalen Grove, Port Meadow with Wolvercote Common & Green, Iffley Meadows, and New Marston Meadows). These sites are all over 1.2km from the site boundary. It is considered that Oxford Meadows SAC and SSSI can be excluded from further assessment as they are both a distance of more than 1.2km from the site and are located upstream of the proposed outline and detailed application. Magdalen Grove SSSI and New Marston Meadows SSSI have been ruled out of further assessment as it was separated from the site by the city centre. The most pertinent sites due to their proximity are Oxpens Meadow within the site boundary; Grandpont Nature Park located on the opposite side of the River Thames, and the Thames & Cherwell at Oxford Conservation Target Area which is located on the opposite side of the railway to the west as its closest point to the site.
- 9.186. In terms of invasive species, the site does not contain species rich habitat, however there was some record of Himalayan balsam and Japanese Knotweed in the vicinity. A condition should be imposed which seeks a detailed invasive species management protocol that results in the eradication of these species.
- 9.187. With regards to protected species, the appraisal has identified the bat roosts in two of the trees on the site, one of which would be lost as part of the development proposals. Similarly, there is evidence of badger activity, which would require a number of setts to be closed. It is considered that the presence of these species mean both the outline and detailed application would need a licence from Natural England to proceed.
- 9.188. The local planning authority must consider the likelihood of a licence being granted when determining a planning application. This requires consideration of the “three tests” development must pass to qualify for a licence, as set out in The Conservation of Habitats and Species Regulations 2017 (as amended):

a) The purpose of the development must be preserving public health or public safety or another imperative reason of overriding public interest (including those of a social or economic nature);

b) There must be no satisfactory alternative; and

c) The development will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

- 9.189. Officers are satisfied that the development meets the 3 tests. For the first test, the redevelopment of the site would comply with planning policy and provides public benefits through the efficient use of an underused part of the city centre for a mixed use residential and commercial scheme. With regard to the second test there would be no satisfactory alternative given this site has been allocated for development in order to deliver the strategic aims of the local plan. Finally the third test would be met as the development will not be detrimental to the maintenance of the population of the species. A condition should also be attached which seeks the approval of a Construction Environmental Management Plan, and also details of the biodiversity enhancements.
- 9.190. The application is accompanied by a Biodiversity Net Gain Report. At pre-application stage the City Ecologist highlighted the potential presence of two priority habitats within the site. Open Mosaic Habitat (OMH) and Lowland Mixed Deciduous Woodland. The EclA has identified that neither of these habitats are present on site, and officers are satisfied with that statement.
- 9.191. The biodiversity metric has been revised during the course of the application following requests for clarification. The revised biodiversity metric indicates that outline application would result in a net gain in the following 2.84 habitat units on-site (+24.68%), 0.82 hedgerow units (+16.74%). These would exceed the policy requirement. The proposal would result in 0.00 (0.00%) of river units which would not meet the minimum requirement. The EclA states that despite this it would not result in a negative impact on the river habitat, but nevertheless the applicant has been unable to find specific enhancements to deliver river credits. This is due to the fact that there are limitations to the work that can be done to the River Thames and Castle Mill Stream. The applicant is still in discussions about possible improvements to Castle Mille Stream but if this is not possible then there will be a need to deliver the BNG through offsetting. This would require a total of 0.37units to be delivered through offsetting in order to achieve the 5% net gain. This could be secured by way of planning condition.
- 9.192. Having considered these matters, officers are of the view that subject to conditions and legal agreement, the proposal would accord with policy G2 of the Oxford Local Plan.

g. Drainage and Flooding

- 9.193. *Flood Risk*: Local Plan Policy RE3 requires applications for development within flood zones 2 and 3 and sites over 1ha in Flood Zone 1 to be accompanied by a Flood Risk Assessment (FRA) demonstrating that the proposed development will not increase flood risk on or off site; and safe access and egress in the event of a flood can be provided; and details of the necessary mitigation measures to be implemented have been provided.
- 9.194. The NPPF states in paragraph 173 that a sequential approach should be taken to individual applications in areas known to be at risk now or in the future from any form of flooding by following specific steps. A sequential test should be used in areas known to be at risk now or in the future of any form of flooding, except in situations where a site-specific flood risk assessment within the site boundary, including access, escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future having regard to potential changes in flood risk (para 175). Having applied the sequential test, if it is not possible to locate development in areas with a lower risk of flooding (taking account of wider sustainable development objectives), the exception test will need to be applied (para 177). The need for the exception test will depend on the potential vulnerability of the site and of the development proposed in line with the Flood Risk vulnerability classification. The application of the exception test should be informed by a site-specific flood risk assessment. To pass the exception test it should be demonstrated that the development would provide wider sustainability benefits to the community that outweigh the flood risk; and the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and where possible reducing flood risk overall (para 178). Paragraph 179 then confirms that both elements of the exception test need to be satisfied for development to be permitted.
- 9.195. The Flood Risk Assessment accompanying the application confirms that the Site lies in Flood Zones 3a, 3b, 2 and 1, based on the EA's indicative mapping. The application site is also adjacent to a statutory main river, the River Thames.
- 9.196. The Flood Risk Assessment has indicated that the development will be provided in Flood zone 3a and 3b by building up on a platform, and then regrading Oxpens Meadow to the level of 3b, and thereby providing compensation on a level for level basis. The approach set out was agreed with the Environment Agency at pre-application stage in order to deliver this allocated site. There is a separate application for these enabling works which once implemented will change the flood profile of the site to falling within Flood Zone 1.
- 9.197. The development subject to this outline application would be classified as more vulnerable use which is only appropriate if the exception test is passed alongside the sequential test. The application is accompanied by a site specific Flood Risk Assessment (FRA) by AKSWard dated October 2023. In terms of the sequential test, this is a strategic development site whose development was

approved following the review of a strategic flood risk assessment and allocation process through the adoption of the development plan.

- 9.198. In terms of the exceptions test the FRA confirms that the development will not increase flood risk elsewhere and demonstrates that significant additional flood capacity is created. This is achieved through providing sufficient modelling to ensure that the levels across the site are maintained to reduce flood risk using data that has regard to the relevant climate change levels for more vulnerable use. This has provided the right level for the site for a 100 year climate change (56.79m) and allowing a freeboard of 300mm to the finished floor level of proposed buildings (57.09m) in order to ensure that there will be no increased flooding from the development elsewhere and will also allow for safe access and egress for the proposed development to the wider area.
- 9.199. The Environment Agency and Lead Local Flood Authority have raised no objection to the development on grounds of flood risk subject to conditions in accordance with the NPPF and Policies RE3 and RE4 of the Oxford Local Plan 2036.
- 9.200. Water Quality and Pollution: Prevention: Notwithstanding this, the Environment Agency have objected to the development on the grounds that they consider the development would pose an unacceptable risk of pollution to surface water quality. This is owing to the concerns that there is not sufficient capacity at the Oxford Sewage Treatment Works to treat incoming flows to the Sewage Treatment Works and ensure protection of the water quality of the Northfield Brook, and as such these additional flows to the Sewage Treatment Works before improvement works are provided will lead to further deterioration of the receiving waterbody.
- 9.201. While the objection of the Environment Agency is understood, officers consider that it would be reasonable to deal with this matter by way of a suitably worded condition which restricts occupation of the development until either all sewage work upgrades required to accommodate additional flows are completed or a development and infrastructure phasing plan has been agreed with the Local Planning Authority.
- 9.202. Drainage: Local Plan policy RE4 requires all development proposals to manage surface water through Sustainable Drainage Systems (SuDS) or techniques to limit run-off and reduce the existing rate of run-off on previously developed sites. Surface water runoff should be managed as close to its source as possible.
- 9.203. A site specific drainage strategy has been prepared by AKSWard which sets out that the surface water drainage will be designed to National Standards for Sustainable Drainage. The proposed surface water infrastructure will serve the development platform and will provide permeable paved areas where practical. Rain gardens are to be provided to provide water treatment and remove some water from the discharged surface water. The strategy will include ground attenuation tanks combined with flow control units to slow the surface water discharge and ensure that its discharge is at the greenfield rate for all storm events. The detail of this will be developed further at Reserved

Matters stage. The Lead Local Flood Authority have raised no objection to this strategy subject to conditions, and therefore officers consider the proposal would satisfy the aims and objectives of Policy RE4.

h. Environmental Health

- 9.204. Contaminated Land: Historical documentation and mapping information indicate that the development site has had several previous potentially contaminative uses, including as a garage, warehousing, railway sidings, good yards, coal yard and an industrial estate. These have the potential to cause ground contamination risks on site.
- 9.205. The submitted site investigation reports confirm the previous uses of the site and document intrusive site investigation works to quantify potential ground contamination risks at the site. Soil contamination has been identified as being quite widespread across the site, in addition given the previous use of the site there is the potential for a range of contaminants to be found across the site. The submitted remediation strategy is considered to broadly address the potential contamination risks identified on the site, however the recommended further soil testing means that this will need to be updated once this work has been completed. Due to the requirement to undertake this further site soil sampling and updating the remediation strategy, conditions would be required to secure this work and work to update the site contamination risk assessment and update the remediation requirements. Subject to the conditions the proposal is considered to comply with policy RE9 of the Oxford Local Plan.
- 9.206. Air Quality: Policy RE6 of the Oxford Local Plan 2036 requires new development to mitigate its impact on air quality and minimise or reduce exposure to poor air quality.
- 9.207. The baseline assessment shows that the application Site is located within the Oxford city-wide Air Quality Management Area (AQMA), declared by Oxford City Council (OCC) for exceedances of the annual mean NO₂ air quality objective (AQO).
- 9.208. The air quality baseline desk assessment and the robust number of air quality monitoring data that was available near the site, show that current air quality levels at the application site are quite below relevant national and local air quality objectives for NO₂, concentrations. Therefore, the location of the application site is considered suitable for its intended use - the introduction of future residents (new receptors) without mitigation.
- 9.209. The energy statement for the Proposed Development will be all-electric and not rely on the use of combustion sources as a primary energy supply. Air Source Heat Pumps will be implemented to provide space heating and cooling, coupled with a solar PV array (75 kWp system). There will be no centralised energy plant and thus no significant point sources of emissions within the outline development.
- 9.210. According to the site's Transport Statement, the development's "car-free nature, with trips limited to deliveries, servicing, disabled vehicles and car-clubs, is

expected to lead to a reduction in vehicular movements on roads leading to the Site, when compared to the extant uses on-site”

9.211. For the purpose of the Air Quality assessment, a worst case it has been assumed that the Proposed Outline and Detailed Development will result in an increase in vehicle movements.

9.212. The impacts of demolition and construction work on dust soiling and ambient fine particulate matter concentrations have been assessed on the AQ Assessment, which identified that there is a medium to large level of dust emissions magnitude. The risk of dust causing a loss of local amenity and increased exposure to PM10 concentrations has been used to identify appropriate dust mitigation measures. Provided these measures are implemented and included within a dust management plan, the residual impacts are considered to be not significant.

9.213. A total of 25 car parking spaces will be provided on site, with these being for blue badge holders only. The developer is expected to be compliant with local plan policy M4 with regards to the provision of electric charging points. According to the transport assessment, the Outline planning application will establish the principle of providing electric vehicle charging points at the proposed development. It is expected that all blue badge and car club parking spaces are provided with electric vehicle charging provision.

9.214. It is therefore considered that the proposed development complies with Local Plan Policy RE6, subject to conditions.

9.215. Noise: Policy RE8 of the Oxford Local Plan requires new developments to manage noise in order to safeguard or improve amenity, health, and quality of life for local communities.

9.216. Areas of the site will be in close proximity to the trainline, Oxpens Road, the Ice Rink as well as the existing Royal Mail sorting office which operates at various times during the day and night. Royal Mail raised an objection to the development due to the proximity of the sorting facilities to the residential blocks.

9.217. An environmental noise and vibration survey was submitted along with an additional survey focusing on the Royal Mail building which includes the results of manned and unmanned positions.

9.218. Noise surveys were undertaken concluded that the scheme could that acceptable internal noise levels can be achieved throughout the site subject to mitigation such as suitably specified glazing and acoustically attenuated ventilation. The development will also have to ensure the residential parts of the development and any external mechanical plant is selected and designed to meet local and national guidance standards.

9.219. Comments have been received with regard to general activity and noise associated with future events planes for the amphitheatre and events lawn. Any potential events will bring with them more activity and noise, but officers are of the opinion that there would be on an ad hoc basis and would require any

necessary licences. The inclusion of the events space is therefore not considered to give rise to unacceptable levels of noise to neighbouring properties.

9.220. It is therefore considered that the proximity of the development to neighbouring noise sources would not have an unacceptable impact on amenity with appropriate mitigation. These mitigation measures will have to be included and considered at reserved matter stage. The development is therefore considered to comply with the requirements of policy RE8.

9.221. Health Impact Assessment: A Health Impact Assessment has been submitted in accordance with policy RE5 which seeks to promote strong, vibrant and healthy communities and reduce health inequalities. A completed Health Impact assessment has been included with the application.

9.222. The conclusion that can be drawn from the submitted HIA is that the development would not have any notably adverse impacts in terms of health outcomes and the overall impact on public health would be neutral or positive. The proposal therefore complies with the requirements of policy RE5 of the Oxford Local Plan.

i. Other matters

9.223. Oxpens Bridge: Reference to Oxpens Bridge is made in the application documents as well as comments being received as part of the consultation process. Policy SP1 of the Oxford Local Plan and the West End SPD requires any development coming forward to ensure that it does not prevent a new foot/cycle bridge being delivered. The application makes specific reference to the site accommodating the landing of a new bridge and therefore accords with the requirement of the OLP. Planning permission has been approved for the bridge through a separate application. Notwithstanding this, what this scheme allows is for the bridge works to be delivered as part of the enabling works if the two scheme align meaning that there would be less disruption to the Meadows and which is considered a positive outcome.

9.224. East West Rail: The East West Rail project is a project of national significance aiming to deliver new and enhanced rail infrastructure to provide links for communities between Oxford, Milton Keynes, Bedford, and Cambridge. A Safeguarding Direction regarding the East West Rail project came into force on the 14th November 2024 which seeks to protect the planned route of the railway from conflicting development. East West Rail Limited have been consulted in accordance with the requirements of the safeguarding direction and have raised no objections to the development as it will not prejudice the delivery of the railway.

10. CONCLUSION

10.1. 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.

- 10.2. 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 detailing the key principle for achieving this aim. The NPPF also goes on to state that development plan policies should be given due weight depending on their consistency with the aims and objectives of the NPPF. The relevant development plan policies are considered to be consistent with the NPPF.

Compliance with Development Plan Policies

- 10.3. Therefore in conclusion it is necessary to consider the degree to which the proposal complies with the policies of the development plan as a whole and whether there are any material considerations, such as the NPPF, which are inconsistent with the result of the application of the development plan as a whole.
- 10.4. The proposal is considered to comply with the development plan. Where issues have been raised with regard to harm to the historic environment, in line with the NPPF, paragraph 215 has been engaged. Whilst some harm has been identified to the historic environment and whilst great weight has been given to the conservation of the designated heritage assets, taking into account all the material considerations, it is considered that the benefits to the scheme would outweigh the less than substantial harm that has been identified.

Material considerations

- 10.5. The principal material considerations which arise are addressed below, and follow the analysis set out in earlier sections of this report.
- 10.6. National Planning Policy: The NPPF has a presumption in favour of sustainable development. NPPF paragraph 11 states that proposals that accord with the development plan should be approved without delay, or where the development plan is absent, silent, or relevant plans are out of date, granting permission unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole; or specific policies in the framework indicate development should be restricted.
- 10.7. Officers consider that the proposal would accord with the overall aims and objectives of the NPPF for the reasons set out within the report. Therefore in such circumstances, Paragraph 11 is clear that planning permission should be approved without delay. This is a significant material consideration in favour of the proposal.
- 10.8. The proposals submitted under this outline application seeks to deliver a new mixed development comprising residential, student accommodation and commercial space. The proposal will not have an unacceptable impact on flooding, highways, neighbouring amenity, the historic environment,

biodiversity or trees as well as the matters discussed in the report and conditions have been included to ensure this remains in the future.

- 10.9. It is therefore recommended that the Committee resolve to grant planning permission for the development proposed subject to the satisfactory completion (under authority delegated to the Head of Planning Services) of a legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers and subject also to the conditions set out in section 11 below.

11. CONDITIONS

Time limit

1. Application for the approval of reserved matters shall be made to the Local Planning Authority before the expiration of five years from the date of this outline permission.

Reason: In accordance with Section 92(2) of the Town and Country Planning Act 1990.

Commencement date

2. The development permitted shall be begun either before the expiration of five years from the date of this outline permission or from the expiration of two years from the date of approval of the last reserved matters to be approved, whichever is the later.

Reason: In accordance with Section 92(2) of the Town and Country Planning Act 1990.

Outline plans

3. The development hereby permitted shall not be carried out except in substantial accordance with the following:
 - Parameter Plan Booklet document OXP-HBA-OPA-XX-RP-A-0001
 - The Environmental Statement
 - Design Code

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

Approved Access

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

OXF-GLA-OPA-XX-DR-D-0001 REV I
OXF-GLA-OPA-XX-DR-D-0002 REV I
OXF-GLA-OPA-XX-DR-D-0003 REV H

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

Phasing Plan

5. Prior to the commencement of development (including any demolition or site clearance), a phasing plan for the development proposal shall be submitted for the City Council's approval. References to "phase" in this planning permission and the conditions attached to it shall mean the phases as identified in the phasing plan. The development shall be built out in accordance with the approved phasing plan, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To make sure that you carry out the development according to the terms of the planning permission and any details we have approved in accordance with policies DH1 and RE7 of the Oxford Local Plan 2036

Reserved Matters

6. The development permitted shall not be begun until full detailed drawings illustrating the following matters have been submitted to, and approved in writing by, the Local Planning Authority and the development shall be carried out in accordance with such details:
 - (i): Scale
 - (ii): Layout
 - (iv): Landscaping
 - (v): Appearance

Reason: To enable the Local Planning Authority to give further consideration to these Reserved Matters in accordance with Section 51 of the Planning and Compulsory Purchase Act 2004.

CIL Phasing

7. This planning permission qualifies as a phased planning permission for the purposes of the Community Infrastructure Levy Regulations 2010 (as amended) and unless otherwise agreed in writing each phase will be shown on a plan and shall be treated as a phase and a separate chargeable development for the purposes of the CIL Regulations:
 - (a) Preparatory Site Works for the Residential Component
 - (b) Preparatory Site Works for the Commercial Component

- (c) Each phase of the Residential Component
- (d) Each phase of the Commercial Component

Reason: in order that this planning permission qualifies as a phased planning permission for the purposes of the Community Infrastructure Levy Regulations 2010 (as amended) and there is clarity on the extent of the phases.

Noise Indoors

8. All habitable rooms exposed to external road traffic noise in excess of 55 dBA Leq 16 hour [free field] during the day [07.00 to 23.00 hours] or 45 dBA Leq 8 hour [free field] at night [23.00 to 07.00 hours] shall be subject to sound insulation measures to ensure that **all** such rooms achieve an internal noise level of 35 dBA Leq 16 hour during the day and 30 dBA Leq 8 hour at night. The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be able to be effectively ventilated without opening windows. No dwelling requiring sound insulation measures shall be occupied until the approved sound insulation and ventilation measures have been installed to that property in accordance with the approved details. The approved measures shall be retained thereafter in perpetuity.

Reason: To ensure the amenity of occupiers is not impacted by the proposed development in accordance with policies RE7 and RE8 of the Oxford Local Plan 2036.

Noise outdoor spaces

9. The maximum day time noise level in outdoor living areas exposed to external road traffic noise shall not exceed 50 dBA Leq 16 hour [free field]. The scheme of noise mitigation shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any dwelling. The approved scheme shall be implemented in its entirety prior to the first occupation of any dwelling and shall be retained thereafter in perpetuity.

Reason: To ensure the amenity of occupiers is not impacted by the proposed development in accordance with policies RE7 and RE8 of the Oxford Local Plan 2036.

Noise vibration

10. No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Reason: To ensure the amenity of occupiers is not impacted by the proposed development in accordance with policies RE7 and RE8 of the Oxford Local Plan 2036.

Noise – Plant

11. The external noise levels emitted from plant/ machinery/ equipment shall ensure that the rating level of the noise emitted from the proposed installation located at the site shall not exceed the existing background level at any noise sensitive premises when measured and corrected in accordance with BS4142:2014 +A1:2019 “Methods for rating and assessing industrial and commercial sound.”

Reason: To ensure the amenity of occupiers is not impacted by the proposed development in accordance with policies RE7 and RE8 of the Oxford Local Plan 2036.

Plant anti vibration

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

Reason: To ensure the amenity of occupiers is not impacted by the proposed development in accordance with policies RE7 and RE8 of the Oxford Local Plan 2016-2036

Energy Statement

13. Prior to works commencing on any of the reserved matters applications which contain buildings, an energy statement shall be submitted to and approved in writing by the Local Planning Authority demonstrating how the design details accord with the approved Energy Strategy (OXF-MAX-OPA-XX-RP-Y-0001). The development shall be carried out in accordance with the approved details and thereafter retained.

Reason: To ensure that sustainable design and construction principles have been incorporated in accordance with policy RE1 of the Oxford Local Plan 2036 or such policy requirements which apply at the time of construction.

Thames Water – Water Mains

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

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

Thames Water Piling

- 15.No piling within 15m of Thames Water assets shall take place until a piling method statement for the relevant phase (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and been approved in writing by the Local Planning Authority after consultation with Thames Water . Any piling shall be undertaken in accordance with the terms of the approved piling method statement.

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

Thames Water – Water Network Upgrades occupation

16. There shall be no occupation beyond the 50th dwelling until confirmation has been provided that either:- all water network upgrades required to accommodate the additional demand to serve the development have been completed; or- a development and infrastructure phasing plan has been agreed with Thames Water to allow additional development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation of those additional dwellings shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason: The development may lead to low / no water pressures and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development. Any necessary reinforcement works will be necessary in order to avoid low / no water pressure issues.

Thames Water – Waste Water Upgrades

- 17.No development approved by this permission that involves wastewater discharge shall be occupied until a scheme for the improvement of the sewerage system to accommodate the additional wastewater flows from the development has been submitted to and approved in writing by the local planning authority in consultation with the Environment Agency and the sewerage undertaker. The scheme shall:

- Identify the network and/or wastewater treatment works improvements required to provide sufficient capacity to accommodate the development without causing further deterioration in the water quality status of the Northfield Brook or other relevant watercourse.

- Include proposals and a timeline for the implementation and completion of the required network and/or wastewater treatment works improvements in relation to the development or phases thereof.
- Demonstrate that no occupation of buildings that discharge wastewater shall occur until adequate network and wastewater treatment capacity has been created. This may be in line with a development and infrastructure phasing plan that ensures the sewerage system has capacity for the increase in foul flows before each building is brought into use.

The scheme shall be implemented as approved. No occupation of buildings allowed by this permission shall occur until either the approved scheme for improvement of the sewage system has been completed or in line with the phasing plan set out within the scheme.

Reason: In order to ensure that there is sufficient wastewater capacity at the Oxford Sewage Treatment Works in order to ensure protection of the water quality of the Northfield Brook in accordance

Land Contamination 1

18. Prior to the commencement of any phase of the development, a phased contamination risk assessment shall be carried out by a competent person in accordance with relevant British Standards and the Environment Agency's Land Contamination Risk Management (LCRM) procedures for managing land contamination. The phased risk assessment shall be submitted in writing and approved by the local planning authority. A Phase 1 (desk study) has been completed and approved. A further element of a Phase 2 intrusive investigation shall be completed on site covering each relevant phase of the development in order to fully characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals. Phase 3 requires that a remediation strategy, validation plan, and/or monitoring plan be submitted to and approved by the local planning authority to ensure the site will be suitable for its proposed use.

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

Land Contamination 2

19. No phase of the development shall be occupied until any approved remedial works have been carried out and a full validation report has been submitted to and approved in writing by the Local Planning Authority for the relevant phase.

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

Land Contamination 3

20. Throughout the course of the development, a watching brief for the identification of unexpected contamination shall be undertaken by a suitably competent person. 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 2016 - 2036.

Surface Water Drainage

21. Prior to the commencement of each relevant phase of the development, a detailed surface water drainage scheme for that phase, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed within the relevant phase. The scheme shall include:

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

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal in accordance with the requirements of policy RE4 of the Oxford Local Plan 2016-2036.

SUDS As Built and Maintenance Details

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

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

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal in accordance with the requirements of policy RE4 of the Oxford Local Plan 2016-2036.

CTMP

23. A Construction Traffic Management Plan for each relevant phase shall be submitted to and approved in writing by the Local Planning Authority and prior to commencement of works within that phase. This should identify as a minimum:

- The routing of construction vehicles and management of their movement into and out of the site by a qualified and certificated banksman,
- Access arrangements and times of movement of construction vehicles (to minimise the impact on the surrounding highway network),
- Details of wheel cleaning / wash facilities to prevent mud, etc from migrating on to the adjacent highway,
- Contact details for the Site Supervisor responsible for on-site works,
- Travel initiatives for site related worker vehicles,
- Parking provision for site related worker vehicles,
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours,
- Engagement with local residents.

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

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding network, road infrastructure and local residents, particularly at peak traffic times.

Delivery and Servicing Management Plan

24. The development hereby approved shall only be operated in accordance with the submitted Delivery and Servicing Management Plan dated November 2022 unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to ensure the effective operation of the development and adjacent highway network in accordance with

Cycle Parking

25. Prior to the occupation of any building on the development the cycle parking serving that building shall be complete and available for use.

Reason: To ensure that opportunities for sustainable transport are provided and can be taken up by future residents/staff in accordance with policy M1 of the Oxford City Local Plan 2036.

Vehicle parking/servicing and turning facilities

26. Prior to the occupation of any building on the development the vehicle parking/servicing and turning facilities required to serve that building shall be completed and available for use.

Reason: To ensure the efficient operation of the development and in the interests of highway safety in accordance with policy M1 of the Oxford City Local Plan 2036.

Travel Plan

27. Prior to first occupation of each relevant phase of the development, a Travel Plan for that phase and in line with the approved Framework Travel Plan, shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be operated in accordance with the approved travel plans unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to maximise the use of sustainable transport modes in accordance with policies M1 and M2 of the Oxford City Local Plan 2036.

Archaeology 1

28. No development shall proceed until an overarching Archaeological Master Plan has been submitted by the applicant or their successors in title and approved in writing by the Local Planning authority. For each development phase of works, including landscaping works, remediation, infrastructure works and phased developments areas, an updated Written Scheme of Investigation shall be submitted encompassing the summary results of any previous RMA phases and detailing provision for archaeological mitigation, public outreach, publication and archiving for the RMA area, and agreed in writing by the Local Planning Authority. Archaeological Reporting and provisional publication of the results of each reserved matters application phase shall be secured within three years of the completion of fieldwork for each phase unless otherwise varied in writing by

the Local Planning Authority archaeologist. Full publication of the combined results including site wide synthesis and deposition of all finds in an appropriate museum shall be secured within ten years of the commencement of development unless otherwise varied in writing by the Local Planning Authority archaeologist. All work will be completed in line with the agreed Archaeological Master Plan unless otherwise varied in writing by the Local Planning Authority archaeologist.

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

Archaeology 2

29. No groundworks below topsoil level shall take place on the area of Harts Sconce and its buffer zone as identified on plan (OXF-OA-EWA-XX-DR-A-0010 P01) unless otherwise agreed in writing by the Local Planning Authority. No site works in Oxpens Meadow shall commence until the applicant, or their agents or successors in title, has submitted a method statement setting out measures to protect the extent of Hart's Sconce (the Civil War redoubt located at the southern end of Oxpens Meadow) during development works. All works shall be carried out and completed in accordance with the approved method statement, unless otherwise agreed in writing by the Local Planning Authority.

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

Dust Mitigation

30. No development shall take place until the complete list of site-specific dust mitigation measures and recommendations that are identified on Appendix J.6: Construction Mitigation of the Environmental Statement that was submitted with this application, are included in the site's Construction Environmental Management Plan (CEMP). The CEMP will need to be submitted to and approved in writing by the Local Planning Authority.

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

EV charging points

31. Prior to the commencement of each relevant phase of the development, details of the Electric Vehicle charging infrastructure shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the following provision:

- Location of EV charging points;
- The amount of electric car charging points should cover each residential unit with an allocated parking space; and non-allocated spaces to be provided with at least 25% (with a minimum of 2) having electric charging points installed.
- Appropriate cable provision to prepare for increased demand in future years.

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

Reason - To contribute to improving local air quality in accordance with policy M4 of the Oxford Local Plan 2016-2036 and enable the provision of low emission vehicle infrastructure.

Demolition and Construction Environmental Management Plan (DCEMP)

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

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

Event Management Strategy

33. Prior to the first outdoor event taking place in the development, an events management strategy outlining management arrangements for events shall be submitted to and approved in writing by the Local Planning Authority. Events and activities shall be held in accordance with the approved strategy for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority. The strategy shall include details for the publication of contact details of those managing the events as well as details of how events will be managed. The events strategy may be altered subject to the prior written approval of the Local Planning Authority.

Reason: To ensure the amenity of occupiers is not impacted by the proposed development in accordance with policies RE7 and RE8 of the Oxford Local Plan 2036.

Details of floor space

34. The development shall include a minimum of 1,350 sqm GIA of Class E (excluding part (g)) floorspace at ground floor level in accordance with the Design Code. Details outlining the location and size of the floorspace for each

phase shall be submitted and agreed in writing prior to work commencing on each phase. The approved details and use shall then remain unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a mixed use scheme is provided in line with policy AOC1 and SP1 of the Oxford Local Plan.

Flood Compensation

35. No development shall be carried out as granted under this permission, until the flood compensation storage works for planning application 22/02955/FUL, at Oxpens Road, Oxford have been fully completed as shown in Section 5 and Appendix B of the flood risk assessment (by AKS Ward Construction Consultants dated June 2024). The flood compensatory storage shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and to prevent flooding elsewhere by ensuring the compensatory storage of flood water is provided. In accordance with paragraph 181 of the National Planning Policy Framework. (Oxford Local plan policies RE3 and SP1).

Flood Risk Assessment

36. The development shall be carried out in accordance with the submitted flood risk assessment (by AKS Ward Construction Consultants dated June 2024) and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 57.67mAOD metres above Ordnance Datum (AOD) for A1 and A2 buildings and no lower than 57.32m AOD for A3-A9 buildings as set out in Section 5 of the FRA
- Compensatory storage shall be provided as shown in Section 5 and Appendix B of the FRA

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

Reasons: To reduce the risk of flooding to the proposed development and future occupant, and to prevent an increase in the risk of flooding elsewhere by ensuring that compensatory storage of flood water is provided. This condition is supported paragraph 181 of the National Planning Policy Framework and by local plan policy RE3 of the Oxford Local Plan 2036.

Flood Risk Assessment for Fencing and Walls

37. No development approved by this planning permission shall commence until a flood risk assessment of all fencing and walls (temporary and permanent), has been submitted to, and approved in writing by, the local planning authority. Any walls or fencing constructed within or around the site shall be designed to be permeable to flood water. The agreed details shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To prevent obstruction to the flow and storage of flood water, with a consequent increased risk of flooding. This condition is supported paragraph 181 of the National Planning Policy Framework and by local plan policy RE3 of the Oxford Local Plan 2036.

LEMP

38. No development shall take place until an updated landscape and ecological management plan that outlines the delivery mechanism and long term (minimum of 30 years) maintenance plans for watercourse enhancement measures listed in the "Ecological river units scheme" (submitted in application 22/02955/FUL on 14/02/2024) has been submitted to, and approved in writing by, the local planning authority. The revised landscape and ecological management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority.

The updated LEMP shall include the following elements:

- Details of the new habitats to be created on site to achieve 5% uplift in watercourse units (i.e., proposed wetlands). This should be in line with the information provided for the Proposed Swale Wet Meadow (section 3.7 of the current LEMP).
- Details of enhancements made to Castle Mill Stream and its associated riparian habitat to achieve 5% uplift in watercourse units.
- Details of long term maintenance regimes (i.e., long-term management of Himalayan Balsam following initial removal to secure its eradication on site).
- Details of named body responsible for and adequate financial provision for the delivery of all the measures proposed to achieve the 5% uplift in watercourse units and comply with the proposed BNG scheme
- Details of named body responsible for and adequate financial provision for maintenance of all the measures proposed to achieve the 5% uplift in watercourse units and comply with the proposed BNG scheme
- Details of the terms of the "Capture Method" outlined on page 7 of the "Ecological river units scheme" in the updated LEMP.
- An Invasive Species Management Protocol

Reason: This condition should guarantee the protection of wildlife and supporting habitat, but ensuring 5% uplift in watercourse units and the terms of the proposal's BNG scheme are met. This will secure opportunities for enhancing the site's nature conservation value in line with policy G2 of Oxford City Council's Local Plan (2016 - 2036). Paragraphs 187 and 193 of the National Planning Policy Framework (NPPF) recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity. If significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort compensated for, planning permission should be refused. Article 10 of the Habitats Directive stresses the importance of natural networks of linked corridors to allow the movement of species between suitable habitats and promote the expansion of biodiversity. River corridors are particularly effective in this way. Such networks and corridors may also help wildlife adapt to climate change.

Piling Details

39. Piling using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that any proposed piling, does not harm groundwater resources in line with paragraph 187 of the National Planning Policy Framework and Position Statement N of the 'The Environment Agency's approach to groundwater protection'.

Boreholes

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

Reason: To ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies in line with paragraph 187 of the National Planning Policy Framework and Position Statement A8 of 'The Environment Agency's approach to groundwater protection'.

Construction Environmental Management Plan

41. 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

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.

Informatives

1. The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-yourdevelopment/working-near-our-pipes> Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk
2. SAFETY Any works on this land will need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basis Asset Protection Agreement, if required, with a minimum of 3months notice before works start. Initially the outside party should contact assetprotectionwestern@networkrail.co.uk.
3. DRAINAGE Soakaways / attenuation ponds / septic tanks etc, as a means of storm/surface water disposal must not be constructed near/within 5 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property/infrastructure. Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains. Network Rail's drainage system(s) are not to be compromised by any work(s). Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property / infrastructure. Ground levels – if altered, to be such that water flows away from the railway. Drainage does not show up on Buried service checks.
4. FOUNDATIONS Network Rail offers no right of support to the development. Where foundation works penetrate Network Rail's support zone or ground displacement techniques are used the works will require specific approval and careful monitoring by Network Rail. There should be no additional loading placed on the cutting and no deep continuous excavations parallel to the boundary without prior approval.

5. **GROUND DISTURBANCE** The works involve disturbing the ground on or adjacent to Network Rail's land it is likely/possible that the Network Rail and the utility companies have buried services in the area in which there is a need to excavate. Network Rail's ground disturbance regulations applies. The developer should seek specific advice from Network Rail on any significant raising or lowering of the levels of the site.
6. **SITE LAYOUT** It is recommended that all buildings be situated at least 2 metres from the boundary fence, to allow construction and any future maintenance work to be carried out without involving entry onto Network Rail's infrastructure. Where trees exist on Network Rail land the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishment's guidelines. **PILING** Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.
7. **EXCAVATIONS/EARTHWORKS** All excavations / earthworks carried out in the vicinity of Network Rail's property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken. **NOISE** Network Rail would remind the council and the applicant of the potential for any noise/ vibration impacts caused by the proximity between the proposed development and the existing railway, which must be assessed in the context of the National Planning Policy Framework (NPPF) and the local planning authority should use conditions as necessary. The current level of railway usage may be subject to change at any time without prior notification including increased frequency of trains, night time train running and heavy freight trains. There is also the potential for maintenance works to be carried out on trains, which is undertaken at night and means leaving the trains' motors running which can lead to increased levels of noise. We therefore strongly recommend that all future residents are informed of the noise and vibration emanating from the railway, and of potential future increases in railway noise. **LANDSCAPING** Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure

it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fence. Lists of trees that are permitted and those that are not are provided below and these should be added to any tree planting conditions: Permitted: Birch (Betula), Crab Apple (Malus Sylvestris), Field Maple (Acer Campestre), Bird Cherry (Prunus Padus), Wild Pear (Pyrus Communis), Fir Trees – Pines (Pinus), Hawthorne (Cretaegus), Mountain Ash – Whitebeams (Sorbus), False Acacia (Robinia), Willow Shrubs (Shrubby Salix), Thuja Plicatata "Zebrina" Not Permitted: Alder (Alnus Glutinosa), Aspen – Poplar (Populus), Beech (Fagus Sylvatica), Wild Cherry (Prunus Avium), Hornbeam (Carpinus Betulus), Small-leaved Lime (Tilia Cordata), Oak (Quercus), Willows (Salix Willow), Sycamore – Norway Maple (Acer), Horse Chestnut (Aesculus Hippocastanum), Sweet Chestnut (Castanea Sativa), London Plane (Platanus Hispanica).

8. FENCING If not already in place, the Developer/applicant must provide at their expense a suitable trespass proof fence (of at least 1.8m in height) adjacent to Network Rail's boundary and make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed.

12. APPENDICES

- **Appendix 1 – Site location plan**

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.