

Oxford City Planning Committee

21st January 2025

Application number:	22/02955/FUL		
Decision due by	7th April 2023		
Extension of time	TBA		
Proposal	Implementation of flood mitigation scheme and the reinstatement of the Oxpens Meadow, demolition and installation of interim boundary treatments including fencing, alongside ground works and installation of sheet piling to regrade areas of public realm, including works to the existing towpath to allow for outfall pipes (additional information and amended plans).		
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. The Oxford City Planning Committee is recommended to:

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

2. EXECUTIVE SUMMARY

2.1. The report considers the regrading of the Oxpens site and Oxpens Meadow to re-shape the flood zone and re-align the levels across the site, whilst providing additional flood capacity. The proposed flood scheme across the site will enable the site to deliver a development platform in order to allow development to come forward on this site in line with the policies set out in

Oxford Local Plan (OLP) and West End and Osney Supplementary Planning Document (SPD).

- 2.2. The application is an enabling works application which seeks permission to implement a flood mitigation scheme along with reinstatement of Oxpens Meadows, demolition and installation of interim boundary treatment as well as installation of sheet piling to regrade areas of public realm, including works to the existing tow path to allow for outfall pipes.
- 2.3. Oxpens Meadows is considered a non-designated heritage asset. The site forms part of an allocated site within the Oxford Local Plan - Policy SP1 and AOC1. Policy AOC1 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. 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.
- 2.4. The application was subject to pre application discussions and was reviewed by the Oxford Design Review Panel in January 2021 and November 2021.
- 2.5. Officers consider that the development would be acceptable with regard to principle, design, impact on the designated heritage assets, highways, environmental health and impact on neighbouring amenity.

3. LEGAL AGREEMENT

- 3.1. This application is subject to a legal agreement to secure the required Biodiversity net gain..

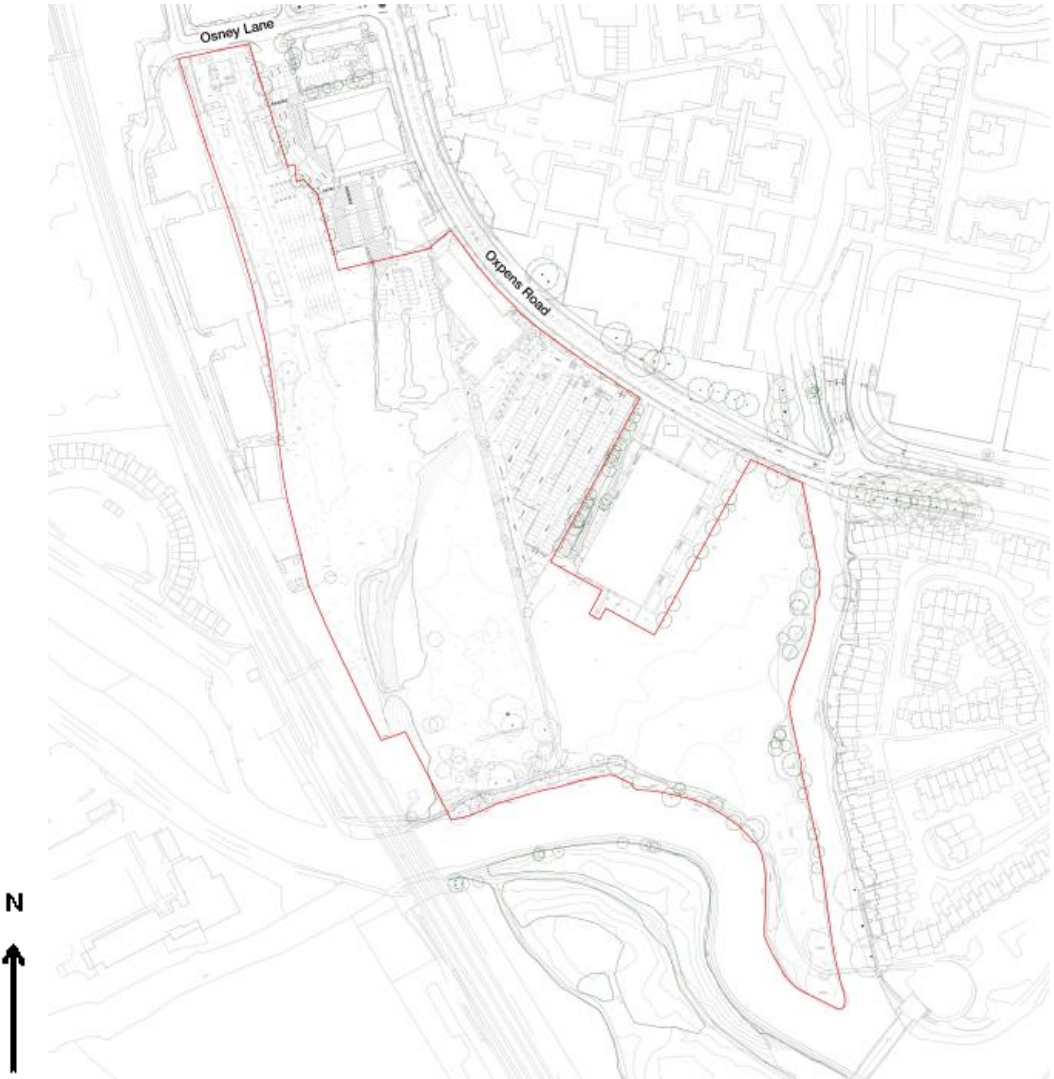
4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 4.1. The proposal is not liable for CIL.

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

- 5.3. The site currently comprises Oxpens Meadows, Oxpens car park, car parking for Royal Mail, public toilets, a 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 railway station works. The main access into the site is via Osney Lane or Oxpens Road.
- 5.4. The site is not located within a Conservation Area but sits within close proximity to the Osney and Central Conservation Areas.
- 5.5. See location plan below:



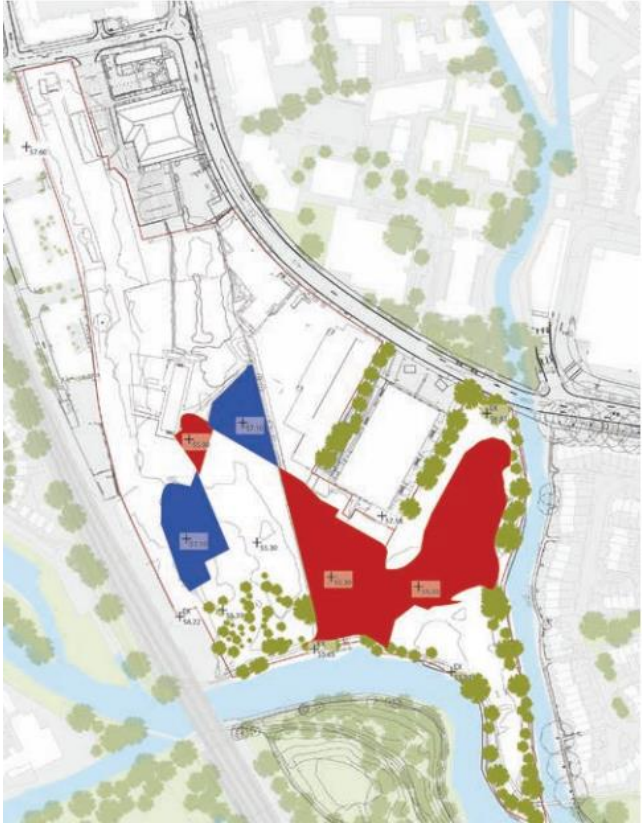
Oxpens site plan

6. PROPOSAL

- 6.1. The application is an enabling application which seeks permission to implement a flood mitigation scheme along with reinstatement of Oxpens Meadows, demolition and installation of an interim boundary treatment as well as installation of sheet piling to regrade areas of the public realm, including works to the existing tow path to allow for outfall pipes.

- 6.2. The enabling works would include demolition of the existing buildings on site. Sheet piling would be installed around the perimeter of the new flood zone, drainage pipes would be laid under the towpath and connected to the River Thames in preparation for the sustainable drainage solutions. A number of trees would be removed as part of the proposal, replacement planting is then proposed as part of the proposal. Fencing would also be installed once the works are completed to secure the site.
- 6.3. The development would re-shape the flood zone and re-align the levels across the site, whilst providing additional flood capacity. The proposed flood scheme across the site would enable the site to deliver development platform in order to allow development to come forward on this site in line with the aspirations of the Local Plan and West End and Osney SPD. The flood works would require Oxpens Meadows to re graded, once these works have been completed the scheme would seek to re-establish the landscape.

Cut and fill plan



Illustrative cut and fill diagram

■ Cut
■ Fill

Illustrative landscape general arrangement for enabling works



Illustrative landscape general arrangement for enabling works

- Meadow seeded
- Temporary grassland seeded
- Existing scrub retained
- River corridor
- Meadow retained peninsula
- Sheet-piling
- Existing trees
- Relocated trees
- Proposed trees

7. RELEVANT PLANNING POLICY

7.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Other planning documents
Design	129-138	DH1 - High quality design and placemaking	
Conservation/ Heritage	202-221	DH4 - Archaeological remains	
Natural environment	161-182, 187-201	RE3 - Flood risk management RE4 - Sustainable and foul drainage, surface RE6 - Air Quality G1 - Protection of Green/Blue Infrastructure G2 - Protection of biodiversity geo-diversity G7 - Protection of existing Green Infrastructure G8 - New and enhanced Green and Blue Infrastructure	
Transport	109-114	M1 - Prioritising walking, cycling and public transport M2 - Assessing and managing development	
Environmental	196-201	RE1 - Sustainable design and construction RE7 - Managing the impact of development RE8 - Noise	

		and vibration RE9 - Land Quality	
Miscellaneous		S1 - Sustainable development G5 - Existing open space, indoor and outdoor V6 - Cultural and social activities SP1 - Sites in the West End	West End Area Action Plan

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. Highways: No objection subject to conditions. The enabling works element of the Oxpens development will have effectively no impact from a transport perspective once complete however the construction phase needs to be considered. The undertaking of the enabling works will require access to the site for construction vehicles. A Framework Construction Traffic Management Plan has been submitted which sets out the principles of how the site is expected to be accessed and the likely number of vehicle movements.

- 8.4. Lead Local Flood Authority: Scheme to be implemented according to: Drainage Strategy

Environment Agency

- 8.5. The Environment Agency have reviewed the updated modelling and flood risk assessment by AKSWard Construction Consultants dated June 2024. They have no objection on flood risk grounds subject to appropriately worded conditions being imposed on the application.

Thames Valley Police

- 8.6. Whilst Thames Valley Police does not object to this application, we highlight to the applicant that construction sites are highly attractive targets for crime and antisocial behaviour, particularly during evenings and weekends when work has stopped. It is therefore imperative that the site is fully secured at all times to reduce opportunities for crime and ASB to occur. The applicant should (if not already completed) conduct a risk assessment which can be used to inform a Security and Access strategy, that mitigates against the risk of unauthorised entry onto the site.

Network Rail

- 8.7. No objection in principle subject to informatives. There is potential for growth and expansion of the railway, not just that our strategic infrastructure view has the potential for an additional running line but more so increasing volumes of train services over time. This is something to be aware of with the potential for new lineside neighbours and therefore mitigation should be sufficient in reducing noise and vibration from the neighbouring railway.

Thames Water

- 8.8. On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

Historic England

- 8.9. No comments given and advice instead should be sort from the Council's specialist officers.

Oxford Preservation Trust

- 8.10. 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.

Oxford Civic Society

- 8.11. We understand that the Oxpens Meadow re-levelling work will mean a slight reduction in local area flood risk – this is welcomed. However, there is considerable concern locally over the planned releveilling of the meadow and the effect this will have on the bird life, both during the works and afterwards.

We would like to see proposals for mitigating the impact of the levelling works.

Oxford City Council regeneration, property and communities

- 8.12. The current parameter plans show development up to the boundary with the Oxford Ice Rink site. This raises the following concerns regarding the operation of the ice rink; a. The impact on existing trees on OCC land on this boundary that appear likely to be affected. b. Impact of any adjacent development on future development on the ice rink site related to alterations that may be necessary.
- 8.13. Details of construction of the meadows will need to be provided as well and a safety audit identifying the risks and potential mitigation measures required following the conversion of this public space into a flood catchment area.

Public representations

- 8.14. 3 letters of representation have been received from properties located in East Street, Stoneybrook, Trinity Street and Osney Island. In addition, comments have been received from Saint Ebbe's New Development Residents' Association and University of Oxford Estates Services
- 8.15. The comments can be read in full on the Oxford City Council planning website. In summary, the main comments/objections/issues raised are:
- The landing of Oxpens Bridge should be considered comprehensively.
 - Shame that no details of bridge have been provided as part of the application.
 - There needs to be a greater proportion of truly affordable accommodation for genuinely locally based people.
 - The development feels like it is maybe 1 or 2 storeys too tall, possibly creating a canyon/corridor effect and diminishing the "lived in" feel and appropriate proportions for this part of our city.
 - Not enough time given to digest the information provided with the application.
 - Good that a brownfield site is being developed.
 - Scheme does not address the current housing crisis.
 - Flood meadows store water and protect from floods, function as carbon sinks, and provide biodiversity and wildlife corridors; they should be preserved and extended, not compromised.
 - OCC has a zero carbon 2040 policy. Oxpens will involve the loss of sequestered carbon and carbon emissions from construction. Where will carbon emissions be cut to make up for the extra emissions?
 - 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.
- We approve that, if the development goes ahead, there will be a net gain of 5% in terms of biodiversity.
- The re-levelling will mean that flood water on the meadow will remain for longer periods of time, thus potentially making the meadow more of a wetland area. 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.

Officers Response

- 8.16. Some of the comments relate to the application 22/02954/OUT rather than this application which specifically deals with enabling works associated with the development of the site. The points raised in consultation are dealt with in the officer assessment below and have been carefully considered as part of the officer recommendation.

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. Biodiversity
 - f. Drainage and Flooding
 - g. Environmental Health
 - h. Other matters

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' 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. This application relates solely to the enabling works and therefore must be considered on its own merits. Notwithstanding this, the application has been submitted alongside an outline application 22/02954/OUT which sets out how the site could be developed in order to deliver the requirements of policies AOC1 and SP1.
- 9.8. Policy G5 relates to open space and seeks to protect existing open space. The proposed works relate to the regrading of the land including Oxpens Meadow to allow flood mitigation to be provided so the site can provide a development platform. This means that the flood profiling of the land will be altered so that the site can come forward for development. The proposal seeks to reinstate the Meadows once the enabling works have been completed. Oxpens Meadow is considered a non-designated heritage asset and is on the Oxford Heritage Asset Register (OHAR). Policy DH5 relates 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. These issues are discussed further in the report.

- 9.9. The proposal seeks to retain the Meadows as open space but to regrade the area to allow for the wider site to be brought forward as a development site. The development will not see a change in the open space available. The principle of development is therefore considered acceptable subject to compliance with the other policies of the Oxford Local Plan
- 9.10. The site currently lies within Flood Zone 3 (area of high flood risk) with the residual areas falling within Flood Zones 2 and Zone 1 (medium and low risk)

b. Design and Impact on the Historic Environment

- 9.11. Policy DH1 of the OLP 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.
- 9.12. Policy DH3 of the OLP 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.
- 9.13. Policy DH5 of the OLP 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.
- 9.14. In order to create a development platform, re-grading of the land is proposed in order to create the new flood zone. This will require sheet piling to be installed around the perimeter of the new flood zone. The sheet piling will be positioned behind the back edge of the proposed Oxpens amphitheatre, allowing the steps, ramps, brickwork and finishing edges to the Oxpens Amphitheatre to be built in front of the sheet piling at a later stage. Following the installation of the sheet piling the regrading of the land will take place. This will involve land being 'cut' moved around the site from areas where the land needs to be excavated, changing the levelling of the site and the meadows.
- 9.15. The application sets out the proposal: *The majority of the 'cut' will be to the Oxpens Meadow and area behind the Ice Rink, the cut works will start from here with the excavation of materials in these areas either taken across to the northern part of the Site to be re-used for the fill or taken off-site for disposal elsewhere. It will also be possible that the top-soil from Oxpens Meadow could be re-used when Oxpens Meadow is set at the lower level after the alluvial soil below the top soil has been excavated. Once this*

sequence of cut works has been completed, the fill to the area marked will commence.

- 9.16. *The cut and fill for the EWA will result in a cut of material of circa 44,300 and a fill of circa 3,250 which where possible will be from cut material from the Site reducing the amount of material taken offsite and minimising the need to bring to Site fill material. This results in a net cut of 41,000 m³ to be removed from Site which is required to establish the Flood Zone and the development platform.*
- 9.17. *The Enabling Works will include a new drainage outfall to the River Thames at the southern end of the Site. This will connect to the surface water drainage system for the Proposed Outline Development but undertaking these works at this stage should mean the towpath does not need to be closed on multiple occasions. In addition, the Oxpens Meadow will be re-set with a West to East fall to improve drainage of flood water to a new swale alongside Castle Mill Stream.*
- 9.18. *To complete the creation of a cleared development platform for the Proposed Outline Development, the former nightclub building occupied by ODS and the adjoining building occupied by Formula One will be demolished.*
- 9.19. *Once the cut and fill works have been completed Oxpens Meadows will be reseeded with a flood tolerant amenity grass with the addition of the planted swale, temporary grassland will also be planted around the proposed the Oxpens Amphitheatre and proposed events lawn area.*

Illustrative plan showing the completed enabling works



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| <ol style="list-style-type: none"> 1. Proposed sheet piled retained edge with gentle graded slopes allowing access down onto the proposed and existing meadow. 2. Retained high value scrub and existing tree planting on site to maintain high biodiversity during works. 3. Proposed flood tolerant temporary grassland meadow. 4. Existing meadow to be regraded with banks to provide a higher flood capacity accounting for climate change levels; whilst still maintaining ease of access (including vehicles) and retention of existing woodland buffer edge to Castle Mill Stream. 5. Existing meadow resown with flood tolerant high value species rich grass suitable for short mowing. | <ol style="list-style-type: none"> 6. Proposed river edge enhancement planting. 7. Existing tree groups to be retained and will be managed by OXWED. 8. Existing trees retained owned and managed by OCC. 9. Proposed ecological planted swale within meadows for water capture and run off. 10. Towpath to be retained. 11. Relocated trees to infill and enhance linear habitat features for biodiversity net gain. |
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9.20. The proposal would see a high level of disruption to Oxpens Meadows whilst the construction re-levelling and re-shaping work is being carried out. Once the meadow is replanted there would be some changes to the gradient of the meadows. Comments have been raised as to how the Meadows would look and function. Sections were included within the application that set out the gradient, there will be areas where the gradient will be steeper than the existing meadow contours. It is clear that the change in gradient will impact the way that people access the waters edge due to areas where there is a change in the gradient. The existing grassed meadows are not Disabled Discrimination Act compliant (DDA) and the proposal would also not be (DDA) compliant as no formal footpath is proposed linking Oxpens Road with the tow path within this red line application boundary. Therefore there is no change with regard to formally improving the accessibility to the waters edge. Officers consider this unfortunate but understand that the requirement for the land regrading is proposed in order to reprofile the flood zones. The outline application that is being applied for alongside this application would introduce a DDA compliant route to the waters edge.

9.21. Overall the re-grading of the land would have a change in appearance to the Meadows but overall the change will be confined to the immediate setting and will not impact on the wider area. The meadow is currently used for leisure purposes and the re-grading would not impact on its use and instead would allow for it to be used in conjunction with the Oxpens development (when it comes forward). The impact on the non-designated asset that is the Meadows is considered acceptable.

9.22. Whilst the application site is located in close proximity to the setting of the neighbouring Osney and Central Conservation Area, the scheme is not considered to impact on them due to the works being localised and not prominent in the wider setting.

9.23. The change to its appearance is therefore considered acceptable and would comply with policies DH1, DH3 and DH5 of the Oxford Local Plan.

9.24. **Landscaping**

9.25. 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, except where it is in accordance with policies G2- G8.

- 9.26. Policy G7 of the Oxford Local Plan requires that any unavoidable loss of tree canopy cover should be mitigated by the planting of new trees or introduction of additional tree cover. Policy G8 continues that development proposals affecting existing Green Infrastructure features should demonstrate how these have been incorporated within the design of the new development where appropriate.
- 9.27. 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.
- 9.28. 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 as part of the enabling works. No further trees should need to be removed for the rest of the scheme.
- 9.29. In order to be compliant with OLP Policy G7, the application aims to demonstrate that there will be no net loss in tree cover after 25 years from the enabling works. Proposals to achieve this are for new tree planting within a portion of the site where most of the proposed tree losses occur as a result of land remodelling for flood alleviation, i.e. in the southwestern corner of the site adjacent to the Thames, as well as on the western bank of the Castle Mill Stream.
- 9.30. This strategy allows for subsequent development of the rest of the site without causing disturbance to the newly planted trees, or to other retained trees. Trees that are to be retained under the scheme stand mainly around the periphery of these south-eastern areas, although there are other scattered trees along the northern boundary and adjacent to the ice rink; these trees are mainly retained. Under the proposals of the OPA, land to the south east of the development envelope including the meadow is to be expanded as an area of public open space with semi-natural tree planting for bio-diversity enhancement.
- 9.31. Whilst a number of trees will need to be removed to allow for the enabling works to be implemented. Replacement tree planting would be provided for within the landscape masterplan and enabling works landscape plan. The appearance of the meadows would change due to the requirement to regrade the land, but the meadows would be retained and its change in appearance is considered acceptable given that its regrading is required to bring forward the Oxpens site for development.
- 9.32. The application would impact on an existing green space that sits on Castle Mill Stream and the Thames. The application seeks to ensure replanting is incorporated into the scheme and will ensure that the meadow is reseeded and reinstated. The proposal would still allow for access to the waterways and would not fetter its use and instead has the potential to bring new

activities to the waterfront with the creation of a development platform for new development to come forward in the future.

9.33. The proposal is therefore considered to accord with the requirements of policy G1, G7 and G8 of the Oxford Local Plan.

9.34. ***Archaeology***

9.35. Policy DH4 of the OLP 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 considered 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.

9.36. The proposed development involves groundworks in a location that has the potential to preserve remains relating to This application is of interest because it involves groundworks in a location that has the potential to preserve remains relating to 1) prehistoric activity in the Thames floodplain 2) A sequence of peat and alluvial deposits dating from the prehistoric through to the early Saxon period 3) post-medieval flood water and land management features 4) Civil War remains 5) 19th and 20th century bottle dumps 6) the remains of a Victorian and early 20th century bathing place.

9.37. *Prehistoric*: This site has general potential for Mesolithic, Neolithic and Early Bronze Age activity relating to the dryer landscape that pertained prior to the Middle and later Bronze Age period on gravel islets between braided channels of the river Thames. The archaeological evaluation identified a single prehistoric tree throw hole cut into the natural gravel in the central part of the Oxpens site with prehistoric flints placed strategically within it. Such features can be anticipated to be cut into the natural gravel which is located at considerable depth below the current ground surface, sealed by later deposits of prehistoric (Late Bronze Age) peat and late prehistoric to early medieval alluvial clay, subsoil and in places municipal waste from the 19th and 20th century.

9.38. The Oxford Archaeology impact assessment confirms that the enabling works ground reduction impact will sit well above the level of the natural gravel and just above the later alluvial sequence (which is characterised as relatively sterile in terms of organic remains in its upper sequence) and no impact on deeper buried peat deposits that relate to areas of reed swamp environment dating to the later Bronze Age and perhaps earlier (which have high archaeological potential).

9.39. *Post-medieval*: Bernard De Gomme's map of 1644 records 'Harts Sconce', a Royalist Civil War outwork or redoubt, at the southern end of the meadow and

an evaluation trench targeted at the very northern end of the feature revealed 17th century finds and ephemeral features, if not a conclusive outer ditch. The location of the sconce is to be left undisturbed.

- 9.40. A number of rectilinear features identified by the electromagnetic survey in the southern end of the site were initially thought to relate to post-medieval land management however the evaluation trenching established that these were not physical features, they may relate to deposition sequences relating the dumping of municipal waste. However, several drainage ditches of later post-medieval date were recorded during the evaluation (including in the southern area where the enabling cut is to take place).
- 9.41. The archaeological evaluation identified a number of areas of deep bottle dumps (1.5m plus thick, located 300mm below current ground surface) and a selective retention strategy identified a number of significant items. Given the public interest in the bottle dump I would request that further targeted recording and a small community outreach project is undertaken to enhance the public benefit of the scheme.
- 9.42. The remains of the St Ebbe's bathing place is located in the southern part of Oxpens meadow. The remains of St Ebbe's Bathing Place (opened in 1846 and closed in 1938) were recorded within an evaluation trench, where a 5.5m wide and 1.5m deep cut was lined with a concrete wall on its' southern edge. The channel was infilled with brick, stone, metal and a large amount of glass and can be assessed of limited local interest. It is suggested that a watching brief is maintained during the groundworks in this area to produce a record of this structure, subject to any health and safety or practical/logistical concerns.
- 9.43. Paragraph 218 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. Therefore, conditions will be included requiring a written scheme of investigation, a method statement and watching brief. The proposal is therefore considered to comply with policy DH4 of the Oxford Local Plan.

c. Impact on neighbouring amenity

- 9.44. Policy RE7 of the OLP 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.
- 9.45. The development will be located in close proximity to 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 north east of the site, Oxpens Meadow is also in close proximity to St Ebbes which incorporates a large residential area.

- 9.1. The amenity impacts arising from the development would be indirect impacts associated with temporary construction activities, most notably construction traffic, noise disturbance and dust generation. Direct operational amenity impacts arising from development are considered limited. To address matters arising from the construction phase of the proposal a Construction Environmental Management Plan (CEMP) is recommended to be required as a condition. The potential implications of the earthworks include noise and dust generation will be addressed within the CEMP. With regard to traffic a CTMP would be required as part of the application that would deal with construction traffic.
- 9.2. It is considered that the amenity impact of the re-grading and flood alleviation work would not have an adverse impact on the amenity of surrounding residential occupiers or surrounding land uses. The requirement for a CTMP and CEMP to be provided would include measures to address impacts associated with construction including noise, construction traffic and dust generation. The development is therefore considered to accord with Policies RE7 of the Oxford Local Plan.

d. Highways

- 9.3. Policy M2 of the Oxford Local Plan relates to assessing and managing development. The supporting text recognises that development will bring with it transport impacts and these must be considered and where appropriate include measure to mitigate development impacts.
- 9.4. 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.
- 9.5. The completed enabling works application would effectively have no change to the highways impact, as this application only seeks to create the development platform to facilitate the site to be developed in line with the allocation in the future. Any specific highways impacts would be assessed against the specific outline and future reserved matters applications. Notwithstanding this, the construction phase of this enabling works application would require highway consideration. The enabling works would require access to the site for construction vehicles to carry out the enabling work. In addition, temporary stopping up of the footpath may be required which would be dealt with by Oxfordshire County Council.
- 9.6. A Framework Construction Traffic Management Plan was submitted with the application which sets out the likely vehicle movement associated with the enabling works. It sets out the likely movements associated with the enabling works:
- 9.7. *“During the enabling works, the maximum estimated total number of vehicle movements is expected to be 6 two-way vehicle movements per hour (VPH). With a 10 hour working day, this is expected to reach 60 two-way vehicle*

movements per day (VPD). This is expected to occur towards the end of 2023, with all enabling works being complete by March 2024.

- 9.8. *As a worst-case scenario, an additional 10% has been added to the estimated number of movements, in which case the maximum number of two-way VPD would be 66. Of these vehicles, it is expected that 80% would be HGVs (53 two-way) and 20% would be LGVs.*
- 9.9. *In general, for each stage of the enabling works, the programme is expected to be as follows:*
- *Earth works (8 months) – 1 VPH*
 - *Vegetation Removal (1 month) – 1 VPH*
 - *Cut and Fill (6 months) – 3 VPH*
 - *Sheet Piling (2 months) – 1 VPH*
 - *Temporary Landscaping (3 months) – 1 VPH*
 - *Services Distribution and Drainage (2 months) – 0.5 VPH*
- 9.10. *During the enabling works, all vehicles are expected to access the site via the Osney Lane access. This access has been used for many years during the construction of the Westgate Centre, Student Castle and will be used again as part of the Botley Bridge redevelopment.”*
- 9.11. Prior to work commencing a detailed CTMP would be required and conditioned. Oxfordshire County Council Highways raise no objection to the application subject to conditions. The proposal is therefore considered acceptable on highways grounds.

e. Biodiversity

- 9.12. 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.
- 9.13. 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.

- 9.14. 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.
- 9.15. 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.
- 9.16. 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.
- 9.17. 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.
- 9.18. 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.

- 9.19. 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 0.38 habitat units on-site (+5.15%), 0.19 hedgerow units (+5.02). 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.
- 9.20. 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.

f. Drainage and Flooding

- 9.21. 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.
- 9.22. The NPPF states in paragraph 173 that a sequential approach should be taken to individual applications in areas know to be at risk now or 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 in 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 exceptions 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 were possible reducing flood risk overall (para 178). Paragraph 179 then confirms that both elements of the exceptions test need to be satisfied for development to be permitted.

- 9.23. 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.
- 9.24. In terms of flood risk, the development subject to this application is providing the enabling works in order to create a development platform in order to deliver the main outline application. The works would consist of reducing levels across the site to offer flood compensation on a level-for-level basis in order to provide additional flood capacity while also removing parts of the site from the areas of higher flood risk. The main outline application has been assessed against the sequential and exceptions test in accordance with the above-mentioned requirements of the NPPF.
- 9.25. The Environment Agency have reviewed the updated modelling and flood risk assessment and have raised no objection to the enabling works and flood compensation scheme subject to conditions listed in Section 11 below.
- 9.26. 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.
- 9.27. A site specific drainage strategy has also been provided by AKS Ward. The works subject to this application are also required to enable the delivery of the sustainable drainage system that has been developed for the outline application. It involves the installation of a drainage outfall to the River Thames that will be connected into the development when the future Reserved Matter applications are brought forward and surface water drainage installed. The Lead Local Flood Authority have raised no objection to the application subject to conditions.
- 9.28. The Environment Agency and Lead Local Flood Authority have raised no objection to the development on grounds of flood risk and drainage subject to conditions in accordance with the NPPF and Policies RE3 and RE4 of the Oxford Local Plan 2036.

g. Environmental Health

- 9.29. 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.
- 9.30. 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.

- 9.31. Air Quality: 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).
- 9.32. The enabling works proposals would give rise to an increase in construction traffic. Predicted annual mean concentrations of the results from the ADMS-Roads model shows the impacts to existing receptors of these emissions are considered to be negligible;
- 9.33. During the construction phase of the proposal the development will give rise to dust impacts during demolition, earthworks and construction, as well as from the trackout of dust and dirt by vehicles onto the public highway.
- 9.34. 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 insignificant. A condition has been included to require a Construction Environmental Management Plan (CEMP).
- 9.35. The Air Quality Assessment (AQA) demonstrates that there are no resultant issues with air quality from the Enabling Works. A construction management plan would be submitted as part of the conditions with the details to be approved. On the above basis, the proposal is considered to comply with Policy RE6 of the Oxford Local Plan.
- 9.36. Noise: Policy RE8 of the Oxford Local Plan 2036 requires new developments to manage noise in order to safeguard or improve amenity, health, and quality of life for local communities.
- 9.37. The noise associated with the operation of the land is not considered to have an impact with regard to noise given the existing use of the site. The noise associated with the application will be in association with the construction work. As part of the conditions attached is the requirement for a construction traffic management plan as well as a demolition and construction management plan which will seek to minimise the impact of noise on neighbouring properties during the construction phase.

- 9.38. The proposal would therefore comply with policy RE8 of the Oxford Local Plan and is acceptable subject to conditions.

h. Other Matters

- 9.39. 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 OLP 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 schemes align meaning that there would be less disruption to the Meadows and which is considered a positive outcome.

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.

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 full application, namely the regrading of the site and Oxpens Meadow and associated work are required in order to facilitate a development platform for future schemes to come forward in accordance with the allocated sites set out in policy SP1 and AOC1 as well as the West End and Osney SPD. 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 conditions set out in section 12 below.

11. CONDITIONS

Time limit

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

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

Approved Plans

2. Subject to other conditions requiring updated or revised documents submitted with the application, the development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings in accordance with policy S1 of the Oxford Local Plan 2016-2036.

Land Contamination 1

3. Prior to the commencement 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 must be completed on site 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

4. The development shall not be occupied until any approved remedial works have been carried out and a full validation report has been submitted to and approved by the local planning authority.

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

Land Contamination 3

5. 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.

Construction Management Plan (CTMP)

6. A Construction Traffic Management Plan should be submitted to the Local Planning Authority and agreed prior to commencement of works. 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,
 - Measures to minimise the number of vehicle movements 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.

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

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

Construction Environmental Management Plan (CEMP)

7. A Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to any construction works commencing on site. The CEMP shall detail and advise of the measures, in accordance with the best practicable means, to be used to minimize construction dust, noise and vibration for all activities excluding demolition (as covered by the DEMP to be submitted under Condition 8). The approved CEMP shall be adhered to during the carrying out of the construction of the development works authorised by the planning permission unless otherwise agreed in writing by the Local Planning Authority.

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

Demolition and Construction Environmental Management Plan (DCEMP)

8. A Demolition Environmental Management Plan (DEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to any demolition work commencing on site. The DEMP shall detail and advise of the measures, in accordance with the best practicable means, to be used to minimize dust, noise and vibration associated with the demolition works. The approved DEMP shall be adhered to during the carrying out of any demolition works authorised by the planning permission unless otherwise agreed in writing by the Local Planning Authority.

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

Landscape Proposals Implementation

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

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

Landscape Proposals Reinstatement

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

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

Landscape Management Plan

11. Prior to first occupation or first use of the development hereby approved a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules and timing for all landscape areas, other than small, privately owned domestic gardens, shall be submitted to, and approved in writing by, the Local Planning Authority. The landscape management plan shall be carried out as approved by the Local Planning Authority.

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

Landscape Surface Design – Tree Roots

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

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

Underground Services Tree Roots

13. No development shall take place until details of the location of all underground services and soakaways have been submitted to and approved in writing by the Local Planning Authority. The location of underground services and soakaways shall take account of the need to avoid excavation within the Root Protection Areas of retained trees as defined in the current British Standard 5837 "Trees in Relation to Design, Demolition and Construction - Recommendations". Works shall only be carried out in accordance with the approved details unless otherwise agreed in writing beforehand by the local planning authority.

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

Tree Protection Plan (TPP)1

14. No development, including demolition or enabling works, shall take place until a Tree Protection Plan (TPP) has been submitted to, and approved in writing by the Local Planning Authority. The TPP shall include such details as are appropriate for the protection of retained trees during development, and shall be in accordance with the current BS. 5837: "Trees in Relation to Design, Demolition and Construction – Recommendations" unless otherwise agreed in writing by the Local Planning Authority. 6 The TPP shall include a scale plan indicating the positions of barrier fencing and/or ground protection materials to protect Root Protection Areas (RPAs) of retained trees and/or create Construction Exclusion Zones (CEZ) around retained trees. The approved physical protection measures shall be in place prior to the commencement of any development, including demolition or enabling works, and shall be retained for the duration of construction, unless otherwise agreed in writing beforehand by the Local Planning Authority. The Local Planning Authority shall be informed in writing when physical measures are in place, in order to allow Officers to make an inspection prior to the

commencement of development. No works or other activities including storage of materials shall take place within designated Construction Exclusion Zones unless otherwise agreed in writing beforehand by the Local Planning Authority.

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

Arboricultural Method Statement (AMS) 1

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

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

Arboricultural Monitoring Programme (AMP)

16. Development, including demolition and enabling works, shall not begin until details of an Arboricultural Monitoring Programme (AMP) have been submitted to and approved in writing by the Local Planning Authority. The AMP shall include a schedule of a monitoring and reporting programme of all on-site supervision and checks of compliance with the details of the Tree Protection Plan and/or Arboricultural Method Statement, as approved by the Local 7 Planning Authority. The AMP shall include details of an appropriate Arboricultural Clerk of Works (ACoW) who shall conduct such monitoring and supervision, and a written and photographic record shall be submitted to the LPA at scheduled intervals in accordance with the approved AMP.

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

Archaeology

17. 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).

Environment Agency Condition 1 - FRA

18. 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:

- 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 occupants, and to prevent an increase in the risk of flooding elsewhere by ensuring that compensatory storage of flood water is provided.

Environment Agency Condition 2 – FRA fencing

19. 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.

Environment Agency Condition 3 – Surface Water Drainage

20. No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To ensure that any proposed infiltration of surface water, does not harm groundwater resources in line with paragraph 180 of the National Planning Policy Framework.

Environment Agency Condition 4 - Piling

21. 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 180 of the National Planning Policy Framework and Position Statement of the 'The Environment Agency's approach to groundwater protection

Environment Agency Condition 5 - Boreholes

22. 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 180 of the National Planning Policy Framework and Position Statement A8 of 'The Environment Agency's approach to groundwater protection

Environment Agency Condition 6 - LEMP

23. No development shall take place until an updated landscape and ecological management plan (LEMP) 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 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) or off-setting to achieve this.
- 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 biodiversity net gain (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.

Reasons 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).

Informatives

1. No waste materials should be burnt on site of the development hereby approved.
2. The applicant should (if not already completed) conduct a risk assessment which can be used to inform a Security and Access strategy, that mitigates against the risk of unauthorised entry onto the site. This plan should include mandatory routine inspection of site boundaries, to rapidly identify and replace any damaged enclosures. This is particularly important during periods of adverse weather, that could compromise site boundaries.
3. 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.
4. 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.
5. 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.

6. 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.
7. 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.
8. 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.
9. 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.
10. 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.
11. 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 (*Cretaeagus*), 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*).

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/refuse] this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the rights and freedom of others or the control of his/her property in this way is in accordance with the general interest.

14. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

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

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