

Oxford City Planning Committee

23.06.2026

Application number:	23/00988/FUL		
Decision due by	17 th August 2023		
Extension of time	31st July 2026		
Proposal	Erection of 31 affordable residential dwellings, with associated public open space, multi-use games area, childrens play area, access and landscaping (Amended Plans)		
Site address	Bertie Place Recreation Ground And Land South West of Wytham Street, Oxford		
Ward	Hinksey Park		
Case officer	Tracy Harvey		
Agent:	Georgie Thompson	Applicant:	Mr Stuart Moran
Reason at Committee	Major development.		

1 RECOMMENDATION

1.1 The Oxford 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 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 Director of Planning and Regulation to:

- Finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Director of Planning and Regulation considers reasonably necessary and
- Finalise the recommended legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers as set out in this report, including refining, adding to, amending and/or deleting the obligations detailed in the heads of terms 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 Director of Planning and Regulation considers reasonably necessary; and

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

2 EXECUTIVE SUMMARY

- 2.1 This report considers a full planning application for the erection of 31 affordable residential dwellings with public open space, a multi-use games area (MUGA), children's play area, access, and landscaping.
- 2.2 The proposal seeks to deliver 31 homes, meaning the policy considerations include housing need, tenure mix, alignment with local housing strategy and a housing allocation with the Oxford Local Plan. The units consist of 11 one-bedroom flats, 9 x 2-bedroom houses 1 x two-bedroom flat and 10 x three-bedroom houses
- 2.3 The scheme introduces a Multi-Use Games Area (MUGA), children's play area, and landscaped open space which is central to the planning considerations. The application includes access works, so highway safety, vehicular access, pedestrian routes, and potential traffic impacts are other key planning considerations.
- 2.4 There are several environmental considerations including ground conditions and contamination and flood risk. The consideration also covers the arboricultural impact on existing trees.
- 2.5 Use of the existing recreation ground land has triggered strong local objections around loss, re-provision, or enhancement of open space and play facilities. Significant public objections (including from a local group "Save Bertie") have been submitted, suggesting considerations such as loss of valued open space, impact on local amenity, character of the area.
- 2.6 Comments from Environment Agency, Oxfordshire County Council, Sport England, Thames Valley Police, Thames Water, and others contribute to assessments against local and national planning policy (flood risk, transport, education, utilities, sports/recreation, crime and community safety, environment).
- 2.7 The key planning considerations for 23/00988/FUL therefore centre on provision of affordable housing and compliance with housing policy, protection/loss and replacement of open space and recreation facilities, access and highways impacts, environmental matters (flood risk, contamination, trees, landscape, drainage), quality of design and site layout, crime and community impacts and objections.
- 2.8 After full consideration, the recommendation is that the scheme is approved having balanced all the relevant material planning considerations primarily the adopted Local Plan site allocation for housing, provision of affordable housing and need for new homes within the city. Planning permission is recommended

subject to the completion of a legal agreement and planning conditions.

3 LEGAL AGREEMENT

3.1 This application is subject to a legal agreement to cover the following matters:

Provision of affordable housing.

3.2 The legal agreement will secure the provision of 22 units of social rent accommodation (11 one-bedroom, one 2-bedroom and ten 3-bedroom) as well as the provision of nine 2-bedroom shared ownership units. The shared ownership units to be eligible for staircasing from 50% to 75% home ownership.

4 COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1 The proposal is liable for CIL of £420,508.64.

5 FINANCIAL ISSUES

5.1 The applicant's intent is to deliver 100% affordable housing on the site as set out within the planning application. This level of provision is dependent on the successful securing of grant funding from Homes England to support scheme viability. In the event that such funding is not secured and a change to the affordable housing percentage would be required, any alterations would be the subject of a future submission to the Local Planning Authority, requesting reverting the scheme to a Local Plan policy compliant provision.

6 SITE AND SURROUNDINGS

6.1 The application site comprises two parcels of land located in South Oxford. The sites are referred to within the planning application as 'Site A' and 'Site B'.

6.2 Site A comprises a roughly rectangular site currently used a public recreation ground known as 'Bertie Park'. The site consists of areas of mown grass amenity land used for general recreation purposes and includes a hard surfaced multi-use games area (MUGA) (approx. 475m²) and a children's playground (approx. 550m²), consisting of various play equipment. There is a tarmac path through the site, providing access from Bertie Place to the south east through to Wytham Street to the North West. The path is a dedicated cycle route, forming a less trafficked route from South Oxford to the City Centre. The site is surrounded on three sides by housing, with the side and rear gardens of properties on Bertie Place, Abingdon Road and Wytham Street all backing onto the play area to the north, south and east of the site. There is a watercourse to the west of the site, separating the play area to Site B. There is a small footbridge between Sites A and B over this watercourse. The land to the south west of Site A was used as a caravan and camping site. There is a further access into the site from Abingdon Road to the west, which consists of an alleyway leading between two rows of terraced houses. There are a number of trees sited around the edges of the site, both within the site and the end sections of the adjoining gardens.

- 6.2.2 Site B consisting of a semi-managed area of open space containing a mix of trees and shrubs. The former access points were from Bertie Park via the existing footbridge and the former camping site to the south. The site has been overgrown in the past with vegetation and brambles, although the site has since been cleared in the past and it was possible for the public to access the site, though this access is informal and is not promoted, whilst the space is irregularly managed. There are informal paths around the edges, where vegetation cover is sparser. In total there is a fairly extensive area of land to the west and south west of Wytham Street. The land is separated from the back gardens of a number of properties on Wytham Street, as well as the South Oxford Christian Centre by the adjoining watercourse. John Towle Close, also borders to the far north east extent of the land. The main railway line between Oxford and London borders the western edge of the area. The red line area defined as Site B within this application covers only a portion of the wider area of land to the south west of Wytham Street. The remainder of the land is shown within the blue line area, which means that the land is under the ownership of the applicants.
- 6.3 The surrounding area is suburban in character and consists predominantly of low rise two storey residential houses. The housing to the southwest and west of the site along Bertie Place and Abingdon Road consists of small terraces of two storey red brick houses with hipped roofs. The housing in Wytham Street to the north and north west consists predominantly of semi-detached pairs of white or light grey rendered houses. The houses were originally designed with hipped roofs, although several of properties have been subject of hipped to gable roof extensions.

7 PROPOSAL

- 7.1 The application relates to the redevelopment of the existing recreation ground off Bertie Place, known as Bertie Park, which is referred to in the planning application as Site A. The proposals include the provision of 31 affordable dwellings, provided as a mix of houses and small blocks of flats, laid out in an arrangement of small terraces, a semi-detached pair of houses and single blocks of flats fronting the primary and secondary streets in the site. The proposed housing would be two storeys and would be constructed from a palette of red brick. The units are: 11 one-bed room flats, 1 two-bedroom flat, 9 two-bedroom houses and 10 three-bedroom houses.
- 7.1 It is proposed that the road at Bertie Place would be extended into the site forming the primary street, with two secondary streets proposed. Access would be retained between the site and Wytham Street, which forms part of the National Cycle Network, whilst the existing access to the Abingdon Road, between the adjoining terraced homes would also be retained. It is proposed that the development would be car free, with the exception of a car club parking space, located close to the site entrance.
- 7.1.2 The proposals include the re-provision of a Multi-Use Games Area (MUGA) (approx. 320m²) on Site A in a position adjoining the access road. This would be of a new design, rather than the repositioning of the existing MUGA, which lies at the centre of the park. This would consist of new surfacing and

surrounding fencing. It is proposed that a new children’s play area (approx. 400m2) would be sited to the southeast of the MUGA, this would consist of appropriate surfacing, benches and play equipment, with surrounding lower-level fencing.

7.2 It is proposed that the area of land located to the southwest of Wytham Street, identified as Site B, would be dedicated as public open space. It is not proposed that this space would be extensively altered in character, with low level interventions proposed to allow access into this site, such as targeted clearance of vegetation to form mown routes through the site, with maintenance required. To facilitate suitable access into the site, the existing footbridge over the adjoining watercourse, Redbridge Stream, would be removed and replaced to the north of the existing. This planning application includes the replacement footbridge.

7.2 The scheme has been amended during its consideration to address technical objections, amend the design and add the replacement pedestrian bridge over the Redbridge Stream.

8 RELEVANT PLANNING HISTORY

8.1 There is no planning history on the site of material relevance to the development proposals.

9 RELEVANT PLANNING POLICY

9.1 The following planning policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan 2026	Regulation 19 Draft Local Plan 2045
Design	96-108, 124-130, 131-141	DH1 - High quality design and placemaking DH2 - Views and building heights DH7 - External servicing features and stores RE2 - Efficient use of land	S2 High Quality Design HD1 principles of high-quality design HD2 - Making Efficient Use of Land HD12 Bin and Bike Stores and External Servicing Features
Conservation/ Heritage	202-221	DH4 - Archaeological remains	HD5 Archaeology
Housing	61-84	H1 - Scale of new housing provision H2 - Delivering affordable homes H4 - Mix of dwelling sizes H10 - Accessible and adaptable homes H14 - Privacy, daylight and sunlight H15 - Internal space	H1 - Housing Requirement H2 - Delivering affordable Homes H5 - mix of dwelling sizes HD11 - Accessible and Adaptable homes HD8 Privacy, Daylight and Sunlight HD9 - Internal space standards for residential

		standards H16 - Outdoor amenity space standards SP32 - Bertie Place Recreation Ground+Land Behind Wytham Street S2 – Developer Contributions	development SPS3 – Bertie Place Recreation Ground
Natural environment	187-201	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	G1 - protection of green infrastructure G6 - Protection of biodiversity and geo-diversity G2 - Enhancement and provision of new green and blue features
Social and community	102-111	G5 - Existing open space, indoor and outdoor	
Transport	109-118	M1 - Prioritising walking, cycling and public transport M2 - Assessing and managing development M3 - Motor vehicle parking M4 - Provision of electric charging points M5 - Bicycle Parking	C6 - Transport Assessments, Travel Plans and Service and Delivery Plans C7 - Cycle and Powered Two Wheelers Parking Design Standards C8 - Motor Vehicle Parking Design Standards
Environmental	96-108, 124-130	RE1 - Sustainable design and construction RE2 - Efficient use of Land RE3 - Flood risk management RE4 - Sustainable and foul drainage, surface RE5 - Health, wellbeing, and Health Impact Assessment RE6 - Air Quality RE7 - Managing the impact of development RE8 - Noise and vibration RE9 - Land Quality	R1 - Net Zero Buildings in Operation HD2 - Efficient Use of Land G7 - Flood Risk and Flood Risk Assessments R5 - water resource and quality G8 – Sustainable Urban Drainage Systems HD7 - Health Impact Assessment R4 - Air Quality Assessments and Standards R8 - Amenity impacts of development R7 - Land contamination
Miscellaneous	7-12	S1 - Sustainable development S2 - Developer contributions V8 - Utilities	S1 - Sustainable development S3 - Infrastructure delivery in new development

9.2 There is no Neighbourhood Plan for this area.

9.3 The Submission Draft Oxford Local Plan 2045 was approved at Council on 26th January 2026 for Regulation 19 consultation and submission to the

Secretary of State. This emerging plan includes relevant draft policies set out above, which are a material consideration, and which support the approach of the referenced Oxford Local Plan 2036 policies except for policies R1 and G1. However the policies can generally only be given limited weight at this stage. Further discussion on individual policies is contained within the sections of this report.

10 CONSULTATION RESPONSES

- 10.1 The application has been advertised as a departure from Local Plan policy. Site notices were displayed around the application site on 25th May 2023, 4th November 2025 and 3 February 2026. Advertisements were published in the Oxford Times newspaper on 25th May 2023, 6th November 2025 and 5th February 2026.

Statutory and non-statutory consultees

Campaign to Protect Rural England (CPRE)

- 10.2 Objection - due to the development being sited on green space. CPRE commented that the priority should be providing social houses on high-density, high-quality brownfield development sites, preserving both green spaces and the Green Belt, as opposed to brownfield land being used for employment development.

Environment Agency (2026 consultation response)

- 10.3 No objection - Subject to 8 suggested conditions
- 10.4 Flood Risk – Having reviewed the Flood Risk Assessment (FRA) (ref 5028222-RDG-ZZ-XX-T-FR-0001, version 3.0, dated 19th December 2025), consider that it satisfactorily addresses earlier concerns. Subject to the condition below, withdraw the previous flood risk objection, dated 20th November 2025.
- 10.5 Safe access and escape – the proposed dwellings may be on a ‘dry island’ (completely surrounded by flood waters) in a 1% annual exceedance probability (AEP) plus an appropriate allowance for climate change flood event. Therefore, an assessment of safe access and escape to this development is essential and should be carried out by the Local Planning Authority.
- 10.6 In accordance with paragraph 167 of the National Planning Policy Framework (NPPF), the LPA must ensure that the residual flood risk is safely managed and that safe access and escape routes are included. This is on the understanding that the LPA have concluded that the proposed development has passed the flood risk sequential test. Within the application documents the applicant should clearly demonstrate that a satisfactory route of safe access and escape is achievable. It is for the LPA to assess and determine if this is acceptable.

- 10.7 Ecology - Welcome confirmation in Section 2.1.3 of the "Objection Responses" document (January 2026) that the existing bridge will now be removed and dismantled as part of the construction programme for the new bridge. This addresses previous concerns regarding cumulative encroachment into the Redbridge Stream and the implications for the Biodiversity Net Gain assessment. Subject to the conditions below, therefore withdraw the previous ecology objection, dated 20th November 2025.
- 10.8 Buffer zone - Land alongside a watercourse is particularly valuable to wildlife and its protection is essential. The proposed development will therefore be acceptable if a planning condition is included requiring the development to protect a minimum-10-metre-wide buffer for the Redbridge stream from built development, footpaths, any formal landscaping/ earthworks and to include a management plan for the protected buffer zone.
- 10.9 This condition is also supported by Article 10 of the Habitats Directive which states that wildlife corridor networks should be protected from development, and, where possible, strengthened by or integrated within it. This condition is also necessary to comply with Section 9.3 of the Oxford City Council Local Plan 2036 which states "At least a 10 metre buffer should be retained between the watercourse and the built development". The condition also accords with Policy G2 of the Oxford Local Plan 2036, which seeks to protect sites and species of biodiversity and geodiversity importance etc.
- 10.11 Landscape and Ecological Management Plan - A number of environmental enhancements have been proposed in the "Biodiversity Net Gain Assessment " (July 2025). These enhancements will require a management plan to be in place. This will ensure the measures in place to achieve ecological betterment of the Redbridge stream and its associated riparian habitat will be appropriately implemented and maintained throughout the development's lifetime. These include a number of measures to specifically improve the ecological functionality of the Redbridge stream such as "Introduction of large deadwood" or "Planting a range of native plants within the channel". In light of the above, the proposed development will only be acceptable if a planning condition is included that requires a "Landscape Management Plan" (LEMP) that details the delivery mechanism and maintenance plans for the watercourse enhancement measures listed in the "Biodiversity Net Gain Feasibility Study" document. Without this condition an objection would be raised to the proposal because it cannot be guaranteed that the development will not result in significant harm to the main river and associated riparian habitats.
- 10.12 Flood Risk Activity Permit - Any works within, over, under or within 8 metres of the Redbridge stream, including the construction of a new bridge or the removal of the existing bridge, are likely to require a Flood Risk Activity Permit under the Environmental Permitting (England and Wales) Regulations 2016.
- 10.13 Groundwater and Contaminated Land - Not satisfied with the current site investigation and strongly recommend that further investigation be carried out on both parcels of land referred to as Bertie Place A and Bertie Place B, in order to fully assess the risks to receptors (groundwater and surface water).

- 10.14 Due to the presence of shallow groundwater and the proposed piling at the site, an appropriate number of leachate and groundwater samples should be collected from both land parcels to assess risks to receptors, followed by several rounds of groundwater monitoring. The contaminants of concern should be assessed against the Drinking Water Standards (DWS) and presented in a table to facilitate review, followed by submission of an updated remediation strategy and verification plan.
- 10.15 Note uncertainty regarding the current site plan and the locations of the boreholes (BHs) and trial pits (TPs) used for the investigation within Bertie Place A. As shown on drawing number 001 dated 14.06.23, BH1 and BH4 are not identified, and there appear to be two boreholes labelled BH3.
- 10.16 The previous use of the proposed development site presents a high risk of contamination that could be mobilised during site works and construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located upon a secondary aquifer A which is shallow and have potential to be in continuity with surface water.
- 10.17 Finally, recommend that further work be undertaken at the site in accordance with the comments provided and secured through the suggested planning conditions. Without these conditions would object to the proposed development in line with paragraph 187 of the NPPF because it cannot be guaranteed that the development will contribute to and enhance the natural and local environment by remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate or will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

Historic England

- 10.18 No comment

Natural England

- 10.19 Has no specific comments to make on this proposal or issue.
- 10.20 The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the proposals are not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not the proposals are consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of sites and the impacts of development proposals to assist the decision-making process. We advise local planning authorities to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

Oxford Civic Society (OCS)

10.21 This is a site designated in the current Local Plan for development thus the principle of development here has been established. OCS applaud the proposed provision of social housing on the site. However, concerns relate to the issue of the sewage disposal capacity and would wish to see a report from Thames Water which addresses these concerns. Increasingly many of the proposed developments around the city raise the same problem and there needs to be an overall strategy in place.

Oxfordshire County Council

10.22 Has no comments on the amended scheme.

Oxfordshire Fire and Rescue

10.23 No objections in relation to the fire service access.

Sport England

10.1 2026 response – confirm their previous comments remain extant.

10.25 2023 response - The proposed development does not fall within either Sport England's statutory remit (Statutory Instrument 2015/595), or non-statutory remit (National Planning Policy Guidance (PPG) Par. 003 Ref. ID: 37-003-20140306), therefore Sport England has not provided a detailed response in this case but would wish to give the following advice to aid the assessment of this application.

10.26 General guidance and advice can however be found on the Sport England website. If the proposal involves the loss of any sports facility then full consideration should be given to whether the proposal meets Para. 99 of National Planning Policy Framework (NPPF) is in accordance with local policies to protect social infrastructure and any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place.

10.27 If the proposal involves the provision of a new sports facility, then consideration should be given to the recommendations and priorities set out in any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority may have in place. In addition, to ensure they are fit for purpose, such facilities should be designed in accordance with Sport England, or the relevant National Governing Body, design guidance notes:

10.28 If the proposal involves the provision of additional housing (then it will generate additional demand for sport. If existing sports facilities do not have the capacity to absorb the additional demand, then new and/or improved sports facilities should be secured and delivered in accordance with any approved local policy for social infrastructure, and priorities set out in any Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place.

10.29 In line with the Government's NPPF (including Section 8) and PPG (Health and wellbeing section), consideration should also be given to how any new development, especially for new housing, will provide opportunities for people

to lead healthy lifestyles and create healthy communities. Sport England's Active Design guidance can be used to help with this when developing or assessing a proposal. Active Design provides ten principles to help ensure the design and layout of development encourages and promotes participation in sport and physical activity.

Thames Valley Police

- 10.30 Objection - concerns with the proposals in terms of the potential for crime and disorder, and for that reason unable to support this application
- 10.31 Thames Valley Police provide the following comments to ensure applications meet the requirements of;
- 10.32 The National Planning Policy Framework 2024 paragraph 96(b); which states that Planning policies and decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion...
- 10.33 The National Planning Policy Framework 2024, paragraph 135(f) which states that "Planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible... and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience".
- 10.34 2025 response - Thames Valley Police do not feel the Design and Access Statement (DAS) adequately addresses crime and disorder as required by CABI's 'Design & Access Statements- How to write, read and use them'. This states that a DAS should; 'Demonstrate how development can create accessible and safe environments, including addressing crime and disorder and fear of crime'. It is recommended that the applicants provide an addendum to the DAS that comprehensively addresses crime and disorder, incorporating the principles of Crime Prevention through Environmental Design (CPTED) prior to approval. This document should demonstrate a commitment to achieving accreditation under the police's Secured by Design (SBD) scheme.

Reasons for Thames Valley Police objection:

- 10.35 The MUGA is located very close to residential properties creating a risk of noise having a negative impact on residents, neighbour disturbances and community tension. This space is a very challenging location for development, with no clear solution. Appreciate the community wish to retain this youth recreation facility, however if houses are to be built here then neither the current location or the previously suggested location in site B are appropriate locations for such a facility.
- 10.36 Lighting throughout the development needs to be provided to the standard of BS5489-1, however this requirement contradicts what would be recommended for the play areas and MUGA. Would not recommend any

lighting is provided in these spaces, to prevent them being attractive to crime and ASB at night, however the street still needs to be lit – a challenge with the close proximity of the two, what could be viewed as conflicting, uses.

- 10.37 The parking free scheme creates a risk of inappropriate parking and highway obstruction, and the creation of demand on the local authority/police to monitor and enforce unauthorised parking of vehicles. This is complicated by the provision of a car club space and visitor parking outside plots 1-4; It is unclear who is meant to use these spaces and how other residents will be prevented from parking in them. There is a risk that some residents may wish to assert ownership over these spaces, creating a risk of disputes. Would not recommend any unallocated parking within this development.
- 10.38 The turning head outside plot 31 is likely to become a hotspot for unauthorised parking.
- 10.39 Bin and cycle stores to the front of properties are particularly vulnerable to crime, and would insist that they are constructed and installed to meet Secured by Design standards. They should be of a height and construction that does not obstruct surveillance from the dwelling.
- 10.40 The shared gardens for maisonette properties create opportunities for neighbour disputes and tension to occur, with no clear ownership over the garden space. It is unfair for the ground floor resident to potentially have to be negatively impacted by noise and disturbance from first floor residents using the space, for example a friends/family BBQ or ball games against the wall. Neighbours do not always get on unfortunately, and it would lower risk to separate the gardens and provide dedicated space allocated to each unit, with the first floor resident allocated space not adjoining the ground floor property.
- 10.41 The proposal to maintain footpath access into this development from Abingdon Road and Wytham Street creates excessive permeability - effectively a leaky cul-de-sac, which is harmful to the development in terms of opportunities for crime. Research by Armitage, Monchuk and Rogerson (2011) has shown that leaky cul-de-sacs with linked pathways experience 110% more crime than a true cul-de-sac. Offenders on this development would have multiple routes of access and escape, removing the threat of being apprehended and caught and reducing the risk to offenders.
- 10.42 There needs to be an area of standoff/defensible space and planting to a depth of at least 1m provided wherever private residential boundaries adjoin the public realm, to demarcate the change from public to private space. This is currently insufficient, for example the garden boundary of the apartments adjoining the play space, the rear garden wall for plot 5 and 31 whereby low level ornamental shrubbery is proposed as opposed to defensible planting such as thorny species that add additional physical protection.
- 10.43 Site B does not have any clear function or purpose, and significantly lacks surveillance, creating significant concern that there will be opportunities for crime and antisocial behaviour to flourish in this area.

- 10.44 The singular access route into and out of site B via a footbridge will be very narrow and constrained, leaving users of this space at greatly increased risk of crime, with no option for escape should they be approached by a hostile actor. As mentioned in previous correspondence, this space is very difficult to activate and is highly likely to be a significant attractor for crime and antisocial behaviour. There is already significant evidence on this part of the site of ASB such as discarded alcohol containers and evidence of fly tipping. Careful consideration needs to be evidenced how legitimate activities will be promoted in this space and crime/ASB prevented/discouraged. This has not been achieved in the current application.
- 10.45 Unable to locate details of any rear access arrangements for a number of units in the terraced housing – has this been deemed acceptable by the local authority not to provide rear garden access? Failing to provide this makes things such as garden maintenance and removal of garden waste more difficult as it will have to go through the house – meaning people may be more reluctant to do so.
- 10.46 Considering all of the above issues, Thames Valley Police have concerns that this development is not appropriate in the location proposed.
- 2026 response to further clarification from the applicant –
- 10.47 Thames Valley Police maintain concerns that the MUGA will be problematic in terms of potential for crime and ASB, particularly in the evenings and at night. A possible solution to this concern is if the MUGA can be robustly secured outside of legitimate hours of usage to prevent access. This would however require higher fencing around the entire facility and a management or technology solution to manage opening and closing of the MUGA.
- 10.48 Houses should feature photoelectric controlled "Dusk till dawn" lighting to provide uniform illumination through the evening and night. PIR controlled dimming to reduce output when no motion is present would be acceptable.
- 10.49 The 1x disabled car parking space and 3x visitor car parking spaces have been deleted - this concern is addressed and no longer stands as an issue.
- 10.50 The turning head outside plot 31, maintain concerns that this turning head will be used for parking and will be a constant battle for the local authority but acknowledge its necessity should permission be granted.
- 10.51 Bin and cycle stores - This concern may be addressed by the inclusion of a condition.
- 10.52 Shared gardens for maisonettes – maintain this concern
- 10.53 Footpath access into this development from Abingdon Road and Wytham Street - This concern remains and would only be addressed by the removal of the footpath. The connectivity is not currently a problem due to the usage of the land, however the introduction of housing onto this space creates risk hence this concern being raised. Surveillance and legitimate activity will end

in the late evenings to the early morning, this is when crime and antisocial behaviour are likely to become a problem.

- 10.54 Site B - TVP have raised concerns regarding this space since pre-application phase. The particular concern remaining is the design and layout of the access onto the site, which remains of concern with the new proposed bridge. TVP concerns regarding safe access to site B have not been suitably addressed and remain a reason for objection. The space has not been activated for legitimate usage and remains at high risk of crime and ASB.
- 10.55 The terraced houses have been provided with front garden bike and bin stores rather than rear access – TVP note; bin and cycle stores can be conditioned to be of Secured by Design standard.

Thames Water (2026 consultation response)

- 10.56 In summary, no objection to the foul water network capacity, based on the information provided. In summary, no objection as the application indicates that surface water will not be discharged to the public network. However, approval should be sought from the Lead Local Flood Authority and an informative added to the decision in respect of water pressure.

Public representations

2023 Consultation

- 10.57 Over 215 objections have been received to the original planning application in 2023. These include addresses in Abingdon Road, Addison Crescent, Aldebarton Drive, Aldrich Road, Argyle Street, Anstey Mill Close, Ashmount Close, Awgar Stone Road, Bagley Close, Bagley Wood Road, Baytree Close, Bedford Street, Bertis Place, Brake Hill, Buckingham Street, Canning Crescent, Campbell Road, Cedar Road, Chatham Road, Cholsey Close, Cowley Road, East Street, Edith Court, Egrove Close, Emeror Gardens, Faulkner Street, Gordon Woodward Way, Grovelands Road, Fairacres Road, First Turn, Fiennes Road, Fletcher Road, Fox Crescent, Freelands Road, Furlong Crescent, Girvan Close, Glanville Road, Green Road, Hawkins Street, Hill Lane, Hereford Street, Howard Street, Iffley Road, Isis Close, Kennington Road, Lake Street, Leander Way, Leckford Road, Lincoln Road, Linton Road, Long Lane, Main Street, Mardley Hill, Marlborough Road, Meadow Lane, Mill Lane, Mogridge Road, Monmouth Road, Morris Crescent, Nobles Close, Normandy Crescent, Norman Mews, Northampton Road, Norreys Avenue, Nowell Road, Oak Avenue, Old Boards Hill, Oliver Road, Orchard Court, Oswestry Road, Peel Place, Perrin Street, Pipleby Furlong, Poplar Grove, Primrose Close, Quarry Road, Riverside Court, Rose Hill, St Crispin Weirs Lane, Single Tree, South Street, Southfield Park, Stewart Street, Summerfield, Sunningwell Road, Sycamore Crescent, The Avenue, The Crescent, The Garth, The Jackson Building, Tree Lane, Townsend Square, Turner Road, Vicarage Court, Vicarage Road, Walton Crescent, Warwick Street, Weirs Lane, Western Road, Wilkins Road, Wolvercote Green and Wytham Street,

10.58 The 2023 objections included 25 representations from outside Oxford including Abingdon, Bedford, Bicester Bradford, Burcot, Charlbury, Fishburn, Garsington, Kings Lynn, Little Milton, Manchester, Munster, Nottingham, Salisbury, Skegness, Witham, Witney, Woodcote, Yeovil.

10.59 Representations were received giving the address as Oxford Camping and Caravan Club object to the access, effect on adjoining properties, effect on the character of the area, effect on traffic and loss of community facilities, Six representations in 2023 were from an unknown address. Since the full address or permanent address of the person making the representations has not been given these have been given limited weight.

The 2023 public representations can be summarised as follows:

10.60 Principle of Development – Loss of Play Area and Proposed Recreation Provision

- Loss of open space, recreation land and children’s play facilities.
- There are inadequate alternative recreation facilities, or public open space in the area.
- Recreation provision on the site would not be like for like. No grass space on site.
- Design and size of the proposed MUGA and play area is inadequate.
- Bertie Park is in its current condition as a result of poor management and neglect.
- The playground facilities are poor and cater only for young children.
- Site B and the nature trail proposals are not adequate to offset the loss of Bertie Park.
- Site B should be similar open space to Bertie Park.
- Site B is unsafe and does not benefit from adequate surveillance. Concern will be used for anti social behaviour.
- Development of new housing should be concentrated on brownfield land, or on sites where commercial development is proposed.
- The area of park on Site A should be increased in size.
- Housing should be provided through reuse of empty building and second homes instead.
- Both Bertie A and B have areas likely to flood and would be inaccessible for children to play in severe conditions.
- There is no unstructured open space for children and teenagers to socialise.
- A suitable alternative to compensate for the loss of Bertie Park should be proposed, or improvement to such amenities within very short distance.

10.61 Design and Visual Impact

- Overdevelopment – too many houses are proposed.
- Layout looks cramped and overcrowded.

10.62 Highways

- Proposed parking would not be adequate and will result in overspill parking in surrounding streets.

- Concern that cars would park in the road as there is no dedicated car parking. This would make it harder for cyclists to use the route.
- Inadequate space for vehicles to turn, particularly larger vehicles such as ambulances.
- Increase in vehicle movements using Bertie Place.
- Concern regarding impact on National Cycle Network 5 which passes through the site as the cycle route would pass over the road, which would be used by cars.
- Consultation with Sustrans (who promote the National Cycle Networks).

10.63 Amenity

- Development will create congestion and noise.

10.64 Flooding

- Developing the site will increase the risk of flooding.
- Concern regarding adequacy of the existing sewer systems in the area.

10.65 Ecology and Loss of Trees

- Concern about impact of the development on ecology and biodiversity.
- Removal of trees would have a negative impact on ecology and biodiversity.
- Concern regarding number of trees that would be lost.
- Proposed new areas of neutral grassland and 'modified' grassland are very small and will not provide a sufficiently robust habitat. Neutral grassland habitat is difficult to achieve and maintain.

10.66 Other Matters

- There is pressure on existing facilities in the area including GP surgeries.
- Concern about potential impact of contamination present on both sites.
- Concern regarding fire risk as a result of methane gas on Site B.
- Loss of trees and impact of development will reduce local air quality.
- Loss of views of park area from adjoining property.

10.67 The representations include an objection from a local residents group 'Save Bertie' which has in the region of 90 members. The groups 2023 objections are summarised as follows:

10.68 Legal Status & Protection of Bertie Park

Bertie Park was historically established and maintained as a public recreation ground dating back to the 1920s–1930s.

Evidence suggests it is held under a statutory trust for public recreational use via the Public Health Act 1875 / Open Spaces Act 1906.

Under *Day v Shropshire* (2023) and earlier case law, such land cannot be disposed of or repurposed without following strict statutory procedures, including community consultation.

No evidence that Oxford City Council (OCC) has complied with Section 123 of the Local Government Act 1972, which sets legal requirements for disposal of recreational land.

10.69 Failure to Comply with Local Plan Policies

Local Plan Policy SP32 requires full re-provision of the existing recreation ground (including MUGA) on Plot B *before* any residential development on Plot A.

Proposed development does not re-provide the full recreation ground — only a downgraded MUGA and small LAP-style play area.

Therefore, proposals do not accord with SP32, despite claims in supporting documents.

Consultation history shows community was never asked whether the recreation ground should be lost — only how it might be re-provided.

10.70 Non-Compliance with National Planning Policy Framework (NPPF)

NPPF 8, 98, 99 require protection of open spaces unless:

- a needs assessment shows the space is surplus, or
- equivalent or better replacement is provided.

No needs assessment has been carried out.

Replacement proposal fails equivalence tests (quantity, quality, suitability, location).

Proposals ignore NPPF requirements relating to health, well-being, access to open space, and community cohesion.

10.71 Community Need & Evidence of Use

OCC's assumption that Bertie Park is "underused" is contradicted by:

- OX Place's own consultation materials describing it as well used.
- A large door-to-door community survey (868 respondents) showing high levels of regular use and strong opposition to losing the park.
- Bertie Park serves as a crucial amenity for:
 - Children (especially from nearby Lake Street school with no green space).
 - Teenagers needing safe, supervised local recreation.
 - Families, older residents, and visitors (including from the nearby campsite).

It is the only medium-sized community park within walking distance for large parts of Hinksey Park ward.

10.72 Loss of Safety & Surveillance

OCC claims Plot B is unsafe due to poor surveillance — but this was not a concern in earlier planning discussions.

Development will result in:

- Reduced facilities for older children and teenagers.
- Loss of natural adult surveillance currently provided by diverse park users.
- Increased potential safeguarding risks in unsupervised or poorly supervised spaces.

Proposed new play space (ages 0–6) does not meet needs of wider youth population.

10.73 Inadequacy of the Proposed Replacement Facilities

Play Area:

- Proposed new play area is 68% smaller than the current playground.
- Designed as an LAP (for ages 0–6) — excludes older kids.

- Reduced equipment (4 items vs 13+ currently).
- Cannot be considered equivalent to the current NEAP-level facility.

MUGA:

- Marked-out area is too small for 5-a-side football; pitch markings reduced by approx. one-third.
- Proposed siting places it 11 m from new homes (Fields in Trust standard: 30 m).
- Noise concerns likely to lead to restrictions or complaints, undermining usability.

Open Green Space:

- Only 18% of current open grass space retained.
- Biodiversity requirements mean remaining area cannot support free play.
- Flooding risk is increased — new play areas *designed to flood*.

10.74 Problems with “Alternative Provision” on Plot B

- Plot B is acknowledged to be unsafe for unaccompanied children (poor surveillance, history of anti-social behaviour).
- Nature trail does not replace recreational function of a park and does not meet community needs.
- No evidence that benefits of Plot B enhancements outweigh the loss of Bertie Park.

10.75 Planning Balance & Wider Housing Alternatives

Council has not demonstrated that harms do not significantly outweigh benefits.

Many viable alternative sites exist for housing (brownfield, car parks, other underused land, existing stock purchase).

Council’s approach appears inconsistent with decisions on other sites (e.g., Oxpens).

Cost/viability arguments are not material planning considerations.

10.76 Overall Conclusion

The proposal amounts to an unlawful disposal of a statutory recreation ground. The development does not comply with SP32, NPPF 8/98/99, the Green Spaces Strategy, or relevant case law. Replacement facilities are not equivalent or better. Community need is strong and well evidenced.

2025 Consultation

10.77 Over 95 objections have been received to the amended planning application in 2025. These include addresses in Abingdon, Abingdon Road, Bertie Place, Canning Crescent, Chatham Road, Fox Crescent, Gordon Woodward Way, Hanover Close, Hempton Road, Hodges Court, Jubilee Terrace, Kennington Road, Lake Street, Lincoln Road, Manor Road, Marlborough Road, Norreys Avenue, Northampton Road, Oswestry Road, Otters Reach, Parker Street, Peel Place, Sherifs Drive, Strawberry Path, Sunningwell Road, Summerfield, The Cloisters, The Crescent, Turner Road, Weirs Lane, Wytham Street, Varsity Place and Vicarage Road,

- 10.78 The majority of the comments reiterated the objections set out above to the principle of the development: loss of green / public / children's play space, flooding, lack of safety, many other sites could be developed rather than this one, bridge is not appropriate, contamination, no parking, more noise and pollution, loss of biodiversity, MUGA too close to homes.
- 10.79 One comment (Canning Crescent) was received in support saying almost no one uses the space.
- 10.80 Save Bertie groups 2025 objections are summarised as follows:
- 10.81 The proposal is objected to on the grounds of unresolved flood risk and non-compliance with national and local planning policy. The Environment Agency has identified that the development may form a "dry island" during flood events, yet the submitted Flood Risk Assessment fails to demonstrate safe access and escape routes, which pass through Flood Zones 2 and 3. The sequential test has not been properly evidenced, that updated flood modelling published in March 2025 has not been incorporated, and that the Flood Warning and Evacuation Plan is out of date. The Environment Agency has advised that safe access and escape must be assessed by the Local Planning Authority and has also indicated that a Flood Risk Activity Permit would be required for proposed excavation works near the Redbridge Stream, with no certainty that such a permit would be granted as submitted.
- 10.82 The proposal would result in a substantial net loss and downgrading of a long-established and well-used community recreation ground, contrary to NPPF, Local Plan Policy G5 and Technical Advice Note 9. Bertie Park is not surplus to requirements and delivers high multifunctional value, particularly for informal play and young people. The development would remove over 80% of the existing recreation space, significantly reduce the size and functionality of the play area and MUGA, eliminate space for informal "free play", and provide inadequate replacement provision. The proposed reliance on Site B is contested on the basis that it functions as a nature area rather than a recreation ground, offers no additionality, is poorly accessible for children and disabled users, raises safeguarding and antisocial behaviour concerns, and is therefore not a suitable or policy-compliant replacement capable of serving the same community.

2026 Consultation

- 10.83 Three objections were received (Peel Place, Abingdon Road and Wytham Street). These reiterate previous objections.
- 10.84 One comment was received in support (Wytham Street). This resident supports improved and modernised play facilities, provides affordable housing, allow access to cars which get trapped at the end of Wytham Street. The only negative was the lack of parking.

Save Bertie group maintain their objections which are summarised as:

10.85 Policy SP32 is Out of Date and Undeliverable

Policy SP32 of the Oxford Local Plan 2036 is argued to be unsound and undeliverable. It required full reprovision of the Bertie Place recreation ground and playing fields on Plot B, yet evidence suggests the Council knew at plan submission and adoption stages (2019–2020) that this was technically and financially unfeasible due to remediation costs and site constraints. Subsequent Council statements and published documents omit any commitment to full reprovision. As such, the policy is said to have been knowingly carried forward despite being incapable of implementation, contrary to NPPF requirements for up-to-date and deliverable policies.

10.86 Unjustified Loss of Recreation and Play Space

The proposal results in the loss of a valued recreation ground without replacement of equivalent quantity, quality, or function. The proposed on-site play areas are significantly smaller, primarily serve under-5s, and are inferior in usability compared to the existing facilities. There is no evidence that the recreation ground is surplus to requirements, and strategic evidence continues to identify a need for such space. Claimed alternative provision does not demonstrably outweigh the loss, and the social housing benefits are said to have been inappropriately used to justify non-compliance with open space policy.

10.87 Failure to Deliver “Equal or Better” Provision

The proposal fails to meet the Local Plan requirement for replacement open space of equal or better value. Site B is considered unsuitable to compensate for the loss due to poor accessibility, lack of surveillance, and safety concerns. Measures such as a nature path do not address recreational need, resulting in a permanent shortfall in recreation and play provision for the community.

10.88 Inadequate and Unsafe Pedestrian Access

Policy SP32 requires adequate pedestrian connections. Earlier plans included multiple access routes to Plot B, but the current proposal relies on a single, narrow footbridge, with large areas fenced off. Thames Valley Police (TVP) advise that this significantly increases personal safety and crime risks, offering limited escape options and failing to meet Local Plan requirements.

10.89 Crime, Surveillance and Anti-Social Behaviour Risks

The layout creates areas with poor natural surveillance, including Site B and pedestrian routes that are not visible from dwellings. Retention of multiple indirect paths risks forming a “leaky cul-de-sac,” which TVP advise could substantially increase crime levels. Proposed mitigation measures are constrained by the site and do not adequately “design out crime.”

10.90 Inappropriate Siting of the MUGA

The proposed MUGA is too close to housing, creating unavoidable noise, disturbance, and potential community conflict. TVP’s Designing Out Crime Officer confirms there is no satisfactory solution for accommodating a MUGA safely on site. Suggested mitigation measures do not address noise from users and remain unproven.

10.91 Lighting and Design Conflicts

There is an unresolved conflict between the need for street lighting to meet safety standards and the aim of discouraging nighttime use of play and MUGA facilities. Due to close proximity between lighting columns, housing, and play areas, the facilities are likely to be illuminated, increasing ASB risk. Landscaping proposals may further reduce visibility rather than provide effective natural surveillance.

10.92 Flood Risk, Landfill and Regulatory Uncertainty

The site lies within a flood risk area and on former landfill. Proposed land raising and excavation may compromise landfill capping and require a Flood Risk Activity Permit (FRAP) due to works near the Redbridge Stream. The Environment Agency has warned that permission for such works should not be assumed, and objectors argue that required permits should be secured before determination.

10.93 Sequential and Exception Tests Not Adequately Demonstrated

There is insufficient evidence that the sequential test was properly undertaken when allocating or changing the use of the site. The Flood Risk Assessment focuses narrowly on the site and does not adequately address safe access and escape routes through Flood Zones 2 and 3. Concerns are raised that social housing benefits are being treated as automatically satisfying the exception test, undermining consistent application of flood policy.

10.94 Parking and Access Concerns

The scheme lacks clarity and consistency on parking provision. While police advice discourages unallocated parking, the applicant relies on limited visitor and car club spaces to mitigate parking impacts, raising concerns over on-street congestion and residential amenity.

10.95 Wider Policy Conflict and Process Concerns

The development conflicts with Local Plan objectives to protect multifunctional green infrastructure, prioritise brownfield land, and apply flood risk policy consistently along Abingdon Road. Concerns are also raised about transparency, as key police advice has not been fully disclosed, and FOI requests have been refused by the Police.

10.96 Save Bertie Overall Conclusion

In summary, the proposal conflicts with both local and national planning policy, results in the unjustified loss of valued recreational space, fails to provide adequate pedestrian access, and has unresolved flood risk and regulatory issues. It is argued that key policy departures were not subject to proper scrutiny during plan-making and that the application should not be approved in its current form.

10.97 The proposal would result in the unjustified loss of valued open space, inadequate and unsafe reprovision of recreational facilities, increased crime risk, and conflict with national and local planning policy. Taken cumulatively, the site is not suitable for residential development, and planning permission should be refused.

11 PLANNING MATERIAL CONSIDERATIONS

Officers consider the determining issues to be:

- Principle of development
 - Provision of Housing
 - National Planning Policy Framework and Housing Supply
 - Affordable Housing
 - Loss of Recreational Ground and Public Open Space
- Design
- Sustainability
- Amenity
 - Existing Occupiers
 - Noise
 - Future Occupiers
- Safety and Crime
 - Location of MUGA
 - Turning Head
 - Shared Gardens
 - Footpath Access
 - Footbridge Access and function of site B
- Transport
 - Access
 - Car Parking
 - Cycle Parking
 - Pedestrian and cycle access
- Ecology / Biodiversity
- Flooding and Drainage
- Land Quality
- Trees
 - Landscape Proposals – Trees
 - Tree Canopy Cover Assessment
 - Trees and Remediation Measures
- Air Quality
- Health Impact Assessment
- Utilities
- Best Interests of the Child

Principle of development

Provision of Housing

11.01 The National Planning Policy Framework (NPPF) requires that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed; that the needs of groups with specific housing requirements are addressed; and that land with permission is developed without unnecessary delay.

- 11.02 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.
- 11.03 Policy H1 of the Oxford Local Plan outlines that the majority of the Council's housing need would be met through sites allocated in the Oxford Local Plan, however in addition to housing which would be delivered on allocated sites windfall delivery of housing on sites not specifically allocated within the Local Plan remains important in terms of meeting the Councils housing needs.
- 11.04 The application site A and B is allocated in the Oxford Local Plan 2036 (Policy SP32) for residential development to provide a minimum of 30 homes. The criteria within the policy sets out the need for vehicle turning/drop off, the replacement of the existing recreation land and MUGA on Site B with adequate pedestrian links, no adverse impact on Iffley Meadows SSSI, Sustainable Drainage Proposals, biodiversity survey and Flood Risk Management Strategy. The text supporting Policy SP32 gives further details of the site constraints including the location within a Flood Risk Zone.
- 11.05 The application site A is allocated in the draft Oxford Local Plan 2045 (Policy SPS3) for residential development to provide a minimum of 25 homes. The policy sets out the need for a public playground and MUGA to be provided on site A. Further criteria identify open space, nature and flood risk including impact of Iffley Meadows SSSI, Sustainable Drainage, existing walking/cycling routes and land contamination.
- 11.06 Site A is identified in the draft Oxford Local Plan 2045 as parts being within Flood Zones 2, 3a, 3b and as area of supporting Green Infrastructure (Policy G1).
- 11.07 Site B is shown on the proposals map of draft Oxford Local Plan 2045 as core Green Infrastructure (Policy G1) and being within Flood Zone 2, 3a and 3b.
- 11.08 Therefore on the basis of the above, use of Site A for housing and Site B for informal open space is acceptable in principle, subject to detailed criteria being met, in accordance with the NPPF and Policy SP32 of the Oxford Local Plan 2036.

National Planning Policy Framework and Housing Supply

- 11.09 The provision of housing on this site is important in meeting the Councils commitment to housing delivery. In principle, as a total of 31 homes are proposed on this site, the development exceeds the minimum number required under Site Allocation Policy SP32 which sets out a minimum of 30

homes should be provided. (The detailed criteria and constraints outlined in Policy SP32 are discussed elsewhere within this report).

11.10 Paragraph 78 of the NPPF (2025) requires LPAs to identify a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than 5 years old. The latest published Authority Monitoring Report (AMR) (December 2025) shows the Council is currently only able to demonstrate 2.88 years' worth of deliverable sites.

11.11 Subsequently, those policies relating specifically to housing delivery in the Oxford Local Plan 2036 including Policies H1, H2, H4 and H10 are currently considered to be out of date. This does not mean they have no weight or should be set aside, but an assessment of consistency will take place throughout this application. Paragraph 11(d) of the NPPF states that

“plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means that where policies which are most important for determining the application are out-of-date, permission should be granted unless:

i. the application of policies in this Framework that protect areas or assets of particular importance (footnote 7) provides a strong reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in Combination (footnote 9).”

Footnote 7 states:

“The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 194) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 75); and areas at risk of flooding or coastal change.”

Footnote 9 states:

“The policies referred to are those in paragraphs 66 and 84 of chapter 5 [affordable housing]; 91 of chapter 7 [town centres]; 110 and 115 of chapter 9 [sustainable transport]; 129 of chapter 11 [density]; and 135 and 139 of chapter 12 [design].”

- 11.12 The lack of a five-year housing supply indicates that planning applications for new homes should be granted unless there is a strong reason to refuse planning permission in accordance with the NPPF taken as a whole. In this case, the site is at risk from flooding which is listed in Footnote 7 as set out above. Whether the flood risk provides a strong reason for refusal is discussed in the Flooding section of this report. Paragraph 11(d)ii of the NPPF is discussed in full at the end of the report within the Planning Balance.
- 11.13 The proposals relate to the development of an allocated site in the Oxford Local Plan 2036. The site is also allocated for a minimum of 25 homes in the Oxford Local Plan 2045 under Policy SPS3. In relation to the draft Oxford Local Plan 2045 paragraph 49 of the NPPF states:

Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
 - b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
 - c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*
- 11.14 The draft Oxford Plan 2045 is currently at the Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 consultation stage and therefore the policies contained within have limited weight as the policies have not yet been submitted to the Secretary of State for examination.
- 11.15 Policy SPS3 in the emerging Local Plan 2045 has maintained the current allocation for residential development. However, the draft plan has not yet been submitted to the Secretary of State for examination. Objections were received to draft Policy SPS3 during the Regulation 19 consultation. Draft Policy SPS3 is therefore given limited weight in the consideration of this planning application.

Affordable Housing

- 11.16 Policy H2 of the Oxford Local Plan 2036 states that for 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 homes that are truly affordable in the context of the Oxford housing market. Policy H2 of the draft Oxford Local Plan 2045 proposes at least 40% of the overall number of units on a site should be provided as affordable homes.
- 11.17 It is proposed that 100% of the houses on the site would be provided as affordable homes. The proposed development would therefore exceed the

requirements set out under Policy H2 of the Oxford Local Plan 2036 and Policy H2 of the draft Oxford Local Plan 2045.

11.18 Under Policy H2 of the Oxford Local Plan 2036, the affordable units should be split 80/20 as social rented / other immediate forms of affordable housing. 22 social rented units are proposed which exceeds the Policy requirement of some 12.4 social rented units. The remaining 9 affordable homes would be provided as 2 bed shared ownership houses which exceeds the requirements (3.1 units) under Policy H2. The proposals exceed the tenure mix under Policy H2 of the Oxford Local Plan 2036.

11.19 Under Policy H2 of the draft Oxford Local Plan 2045, the affordable housing tenure split is 80/20 as social rented / other immediate forms of affordable housing. 22 of the proposed homes would be socially rented which is more than the policy requirement of some 10 units. A Policy H2 2045 compliant scheme would generate some 2/3 units of intermediate forms of housing. The proposals exceed this requirement.

Mix of Units:

11.20 Policy H4 of the Oxford Local Plan 2036 and Policy H5 of the draft Oxford Local Plan 2045 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 housing needs and create mixed and balanced communities. Policies H4 and H5 provide a target mix for unit sizes for developments of 25 or more units, or sites of 0.5ha or greater. The target mix of unit sizes is applicable to the affordable dwellings only. The table below assesses the proposed mix of units against the target mix specified under the policies:

Unit Size	Proposed Percentage of units	Target Housing Mix Percentage	Target Housing Mix Percentage
		Policy H4 OLP 2036	Policy H5 draft OLP 2045
1 Bedroom	32%	20-30%	20-35%
2 Bedroom	33%	30-40%	30-45%
3 Bedroom	32%	20-40%	24-35%
4+ Bedroom	0%	8-15%	5-15%

It should be noted that the scheme does not include any 4-bedroom units. The scheme to meet the requirements of Policy H4 would need to include a 4-bedroom unit. However, the scheme provides more 1-bedroom units than required under the Policy H4. The Councils latest Specialist Housing Needs Study (December 2025) by Icení shows the greatest rented affordable

housing need is for one- and two-bedroom units (489 per annum) It is understood that the mix has been designed to meet current needs.

- 11.21 Whilst the lack of a single 4-bedroom units would not comply with Policy H4, officers have had regard to the number of affordable homes and the lack of a 5-year land housing supply. Overall, the scheme is bringing forward more affordable housing units than the Local Plan policies require which will contribute towards meeting local need. Therefore, no objections are raised to the housing mix. The mix of units on the scheme is considered to be in broad accordance with the NPPF and Policy H2 of the Oxford Local Plan 2036.

Loss of Recreation Ground and Public Open Space

- 11.22 The application site is currently an area of open space. Open spaces are afforded protection under Policy G5 of the Oxford Local Plan 2036, this policy reflects the requirements set out in the NPPF. The supporting text within the OLP states *'Any open space shown on the Policies Map as protected by Policy G1, G2, G4 or G5 is considered to have public value and to meet the definition of open space'*. It should be noted that the application site is not identified on the OLP policies map as an area of open space under Policy G5 rather it has already been allocated for development under Policy SP32. Policy G5 states that existing open space, indoor and outdoor sports and recreational facilities should not be lost unless:

- a) An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- b) The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- c) The development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.*

- 11.23 The principle of development on Bertie Park (site A) has been established by its allocation within the Local Plan. The site allocation Policy SP32 states *'Planning permission will only be granted for ...residential development if the existing Bertie Place recreation ground, including a replacement Multi Use Games Area, is re-provided on land in Plot B with adequate pedestrian links provided from local residential areas'*.

- 11.24 Policy SP32 requires re-provision of the existing Bertie Place recreation ground, including a replacement Multi Use Games Area (MUGA) on Plot B to the northwest of the site and west of Wytham Street. Pre-application consultations carried out by the applicants highlighted the importance of re-providing the MUGA as well as the children's play area which are currently sited on Site A. However, Thames Valley Police (TVP) raised specific concerns regarding the re-provision of the recreation area, MUGA and play area on Site B and the safety of this area, given the lack of natural surveillance.

- 11.25 The replacement play area and MUGA are sited on Site A, adjacent to the proposed housing. Whilst there are potential amenity issues with this

approach for neighbours, in respect of noise and disturbance, this approach would allow for some surveillance of the MUGA and play area. This would reduce but not remove safeguarding issues and potential for anti-social behaviour. The Police maintain their objection to the MUGA on Site A or B due to the potential for anti-social behaviour (ASB) and proximity/disturbance to residents.

- 11.26 Site B, whilst under the ownership of Oxford City Council is not dedicated as an area of public open space. It was possible to access the site via a narrow footbridge over the adjoining watercourse (Redbridge Stream) from Bertie Park or through the camping and caravan site, although these accesses were not advertised or specifically encouraged. The space has been managed to varying degrees by the landowner and has previously been extensively overgrown with vegetation to the extent that much of the land was inaccessible. Some of this vegetation was cleared. The site is an attractive space in its present form, given its natural character. The land consists of a number of trees and low-level vegetation and there are informal trails around the edges of the site, including alongside the watercourse. The site has biodiversity value that would be diminished were the site to be used as a recreation ground of a similar form to Bertie Place, given that this would involve the removal of most of the existing vegetation and trees and its replacement with amenity mown grassland, which has less biodiversity value. Furthermore, based on the concerns expressed by Thames Valley Police in respect of the lack of natural surveillance over this space, it is unlikely that delivery of the play and recreational spaces strictly on Site B as envisioned by Policy SP32 could be achieved. Therefore throughout discussions regarding the scheme, it became apparent that there were issues with locating the MUGA provision on Site B. The application has therefore located the MUGA on Site A, which officers consider to be a better option, notwithstanding what was envisioned in the allocation policy.
- 11.27 The applicants have proposed that Site B would be provided as a more 'natural' space rather than a mown recreation ground. The red line site area relating to this application includes part of the area, referred to as Site B, which is shown on the policies map of the OLP. It is noted that this area is larger than Bertie Park. However, Site B within this application is smaller than the area shown on the OLP 2036 Policies Map allocation. The wider area of Site B is also included within a blue line (indicating land under the applicant's ownership). It is proposed that access to Site B would be made available by the provision of a replacement, improved footbridge from Bertie Place. The supporting text to Policy SP32 says: '*...The new recreation ground on Plot B should include the provision of pedestrian links from both Bertie Place and Wytham Street via John Towle Close...*' The applicants have advised that it has not been possible to negotiate access via John Towle Close. The open space on Site B, therefore, would be accessible informal public open space, though this would have a different character to the current Bertie Park, and access from only Bertie Park.
- 11.28 Turning to provision of the MUGA and children's play area, the Oxford City Council Green Infrastructure Study (2022) states:

Historically, much planned play provision across the country has been in accordance with guidance provided by the then National Playing Fields Association (now known as Fields in Trust or FIT). Categorisation of play space based on this guidance included the designations: Local Areas for Play (LAPs); Local Equipped Areas for Play (LEAPs); and, Neighbourhood Equipped Areas for Play (NEAPs). Best practice in terms of play provision has evolved greatly in recent years resulting in part from issues arising out of long-term sustainability of facilities provided through applying the above guidance; recognition of the value of more natural environments for play; principles of inclusivity and overall 'play value'; recognition of 'acceptable risk', and more. As a consequence of the above, it is not considered appropriate to classify existing play provision in accordance with the hierarchical categorisation of LAPs, LEAPs and NEAPs, but instead using a classification that provides more flexibility. We therefore recommend that the Study has therefore recorded the following:

- *Play Space (Children) – equipped areas of play that cater for the needs of children up to and around 12 years of age.*
- *Play Space (Youth) i.e. Teenage Facilities – informal recreation opportunities for, broadly, the 13 to 17 age group, including skateboard parks, basketball courts, BMX ramps and 'free access' Multi Use Games Areas (MUGAs).*

- 11.29 Residents' concerns are recognised and echoed about the reduction in size of the equipped children's area and MUGA. FIT recommended minimum activity zone for a Locally Equipped Area for Play (LEAP) is 400 sqm, which is met by the proposals. Conditions are suggested to ensure that the design and play equipment meets good practise recommendations and the needs of all children up to and around 12 years of age including those with a disability.
- 11.30 The FIT standards says that a typical MUGA court dimension is 40 x 20 metres. Within the proposed scheme the MUGA measures approximately 14m x 22m. Whilst the FIT standards suggest that flexibility is needed in tight urban settings, the proposals represent a reduction in the existing provision of formal space for youth.
- 11.31 The proposed scheme could be argued to represent a reduction in the amount of formal and informal play space for children and youth. The objection from Thames Valley Police states that the proposed location of the MUGA is not suitable. TVP have objected to the MUGA on both Sites A and B. However, residents cite the strong local desire for a MUGA and Policy SP32 specifies the same. In this case, whilst the TVP objection is noted there is a balance needed with the Local Plan Policy Allocation and local wishes for the retention of play space.
- 11.32 The scheme increases the amount of informal public open space by the reopening and management of site B and the provision of the pedestrian footbridge which thus in general terms conforms to policy SP32. Suggested conditions can partially address some of the objections raised such as the

detailed design. Other issues such as lighting and security are discussed later in this report.

Conclusion on the principle of development

- 11.33 In principle, Officers consider that the site is in broad conformity with the NPPF and in full compliance with Policies H2 and H4 of the OLP 2026. The scheme is in partial compliance with Policy SP32 of the Oxford Local Plan 2036. The site is not identified on the policies map as being covered by Policy G5 of the Oxford Local Plan 2036. However even accounting for Policy G5 and there being a loss of formal and informal play space, the site has been allocated for development through policy SP32 and the development that has been proposed is a balance of the various and sometimes competing issues involved that become apparent during the application process . While the MUGA has been proposed on Site A as opposed to Site B, again when balancing all of the detailed application technical issues, Officers consider that the development has come forward in a deliverable way that overall satisfies the aims and objectives of policy SP32.

Design

- 11.34 Policy DH1 of the Oxford Local Plan states that planning permission will only be granted for development of high-quality design that creates or enhances local distinctiveness.

- 11.35 The NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 135 of the NPPF sets out that planning decisions should ensure that all developments:

(a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

(b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

(c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

(d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

(e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

(f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future

users ; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

- 11.36 The surrounding area consists typically of low rise, two storey suburban mid-20th Century housing. The housing in Bertie Place and Abingdon Road to the south and west consists of small terraces of red brick houses with hipped roofs, whilst the development to the north on Wytham Street consists typically of semi-detached pairs of grey and white rendered house with hipped roofs, or with later hip to gable roof extensions.
- 11.37 The applicants design and access statement includes an assessment of the existing character of the area and how this has informed the chosen design approach. The proposed design approach reflects a similar design of the adjoining housing in Bertie Place and Abingdon Road i.e. small blocks of flats, terraces and semi-detached homes in linear formation facing the roads that serve them and backing or siding onto other plots.
- 11.38 The proposed houses feature hipped roofs and are faced with dark red brick, with window proportions that reflect the existing properties in the surrounding streets. Some of the houses feature gable ends, as opposed to hipped roofs. Whilst this does not align with the original design of the houses, a number of the surrounding houses in Wytham Street have been extended in this manner. The scale of the housing at two storeys is considered to be commensurate with the low rise suburban character of the surrounding housing.
- 11.39 The design of the MUGA and children's play area reflect their function and are similar in character to the existing. The proposed children's play area will include tree planting, play equipment with bound rubber surfacing and benches. Conditions are suggested to secure the design details of the equipment and materials.
- 11.40 The proposed pedestrian bridge between Sites A and B is set towards the north of the site and 'doglegs' over the Redbridge Stream around the application site boundary. The path up to the bridge is set above ground levels (to protect tree roots) with side gabion retaining walls on the paths leading to the bridge. The bridge is an open metal structure with a width of some 2 metres and handrails either side. There are no objections to the design.
- 11.41 In relation to design, it is considered that the development is in broad compliance with the NPPF and Policy DH1 of the Oxford Local Plan 2036. (Crime and disorder is discussed separately within this report).

Sustainability

- 11.42 Proposals for development are expected to demonstrate how sustainable design and construction methods will be incorporated in line with Policy RE1 of the Oxford Local Plan. All development must optimise energy efficiency by minimising the use of energy through design, layout, orientation, landscaping and materials, and by utilising technologies that help achieve Zero Carbon Developments. The Policy requires that planning permission will only be

granted for development proposals for new build residential developments which achieve at least a 40% reduction in the carbon emissions from code 2013 Building Regulations, which has now been superseded by the 2021 Part L Building Regulations. Given that the previous regulations have been superseded, it is a requirement that new planning applications are measured against the 2021 Part L standards for the purposes of considering carbon reduction against Policy RE1.

11.43 An Energy and Carbon Statement has been submitted with the application which sets out how the proposal has been designed in respect of sustainability, carbon emissions, renewable energy and environmental impact, against policy RE1 of the Local Plan. The statement demonstrates how the development is able to exceed the Council's target of 40% reduction in carbon emissions as set out in policy RE1. The submitted Energy Statement outlines that the following energy efficiency measures will be incorporated into the buildings in the development:

- 11.1 Mechanical ventilation with heat recovery
- 11.2 Energy efficient lighting
- 11.3 High standards of air tightness
- 11.4 Reduced thermal bridging
- 11.5 Roof mounted solar PV to south/east and west elevation roofs.
- 11.6 Air Source Heat Pumps

11.44 In total the submitted Energy Statement indicates that the development would achieve a 67.67% reduction in carbon emissions, when assessed against the 2021 Part L building regulations requires.

11.45 Subject to the suggested conditions to ensure delivery of the Energy Statement, the scheme complies with and exceeds the requirements specified under Policy RE1 of the Oxford Local Plan.

Amenity

Existing Occupiers

11.46 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. Planning permission will not be granted for any development that has an overbearing effect on existing homes.

11.47 The rear gardens of several residential properties face Bertie Park and the site of the proposed housing. This includes Nos. 116 to 136 Wytham Street, which are located to the northwest of the site and Nos. 360 to 388 Abingdon Road to the east and northeast. Nos. 356 to 358 Abingdon Road are used as a Buddhist Temple. The side elevations and rear gardens of Nos.16 and 19 Bertie Place face the site to the southeast. The former Oxford Caravan and Camping Club site is located to the southwest of the site.

- 11.48 Proposed units 23-31 would face the rear elevation of a number of existing properties to the northwest at Wytham Street, namely Nos. 120 to 136. Each of these properties benefit from relatively deep rear gardens. The gardens of Units 23-31 are typically 8 to 10 metres in depth. There would be a separation distance of between 20 and 29 metres between facing sets of units at different intervals as some of the adjoining houses have been extended to a varying degree. Given these distances there is not considered to be an adverse impact on residential amenity in terms of loss of privacy or overbearing.
- 11.49 The proposed side elevation of Unit 23 would face the rear gardens of two residential dwellings, Nos. 360 and 362 Abingdon Road. These properties benefit from deep rear gardens and there would be a separation distance of over 21 metres between the end wall of Unit 23 and the rear elevation of these properties. There are currently two outbuildings at the end of the gardens of the existing properties. When considering the existing separation distances, the depth of the existing gardens and the scale of the proposed dwellings, which would be two storeys it is considered that the scale of the development would not be overbearing nor affect outlook. There is a single window proposed at first floor level, which would serve a bathroom. It is proposed that this window would be obscure glazed, this would be subject of a planning condition. Subject to the suggested condition, given the distances there is not considered to be an adverse impact on residential amenity in terms of loss of privacy.
- 11.50 The side elevation of Unit 11 would face the rear elevations of Nos. 384 and 382 Abingdon Road at a distance of some 15 to 17m.. Nos. 384 and 382 Abingdon Road both have relatively deep rear gardens and it is considered that the development would not appear overbearing in scale in relation to these adjoining properties. There are no side windows in Unit 11. Given the orientation of the properties and the lack of windows there is not considered to be an adverse impact in terms of loss of privacy.
- 11.51 Two blocks of flats containing Units 21-22 and Units 12-13 would be located towards the northeastern boundary of the site, at a distance of approximately 10.6 and 5.4 metres respectively. In the case of units 21-22, no side facing windows are proposed facing the boundaries of the adjoining properties. However, units 12-13 would have a side facing window at first floor level serving a landing. A condition is suggested to ensure that these are obscure glazed and fixed shut to prevent overlooking. Subject to the condition, there is not considered to be any adverse impact in terms of loss of privacy or overbearing.
- 11.52 The side elevation of No.16 Bertie Place and the rear garden of the property faces the southeastern edge of the application site. The rear elevation of Units 5-11 would face this property. The proposed units are around 8m away from the side boundary of No.16. This distance is not considered to result in an overbearing impact on No.16. There is a single window in the side elevation of No. 16 Bertie Place at ground floor level, which is obscure glazed and serves a non-habitable room. As such, there is not considered to be an impact in relation to overlooking between facing windows. There would be an impact on

the rear garden of No.16 as a result of overlooking from the first-floor bedroom windows of the new units. However, this impact is reduced by the existing fencing and the retention of the existing boundary trees. In this light, the impact is not considered to be so significant to warrant the refusal of planning permission.11.53A block of proposed flats containing Units 1-4 would adjoin the side elevation of No.19 Bertie Place. The property would align with the side elevation of this dwelling. There are a number of windows in the side elevation of No.19 Bertie Place, though each of these serve non-habitable rooms as such there would be no impact on privacy and nor would the proposals be overbearing or affect outlook given the relative positions.

- 11.54 The area between the proposed MUGA and the rear boundaries of 114, 116 and 118 Wytham Street is impacted by the replacement footbridge over Redbridge Stream. The current footbridge is some 19m from the rear boundary line of these, the nearest, residential properties. The replacement footbridge and access path will be some 5m away at the narrowest point. At that point the bridge walkway will be some 3.7m above existing ground levels (to minimise flooding impact) with the handrail some 1.3m above the platform flat. It should be noted that the ground drops away at this point along the edge of the stream. The bridge platform height is therefore approximately 1.7m higher than the overall level across Site A. The bridge 'dog legs' around existing trees and gradually reduces in height to meet the ground levels in Site B.
- 11.55 The rear gardens are relatively deep and the boundaries to 114, 116, 118 and 120 have existing deciduous tree cover. These trees, which are to be retained, will reduce some of the impact from the replacement bridge and MUGA. These properties, however, will be adversely impacted by increased overlooking, noise and disturbance. The properties would be impacted but not to a significant level which would warrant the refusal of planning permission. Whilst a proposed landscaping plan has been submitted it does not indicate any new planting along this boundary. Additional planting would help to mitigate some of the impacts and is proposed within the suggested conditions.

Noise

- 11.56 Policy RE8 of the OLP advises that proposals should not result in an unacceptable level of noise and disturbance to nearby residents. Policy RE7 advises that "planning permission will only be granted for development that: a) ensures that the amenity of communities, occupiers and neighbours is protected" and "...provides mitigation measures where necessary".
- 11.57 The proposed heating strategy for the new dwellings includes the provision of 2x external ASHP units/dwelling. There is the potential of noise from the proposed installations and appropriate noise guidelines will need to be followed in the selection of any external mechanical plant such as Noise Policy Statement for England, National Planning Policy Framework (NPPF), Planning Practice Guidance on Noise, British Standard 8233: 2014 "Guidance on sound insulation and noise reduction for buildings and BS4142:2014

+A1:2019 “Methods for rating and assessing industrial and commercial sound” and Policy RE8 of the OLP. The maximum day time noise level in outdoor living areas exposed to external road traffic noise should not exceed 50dBA Leq 16 hour [free field].

- 11.58 Proposed plant noise levels criteria have been adequately predicted at the identified receptors (including neighbours) taking into consideration distance losses, surface acoustic reflections and, where applicable, screening provided by the building.
- 11.59 Based on the results of the submitted plant noise assessment, noise limits for the proposed plant have been adequately calculated to mitigate impacts on existing and new residents. The calculations show that the noise criteria of the proposed plant strategy will meet the Local Authority criteria during the operating period and should not have an adverse impact on the nearest neighbours.
- 11.60 Thames Valley Police have raised objections in relation to the proximity of the MUGA to residential homes. The proposed scheme relocates the MUGA closer to existing neighbouring houses in Wytham Street, in particular 116, 118 and 120 Wytham Street.
- 11.61 The existing MUGA, at its closest point, is some 35m away from the rear of houses in Abingdon Road and approximately 21m away from their rear gardens. The proposals site the MUGA some 8m from the rear gardens in Wytham Street and approximately 25m from the rear of these houses (Nos 116 and 118 Wytham Street). Former advice from FIT suggested ‘*It is important that disruption of neighbours is kept to a minimum and a distance of 30 metres from dwellings is recommended*’. There will be an increased impact, in terms of noise and disturbance, on the amenity of the nearest existing homes from this positioning.
- 11.62 The MUGA will be some 11.5m away from the closest proposed new dwelling (plot 31) and 12m away from its rear garden. Plot 31 has side facing front door, living space, kitchen, bathroom and bedroom windows facing the MUGA. There will be an impact from noise and disturbance from the MUGA on the new homes in particular Plot 31.
- 11.63 The applicants submitted Noise Assessment identified several existing noise sources, at the time of the assessment, including:
- 11.7 Playground
 - 11.8 Natural noise sources (i.e. bird song)
 - 11.9 Noise associated with campsite to the west (general noise and music to around 21.00hrs)

It is noted that the campsite whilst currently closed could reopen without the need for a further planning permission. The noise assessment concludes a further Acoustic Design Statement is prepared to ensure a commensurate level of acoustic protection is afforded for future residents. It is suggested that this is the subject of a planning condition.

11.64 In relation to the MUGA, the noise assessment says:

...a new MUGA will be located within the north-west corner of the site. The MUGA has the potential to adversely affect nearby noise sensitive receptors through loud voices, children playing, impact noise from ball sports on the metal cage etc. ... Modelling of noise from the new MUGA has been conducted for the daytime period only as the MUGA will be typically a daytime activity space as there is no provision for artificial lighting. ...

The introduction of the new MUGA has the potential to cause an increase of up to 2dB within the gardens of properties adjacent. However, the MUGA noise is assessed using values that assume full usage of the area all the time; it is noted that there is no provision for artificial lighting meaning the MUGA is only useable during the daytime. In a typical day, usage will not be consistent, with long periods where the facility is not used.

11.65 The noise assessment continues:

Potential noise mitigation of noise impacts associated with the MUGA would need to be minimised via the use of good design/best practical means measures such as:

- Use of rigid heavy-duty grill and welded steel plate fencing rather than chain-link type in order to reduce ball impact noise.*
- Implementation of a regular maintenance regime to address issues such as loose panels, damaged fixings and such like which could result in additional noise.*
- Restricted operational hours and/or naturally controlling the hours of use by no artificial lighting provision.*
- Where low-level perimeter boards/kickboards are included, consideration to be given to covering these with impact-absorbing material, or the lower base section out of a more massive, less resonant material such as brick/concrete block.*
- Avoidance of sheet metal advertising signs or similar.*
- Residents' engagement and ensuring that there is a simple method to report noise complaints, damage and/or misuse.*

A planning condition is suggested to ensure that these detailed noise mitigation measures are implemented to bring the noise impacts to an acceptable level. Subject to the suggested conditions it is not considered that there would be a significant impact to warrant the refusal of planning permission.

11.66 In relation to the children's play area, superseded advice from FIT suggests a buffer zone of 10 metres minimum depth normally separates the children's activity zone and the boundary of the nearest property containing a dwelling. The advice continues '*For high density developments – particularly on brownfield sites – the buffer zone may have to be reduced in order to provide play facilities for the children. Design is again of key importance:..*' In this case, there is a distance of some 4.5m to the nearest residential properties which are 2 flats on plots 1-4. Units 3 and 4 have a contiguous boundary with

the children's play area. The outside space to these units will also be within this recommended 10m buffer. Units 3 and 4 have four side, play area, north facing windows serving living areas and bedrooms. These windows are secondary with the main windows facing east and west. To minimise the impact on the new residents and the play area it is suggested that the side windows are conditioned to be obscure glazed and non-opening. However, there will still be an impact from noise and disturbance from the children's play area on the new homes and their amenity space.

- 11.67 It is considered that there would be no adverse impact on the adjoining non-residential uses, including the former Caravan and Camping Site and Buddhist Temple, accounting for the siting of the housing and other development on the site.
- 11.68 Based upon the submitted noise assessment, this concludes that the site should be suitable for residential development in noise terms, subject to the inclusion of appropriate façade design mitigation and measures in relation to the design of the MUGA. Conditions are proposed to secure these details. However, in light of the constrained site there is likely to be an adverse impact on neighbours, existing and new, from the MUGA and children's play area. Subject to the suggested conditions the impacts are not considered so significant to warrant the refusal of planning permission. In relation to potential impact on neighbours and future residents from noise, the proposals are considered to be in broad compliance with Policy H14 and contrary to Policy RE8 of the Oxford City Local Plan 2036.

Future Occupiers

- 11.69 Policy H15 of the Oxford Local Plan states that planning permission will only be granted for new dwellings that provide good quality living accommodation for the intended use. All proposals for new build market and affordable homes (across all tenures) must comply with the MHCLG's Technical Housing Standards – Nationally Described Space Standard Level 1. The proposed dwellings meet the space standards.
- 11.7 Policy H16 of the Oxford Local Plan states that planning permission will only be granted for dwellings that have direct and convenient access to an area of private open space. 1 or 2 bedroom flats should provide either a private balcony or terrace of usable level space, or direct access to a private or shared garden; for flats and maisonettes of 3 or more bedrooms a private balcony or terrace of useable level space with a minimum dimension of 1.5 metres depth by 3 metres length should be provided. Houses of 1 or more bedrooms should provide a private garden, of adequate size and proportions for the size of house proposed, which will be considered to be at least equivalent in size to the original building footprint.
- 11.71 The proposed scheme includes private amenity space for the majority of the homes. Plots 5-11, 16-18 and 23-31 have individual gardens with direct access. Plots 1-4, 12-13, 14-15, 19-20, and 21-22 (flats) have access to a private garden albeit without direct access. Excluding units 1-4, all the flats have a private amenity space of at least 25m².

- 11.72 Plots 1 - 4 (one bed flats) will have reduced private amenity space. Whilst the submitted plans show a shared garden and fencing to the rear of the units backing onto the Redbridge Stream, the Environment Agency has requested a condition for a 10m wide buffer zone in this area. The buffer zone is to be kept free from built development, footpaths, formal landscaping and earthworks. The proposed building will be some 8.5m away from the top of the stream bank. This means that shared garden, fence and steps will need to be omitted from the final development. The remaining shared garden space will be to the north of the units between the building and the children's equipped playground. This 34m² amenity area is limited by the proximity to the children's play area, ground floor windows and is sloping down towards the play area. Its usability is severely limited for future residents. However, these units would have the benefit of the wildlife buffer to the rear. The area to the south of the flat block adjacent to No. 19 Bertie Place will be used as bin and cycle storage.
- 11.73 In relation to potential amenity impact on future residents, there will be an impact on the amenity space for plots 1 - 4 which is balanced against the provision of the wildlife buffer along the Redbridge Stream. The proposals are, therefore, considered to be in broad compliance with Policy H14 and H16 and in compliance with Policy H15 of the Oxford Local Plan 2036.

Crime and Safety

- 11.74 Policy DH1 of the Oxford Local Plan states that planning permission will only be granted for development which creates safe and inclusive environments, places are legible, well-overlooked and not prone to crime, should incorporate principles of natural surveillance and active frontages. Policy DH7 (External Servicing Features and Details) requires careful design of things like refuse storage, plant, cycle parking ensuring they are well integrated and secure
- 11.75 Paragraph 96(b) of the NPPF requires developments to be safe and accessible. It states that "crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion". The NPPF continues in Paragraph 135 to explain that:

"135. Planning policies and decisions should ensure that developments:

..... f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."

Thames Valley Police (TVP) object to the development on a number of grounds:

Location of MUGA

- 11.76 As TVP outline in their objection there is no clear solution to the location of the MUGA. TVP consider the MUGA should not be located on site B due to the lack of surveillance. However, the MUGA on site A is considered by TVP as

'very close to residential properties creating a risk of noise having a negative impact on residents, neighbour disturbances and community tension'. In considering the planning merits of the development, this is balanced against the need of the community for this facility as well as the much needed provision of housing.

- 11.77 The design of the MUGA can mitigate against some of the noise from ball impacts. Suggested conditions are proposed to address the design impacts. However, as outlined in the Noise section above there will be noise and disturbance from general play which cannot be completely mitigated against. A number of management measures are suggested by the TVP which have been included in conditions to control lighting and management so that the MUGA is secured from dusk to dawn.

Turning Head

- 11.78 TVP raise concerns that the turning head will be used for parking and as such will be a constant battle for the local authority. In this case, the site is within a Controlled Parking Zone. As outlined by the applicants *'the turning head is essential to enable safe and efficient manoeuvring of refuse vehicles, delivery vehicles, and emergency services within the site. Its inclusion is a necessary design requirement to ensure operational functionality and compliance with highway standards.'* Cul de sacs with turning heads are common within residential developments. In this case, the site is within a CPZ which would allow parking enforcement either by the applicant (if the road is privately maintained) or by the Council (if publicly maintained) to prevent the concerns raised by TVP. In addition, a condition is proposed to remove the eligibility of the new residents to have car parking permits.

Shared Gardens

- 11.79 TVP raise concerns about the potential conflicts which can arise with shared gardens. Plots 1-4 are the only units with shared garden space. As outlined above the amenity space for these units is compromised by the rear wildlife buffer along the Redbridge Stream. The applicants have responded to the TVP comment with *'Shared gardens are a common feature in similar developments and can foster community interaction, while enabling efficient use of land. We recognise the potential for neighbour disputes and noise but consider that appropriate management and design measures including clear communication with residents can help mitigate these risks. We remain committed to considering any reasonable measures to minimise potential conflicts and ensure the shared garden spaces are safe and enjoyable for all residents.'* In this case, the applicants are aware of the need to manage shared gardens which are not an unusual feature of residential developments. The new units will have a rear outlook over the Redbridge Stream and wildlife buffer zone. The resulting garden space for the units is limited. It is considered that a shared garden is the most appropriate solution to allow each of the units to have access.

Footpath Access

- 11.80 TVP object to maintaining ‘*footpath access into this development from Abingdon Road and Wytham Street creates excessive permeability... opportunities for crime*’. In this case, there is a balance to maintaining the existing access, particularly to the play areas and for cyclists, and the concerns about crime. The applicants have responded:

We recognise that the introduction of housing may increase the sensitivity of these routes; however, the design incorporates several crime prevention measures to mitigate risks, including:

- *Overlooking of path entrances by residential plots to provide natural surveillance*
- *Anticipated regular use of routes during daytime due to leisure and community activity*
- *The lighting scheme on the development will be designed to enhance safety and visibility during darker hours*

While the removal of the footpaths would address the concerns raised, it would significantly reduce connectivity and accessibility, conflicting with planning objectives for sustainable movement and community integration.

- 11.81 Policy SP32 of the OLP pedestrian access states that access to Site A should be provided from Bertie Place and from existing accesses to the north and east. The national cycle network route should be retained through the site. The proposed development meets these policy access requirements.

Footbridge Access and function of Site B

- 11.82 TVP concerns regarding safe access to site B have not been suitably addressed and remain a reason for objection in their opinion for the following reason: ‘*The space has not been activated for legitimate usage and remains at high risk of crime and ASB*’. TVP also raise objections to the ‘*singular access route into and out of site B via a footbridge will be very narrow and constrained, leaving users of this space at greatly increased risk of crime, with no option for escape should they be approached by a hostile actor... this space is very difficult to activate and is highly likely to be a significant attractor for crime and antisocial behaviour.*’ The applicants have responded:

Policy SP32 requires re-provision of recreation space linked to development on Site A. The LPA sought Site B to be opened up for recreation (and placed the MUGA on Site A because of ASB concerns). To address these issues, the detailed design and management approach for Site B includes ensuring that the bridge and approaches are sufficiently wide and unobstructed, with straight alignments where possible and sightlines to reduce perceived enclosure. The planting strategy and habitat management avoids dense planting retaining visibility. Further detailing of the lighting, landscaping and maintenance detail can be secured through a planning condition...

- 11.83 While Officers understand the concerns of TVP, the applicants are correct in that Policy SP32 identifies that Site B will be used to re-provide the recreation ground in the event Site A is redeveloped for housing as set out within said policy. In relation to Site B, it appears to have been used in the past for informal walking both from the existing Redbridge Stream bridge and the

Camping site to the south. Both of these access points have been closed in the last few years which has reduced historic accessibility. However, in planning terms both of these accesses could be reopened without the need for planning permission. The TVP objection is noted, however, it is considered that the replacement bridge and access is an improvement over the historic and current position.

- 11.84 Other points of concern raised by TVP such bin and cycle stores, rear access have been addressed in discussions or in the proposed conditions. Conditions are proposed to ensure that the design of the stores and the overall development meets Secured By Design Standards.
- 11.85 The applicants have considered the views of TVP and responded to the points raised. The TVP points have been balanced against the Local Plan Policy which sets out the details of how the site should be developed and is very clear in this respect. Given the location of Site B there will always be inherent difficulties in bringing it forward and Officers consider that the applicants have gone as far as they can in terms of addressing concerns raised whilst balancing all of the relevant issues set out in this report as well as the much needed affordable housing provision. Importantly the re-provision of space on Site B would necessitate the replacement of the existing footbridge which is considered to be a beneficial improvement over the existing position. In relation to crime and safety, the proposal is considered to be in broad compliance with Policy SP32 and DH1 of the OLP and full compliance, subject to conditions, with Policy DH7. As set out above there are a number of constraints and competing demands in relation to developing the overall site. Officers acknowledge that whilst most have been addressed, a small number the objections from TVP remain but Officers are satisfied these have been considered while ensuring a scheme can come forward which balances all of the issues and providing much needed affordable housing.

Transport

- 11.86 Policy M1 (Sustainable Transport) of the OLP requires developments to prioritise walking, cycling and public transport, reduce reliance on private cars and supports improvements to public transport infrastructure, cycle networks, and pedestrian routes. Policy M2 (Assessing and Managing Development Transport Impacts) requires a Transport Assessment (TA) or Transport Statement (TS) where appropriate to mitigate transport impacts and be safe and suitable for all users.
- 11.87 Policy M3 (Motor Vehicle Parking) of the OLP sets a restrictive, maximum-based parking approach with a strong emphasis on low or zero parking in highly accessible locations and supporting car-free development. Policy M4 (Electric Vehicle Charging Points) requires provision of electric vehicle (EV) charging infrastructure in new development. Policy M5 (Cycle Parking) requires high-quality, secure, and covered cycle parking.
- 11.88 Policy SP32 of the OLP says that pedestrian access to Site A should be provided from Bertie Place and from existing accesses to the north and east.

The national cycle network route should be retained or replaced by a suitable alternative route.

Access

- 11.89 Vehicular access will be provided at the south of the site via Bertie Place. Bertie Place is a quiet residential street and the visibility provided at the access is considered to be adequate by the Highway Authority. The site will be well connected to the local community with pedestrian access being provided via the existing footpaths leading from Abingdon Road and Wytham Street, as well as Bertie Place. Vehicles movements will increase by the change of use from open space to a residential development. The proposed access arrangements are considered suitable by the Highway Authority for the proposals, with vehicle trip rates expected to be low due to the car-free nature of the development.
- 11.90 Whilst the applicant has given details of the route that refuse collection vehicles will take throughout the site, a swept path analysis will need to be submitted to ensure that a 11.6m refuse vehicle can easily manoeuvre around the site and both enter and exit in a forward gear. A condition is proposed to address this point.
- 11.91 The proposal site is in a highly sustainable location, benefitting from being within walking distance of multiple bus stops offering a frequent service and within cycling distance of the city centre. Bus services include routes inside the city to the city centre, Blackbird Leys and John Radcliffe hospital. Redbridge Park and Ride is also within walking distance of the site (approx. 450m south of the site) offering services to employment sites and surrounding towns such as Abingdon, Didcot and Wantage. Considering the above, it is accepted that the site is in a suitable location regarding sustainable transport connectivity and transport sustainability.
- 11.92 The access is in compliance with Policies M1, M2 and SP32 of the Oxford City Local Plan 2036.

Car Parking

- 11.93 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. In all other locations, planning permission will only be granted where the relevant maximum standards set out in Appendix 7.3 are complied with. Disabled parking is considered permissible, where specifically justified.
- 11.94 The site and surrounding streets, including Bertie Place and Wytham Street form part of the extended South Oxford CPZ, which is operational Monday to Saturday 8am to 6.30pm. There are bus stops within 120 metres walking

distance of the centre of the site on the Abingdon Road, which are served by frequent busses to the City Centre, as well as busses to the JR Hospital, Cowley, Abingdon, Didcot and Wantage. The site lies within 800 metres of a shop which would be classed as a supermarket in accordance with Policy M3 of the Oxford Local Plan, this being Tesco on the corner of Abingdon Road and Weirs Lane (200 metres walking distance from the centre of the site). Accounting for the sites location within a CPZ and proximity to bus stops benefitting from frequent services and the close proximity to a supermarket, it would be expected that any development on the site should be car free. In this case, a car-free development is proposed with the exception of car club bays. In order to ensure that the site remains car free a condition is proposed to secure measures to prevent parking on the grass verge areas and to ensure the car-free status remains.

- 11.95 In accordance with Policy M4 of the Oxford Local Plan, the car club parking spaces shall be fitted with electric vehicle charging points. This requirement should be secured by planning condition.
- 11.96 Subject to the suggested conditions the development complies with Policies M3 and M4 of the Oxford City Local Plan 2026.

Cycle Parking

- 11.97 Cycle parking will be required for all residential dwellings in accordance with the Councils minimum standards outlined under Policy M5 of the Oxford Local Plan. The applicant has demonstrated that each dwelling will be provided with a secure cycle store. Each store is in a suitable location, however more details will need to be provided of the appearance/construction/security of the stores and the number of spaces provided for the flats/apartments at the site, ensuring the number of spaces provided meets the cycle parking standards included within Policy M5 of the OLP. A condition is suggested to address this as Officers are satisfied this can be accommodated on site.

Pedestrian and Cycle Access

- 11.98 The existing cycle path through Bertie Place forms part of National Cycle Route 5 which provides a lower traffic route for cyclists from the south to the City Centre. The proposals would retain a clear, straight and unobstructed route through the site between Bertie Place and Wytham Street. As the development would be car free it would remain as a quiet route for pedestrians and cyclists. The existing pedestrian access between the site and the Abingdon Road to the north east would be retained, which is important as this provides a more direct route to the nearby bus stops and the Tesco store on the Abingdon Road.
- 11.99 Access is proposed to Site B via a proposed path to the north of the proposed MUGA. A new bridge is detailed over the adjoining stream as the existing bridge is narrow and inaccessible for certain users. It is noted that the subtext to Site Policy SP32 states that the new recreation ground on Site B should include the provision of pedestrian links from both Bertie Place and Wytham Street via John Towle Close. The application proposes a single point of

access from Site A and does not provide any further access via John Towle Close or Wytham Street. John Towle Close is privately owned and it is understood that the applicants had approached the landowner regarding a proposal to create access from John Towle Close, however access could not be negotiated as the landowner was not in favour of permitting access through their land. The replacement footbridge is an improved design over the existing. A condition is proposed to ensure that the footbridge is in place when it is required to allow access to Site B and while not providing multiple access points into Site B, the proposals represent betterment over the existing situation on site and Officers are satisfied with this.

11.100 In relation to pedestrian and cycle access, the proposals are considered to be in broad compliance with Policy SP32 of the OLP.

Ecology / Biodiversity

11.101 Policy G2 of the OLP states that development that results in a net loss of sites and species of ecological value will not be permitted. Compensation and mitigation measures must offset any 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. Offsetting measures are likely to include identification of appropriate off-site locations/projects for improvement, which should be within the relevant Conservation Target Area if appropriate, or within the locality of the site. When assessing whether a site is suitable for compensation, consideration will be given to the access, enjoyment and connection to nature that the biodiversity site to be lost has brought to a locality. A management and monitoring plan might be required for larger sites. The calculation should be applied to the whole site.

11.102 Policy G1 of the Emerging Local Plan 2036 has a similar approach to existing Local Plan Policy G2 and therefore has limited weight at this time.

11.103 All species of bats and their roosts are protected under the Wildlife and Countryside Act 1981 and The Conservation of Habitats and Species Regulations 2017 (as amended). All wild birds, their nests and young are protected under The Wildlife and Countryside Act 1981 (as amended).

11.104 Policy SP32 of the OLP sets out that there should be no adverse impacts on the Iffley Mead SSSI. The policy continues that a biodiversity survey will be expected to assess the biodiversity value of the site due to the potential for slow worms and Lizards.

11.105 Paragraph 187 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures and incorporating features which support priority or threatened species.

- 11.106 The statutory protection provided to the Iffley Mead SSSI under the Countryside and Rights of Way Act (2000) and Wildlife and Countryside Act (1981) particularly with respect to a public body carrying out or authorising operations likely to damage an SSSI, failing to minimise any damage to an SSSI and if there is any damage, failing to restore it to its former state so far as is reasonably practical and possible, or any person intentionally or recklessly damaging, destroying or disturbing any of the habitats or features of an SSSI.
- 11.107 Ecological survey work has been undertaken on the site. Whilst some of the work is now outdated, with surveys undertaken in relation to bat activity, great crested newts and reptiles undertaken in 2020. However, the project does look to undertake habitat creation works that in 2022 under national guidance are unlikely to have changed, and these results are therefore likely to be valid. Species more likely to have moved into or changed their use of the site, including badger, water vole and otter, were also subject to updates in 2022. The surveys showed no adverse impacts on the Iffley Mead SSSI, slow worms or lizards. Therefore no new ecological surveys are required.
- 11.108 Mitigation and measures have also been refreshed during the course of the application as have constraints and suitable mitigation measures recommended in the Ecological Appraisal. Given that reptile presence was limited to Site B and development proposals for this site comprise predominantly landscaping and habitat enhancement, it is not anticipated that reptiles within the vicinity will be displaced. The incorporation of areas of scrub and grassland with the potential to provide refugia for reptiles will benefit this species group. Mitigation measures include for nesting birds works outside of the core nesting season. The area has potential for foraging bats. Site B will receive habitat enhancements which will increase the heterogeneity of habitats, providing an improved foraging resource for bats. Given the current limited bat potential within the site, the incorporation of bat boxes in Site A and planting to attract nocturnal insects within the design will result in an increase in bat value for the site. Further details of the proposed specifications, locations, and management for the proposed bird and bat boxes can be addressed by the suggested planning condition.
- 11.109 Several invasive non-native plant species have been recorded within the site. South of Site B contains Japanese knotweed, with Himalayan balsam recorded around the boundary. This is an offence under Section 14 of the Wildlife & Countryside Act 1981 (as amended), and the applicant is to produce a clear method statement and schedule (Part 3) of the Act. This includes identifying the extent of the plant (via updated surveys), the means by which it can be managed/eradicated, and ensuring that no further spread can occur. In addition, Russian Vine and cotoneaster have been recorded on the site. It is important that both are managed and prevented from spreading. There will be a separate requirement for a Biosecurity Risk Assessment to be provided in accordance with Bat Conservation Trust guidance. Himalayan balsam has also been recorded within the site. A full Invasive Non-Native Species method statement will be secured through a planning condition.

- 11.110 It should be noted that this planning application was submitted before the statutory Biodiversity Net Gain came into force. Therefore the relevant consideration is the 5% biodiversity net gain set out in Policy G2 of the OLP. The updated Biodiversity Net Gain Report and statutory metric is welcomed (Ecology by Design, July 2025).
- 11.112 The metric demonstrates a projected 8.19% increase in area habitat units. This is above the Policy requirement of 5%. No increase in units is projected for watercourse units as part of the development. It is noted that *“Since achieving a net gain is not feasible on site, offsite compensation must be secured to achieve a net gain as part of the development proposals. A financial contribution must be made to an appropriate offset provider for the following units:*
- *0.17 habitat units of any distinctiveness; and*
 - *0.10 watercourse units to be provided by any watercourse habitat creation.*
- The financial offset will need to be secured, e.g. as a pre-commencement condition.*
- It is suggested that the delivery of offsite units should be secured through a planning condition.
- 11.113 Subject to conditions and informatives the proposals accord with Policy G1, G2 and SP32 of the Oxford Local Plan 2036, the NPPF, The Conservation of Habitats and Species Regulations 2017 (as amended), Wildlife and Countryside Act 1981 (as amended), and Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).

Flooding and Drainage

- 11.114 Policy RE3 of the Oxford Local Plan 2036 states that planning permission will not be granted for development in Flood zone 3b except where it is for water-compatible uses or essential infrastructure; or where it is on previously developed land, and it will represent an improvement for the existing situation in terms of flood risk. Development will not be permitted that will lead to increased flood risk elsewhere, or where the occupants will not be safe from flooding.
- 11.115 Policy G7 of the Emerging Local Plan 2045 broadly follows the same approach to the existing Local Plan Policy RE3 and is therefore given limited weight at this time.
- 11.116 Policy RE4 of the Oxford Local Plan 2036 states that all development proposals will be required to manage surface water through Sustainable Drainage Systems (SuDS) or techniques to limit run-off and reduce the existing rate of run-off on previously developed sites. Surface water runoff should be managed as close to its source as possible, in line with the drainage hierarchy outlined in the policy. Applicants must demonstrate that they have had regard to the SuDS Design and Evaluation Guide SPD/ TAN for minor development and Oxfordshire County Council guidance for major development.

11.117 Policy R5 of the Emerging Local Plan 2045 requires developments that utilises water supplies prudently and protects water quality and to demonstrate compliance with the policy through a water awareness statement. In regard to drainage, the policy seeks to separate foul and surface water drainage with no surface water from new development to be discharged to the public foul or combined sewer system. This policy is given little weight at this time.

Flooding

11.118 The NPPF (para's 161-164, 170) sets out to avoid inappropriate development in areas at risk of flooding, direct development to areas of lowest risk and ensure development is safe for its lifetime and does not increase flood risk elsewhere.

11.119 The NPPF (para's 175-176) requires a sequential, risk-based approach to the location of development. Development should be directed to areas at lowest risk of flooding and should not increase flood risk elsewhere. Where development is necessary in areas at risk of flooding, it must be demonstrated through a site-specific Flood Risk Assessment that the development will be safe for its lifetime, taking account of climate change.

11.120 Paragraph 172 of the NPPF states that:

All (Local) plans should apply a sequential, risk-based approach to the location of development – taking into account all sources of flood risk and the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by:

a) applying the sequential test and then, if necessary, the exception test

11.121 The NPPF continues:

Where planning applications come forward on sites allocated in the development plan through the sequential test, applicants need not apply the sequential test again. However, the exception test may need to be reapplied if relevant aspects of the proposal had not been considered when the test was applied at the plan-making stage, or if more recent information about existing or potential flood risk should be taken into account.

11.122 Redbridge Stream on the western boundary of the site is classified by the Environment Agency (EA) as a main river. The western part and children's play area, centre of the site and northern boundary of site A are in Flood Zone 2. Some parts of the northern boundary are in Flood Zones 3a and 3b. The area alongside Redbridge Stream is in Flood Zone 3a. The existing access road (Bertie Place) is in Flood Zone 2 with parts being in Flood Zone 3a. Site B is in Flood Zones 2, 3a and 3b. Redbridge Stream, Bertie Place and the centre of site A are shown as at risk from surface water flooding. In summary, Flood Zone 2 = medium risk and Flood Zone 3 = high risk of flooding. Flood Zone 3 is split into:

Zone 3a (high probability of flooding)

Zone 3b (functional floodplain)

11.123 Policy G7 (Flood Risk) of the OLP states directs development to areas of lowest flood risk, Requires application of the sequential (and where needed, exception) test. It sets out that development must:

11.10 be safe for its lifetime

11.11 not increase flood risk elsewhere

11.12 where possible, reduce flood risk overall

11.124 Policy SP32 of the OLP states that a comprehensive Flood Risk Management Strategy should be produced in support of the Flood Risk Assessment for this site. The Flood Risk Management Strategy should be developed in consultation with Category 1 organisations as defined by the Civil Contingencies Act 2004. The supporting text to Policy SP32 Residential development at this site in Flood Zone 3a has been justified through the sequential test.

11.125 The supporting text to Policy SP32 continues:

...additional mitigation and/ or analysis may be required to demonstrate compliance with the Exception Test at the planning application stage. This is to be undertaken through a site-specific FRA supporting the planning application. The site-specific flood risk assessment must demonstrate how the development will be safe otherwise planning permission will not be granted. It is recognised that the FRA may not be able to demonstrate a dry risk/ very low hazard rating route to dry land. Therefore in order to achieve safe access and/ or egress for this site to satisfy the Exception Test there may be a greater reliance on on-site measures, emergency planning, and evacuation procedures alongside offsite mitigation to ensure that it is safe for its lifetime taking account of the vulnerability of its users without increasing the burden on emergency services . Development should be made safe by mitigating the potential impacts of development through design and resilient construction measures. It should be designed and constructed such that the health and welfare of people is appropriately managed

11.126 In their representations concern have been raised by local residents in relation to the flooding assessment when the site was allocated in the OLP. In the Planning Inspectors letter on the Oxford Local Plan 2036 the Inspector stated:

112. Policy RE3: Flood Risk Management sets out the Council's policy on this subject, which has been developed in consultation with the Environment Agency and is supported evidentially by the Oxford City Strategic Flood Risk Assessment Level 1 (2017). New development is first and foremost directed to areas of low flood risk (Flood Zone 1). However, the flood risk assessment concludes that a considerable proportion of Oxford is at some risk of fluvial flooding, so the policy seeks Site Specific Flood Risk Assessments in appropriate locations.

113. Large parts of the built up areas of South and West Oxford are in Flood Zone 3, and much existing development is located in Zone 3b which carries a

high risk of flooding. It is important to make the most of urban land in sustainable locations, so the plan allows for development on previously developed land in Zone 3b provided it improves the flood risk situation, and also allows for minor householder extensions on a case-by-case basis...

- 11.127 It is considered that a suitable sequential test was carried out at Local Plan Allocation Stage. In addition, the Planning Inspector in considering the Local Plan allocation did take into account the flood risk within Oxford.
- 11.128 Since the Local Plan was adopted the EA have produced new flood risk maps including surface risks. These have been taken into consideration during this planning application. The scheme does not include any new built form within Flood Zone 3b. Proposed development within Flood Zone 3a is limited to paths, the footbridge, MUGA and children's play area. The existing ground levels around the new footbridge ramp (on site A), new MUGA and Children's Play Area will be reduced from some 56.2m / 56.4m AOD to 56.1m AOD to provide additional flood compensatory flood plain. The modelled water levels in the Redbridge Stream adjacent to the site suggest inundation of the MUGA and playground areas will currently occur somewhere between the 1 in 50 (2%) and 1 in 75 (1.33%) events. The FRA concludes that there will be no change to the flood frequency of the site. An area in the centre of the site and under plots 1-4 will be increased in height from some 56.2m / 56.3m AOD to 56.4m AOD. Conditions are suggested by the EA to ensure that the as-built development is completed in accordance with the flood risk assessment.
- 11.129 Detailed comments have been received from the Environment Agency who have withdrawn their previous objections to the scheme subject to a number of conditions which are included in the recommendation.
- 11.130 The submitted FRA suggests that flood warning and evacuations plans are produced for Site A and Site B in order to manage the residual risk to site users. An outline plan has been developed but submissions indicate that this should be developed further by the site owner/management entity. As outlined in the supporting text to Policy SP32 and the neighbours, many of the roads in the vicinity of this site including parts of Abingdon Road are in Flood Zone 3b. The submitted Evacuation Plan needs to take into account potentially vulnerable residents and reviewed regularly. Notwithstanding the submitted plan a condition is suggested to secure a more detailed flood warning and evacuations plan for the development.
- 11.131 The NPPF states that having applied the sequential test, if it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. In this case, parts of the development will be within Flood Zone 2 albeit some ground modelling is proposed in these areas. To pass the exception test it should be demonstrated that:
- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and*
 - b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.*

11.132 This development falls within the classification of 'more vulnerable'. As such the development needs to address a). This is covered in the planning balance section of the report. It is considered that the FRA and design of the development demonstrates that criteria b) is met.

Drainage

11.133 The NPPF sets out that applications which could affect drainage on or around the site should incorporate sustainable drainage systems to control flow rates and reduce volumes of runoff, and which are proportionate to the nature and scale of the proposal. These should provide multifunctional benefits wherever possible, through facilitating improvements in water quality and biodiversity, as well as benefits for amenity. The application has been supported by a Drainage Strategy. No objections have been received to this from the Environment Agency. Conditions are proposed to ensure the detailed implementation and improvements to biodiversity through a wildlife buffer zone adjacent to Redbridge Stream.

11.134 In relation to flooding and drainage, it is considered that the development has demonstrated that flood risk is not increased elsewhere and has been supported by a site-specific flood-risk assessment. It is considered that the development:

- a) has shown within the site, the most vulnerable development (homes) are located in areas of lowest flood risk;
- b) FRA shows that the homes are appropriately flood resistant and resilient;
- c) it incorporates sustainable drainage systems;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate/possible, subject to the submission of a more detailed emergency plan.

11.135 In relation to flooding and drainage, subject to the suggested conditions, the development is in accordance with Policies RE3, RE4, G7 and SP32 of the OLP and the NPPF.

Land Quality

11.136 Policy RE1 (Sustainable Design and Construction) of the OLP requires development to consider environmental constraints, including land contamination. Proposals must ensure sites are suitable for their intended use, including any necessary remediation of contamination. Policy RE2 (Efficient Use of Land) encourages reuse of previously developed (brownfield) land. Policy RE4 (Flood Risk Management) requires assessment of ground conditions where relevant. Contaminated land in flood zones can present pollution risks, so mitigation may be required. Policy RE9 sets out to ensure that land affected by contamination or poor ground conditions is made safe and suitable for its proposed use.

11.137 A Phase 1 and 2 Geo-Environmental Report has been submitted, which provides an assessment of contamination risks present on the site. The assessment identified potential sources of contamination on both Sites A and

B. On Site A potential risks have been identified with regards to metals and Polycyclic Aromatic Hydrocarbons (PAH). On Site B potential risks have been identified with regards to metals, Polycyclic Aromatic Hydrocarbons and asbestos.

11.138 In respect of Site A, the assessment advises that potential remediation options such as pathway breaks (buildings/hard surfaces) and/or clean cover in gardens and landscaping is likely to be required to mitigate risks to end users. The current ground levels on Site A run from some 53.4m AOD along Redbridge Stream, an average of some 56m AOD on the east side at the stream bank to 57m AOD along the rear boundary of gardens in Abingdon Road. As outlined above, the proposal is to reduce the existing levels of the site in the area of the MUGA and Children's Play Area for flood compensation. The landscaping and garden areas of the homes would be reduced in level and clean soil imported. The finished levels across the site will remain similar to existing (except for those areas subject to flood compensatory works).

11.139 Site B would not be used for residential purposes, and the proposals relate principally to landscaping works. However, accounting for contamination risks on this site, the remediation strategy is anticipated to be similar to Site A, as there will be public use of the site. The current ground levels on site B are around 55.8m AOD to 56.1m AOD. These would remain unchanged.

11.140 The submitted Phase 1 and 2 Geo-Environmental Report and Summary suggest that further ground investigation work is carried out at Site A, in particular, due to the relative paucity of data relating to groundwater risk and made ground contamination at this location. The updated information can be utilised to refine the proposed remedial options for the site and produce a formal remedial strategy. The remedial strategy will need to detail the measures to be undertaken to mitigate all potentially significant contamination risks identified to render the site suitable for use.

11.141 Subject to further intrusive investigation to establish the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals and the presentation of an acceptable remediation strategy, measures which would be secured by condition, it is considered that contamination risks can be appropriately managed in accordance with Policies RE1, RE2, RE4 and RE9 of the Oxford Local Plan.

Trees

11.142 NPPF sets out that 'Trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change'. It goes on to say that "*Planning policies and decisions should contribute to and enhance the natural and local environment by: ... b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services including the economic and other benefits of ... trees and woodland*".

11.143 Local Plan Policy G7 (Protection of existing Green Infrastructure features) will not grant planning permission 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. Trees should be retained unless not feasible and if they are lost the loss must be mitigated for by on-site with replacement tree canopy cover. If that is not possible other onsite mitigation measures will need to be provided. Oxford City Council Technical Advice Note (TAN) 9 – Green Spaces in support of G7 identifies that a Major application such as this must be supported by a Tree Canopy Cover Assessment Study (TCCAS), and that there should be no net loss in tree canopy cover associated with development, comparing a baseline + 25 years against a development scenario + 25 years.

11.144 No Tree Preservation Orders or Conservation Area designations apply to the site.

11.145 A significant immediate loss of trees (in number and canopy cover percentage terms) is associated with Site (A) proposals, with a less significant/minor impact to trees (in number and canopy cover percentage terms) associated with the proposals for the recreational site B.

11.146 The rationale for the proposed tree losses is related directly to layout conflicts with proposed housing units or spatial inappropriate juxtaposition with proposed private amenity space. There is no significant tree loss proposed for Site B, and new additional planting proposed as part of land remediation of land contamination risks.

Landscaping Proposals - Trees:

11.147 The trees on Site A provide attractive mature landscape features in views from the recreation area, and they provide residents to the north, east and south of the site with an intermittent visual screen from Bertie Park. A significant immediate loss of trees (in number and canopy cover percentage terms) is associated with the Site A proposals. The Arboricultural Impact Assessment (AIA) outlines landscape proposals to mitigate the loss of 17 individual trees by planting 42 new trees, as well as specimen shrubs and hedges as part of the proposed landscape design.

11.148 Due to the proposed footbridge an additional tree, T35- willow, and a tree within a group G60-1 – field maple, will be lost to development. The willow tree (T35) is large but of Low individual quality, and the field maple is of Moderate quality but relatively small and part of a wider group. The Flood Addendum shows slight ground reduction for flood compensatory water storage for the footbridge inside the root protection area of the retained trees. This would be detrimental to the health of the retained trees. A condition is suggested to ensure the flood storage works take place elsewhere. Subject to the suggested condition, this additional impact is not considered significant.

11.149 The majority of new specimen trees will all be located within Site A; Species including Tulip Tree (*Liriodendron tulipifera*), Turkish Hazel (*Corylus colurna*), Fastigiate Beech (*Carpinus betulus* 'Frans Fontaine') and Magnolia (*kobus*)

will be planted in suitable locations within the streetscape, while additional more naturalised species including Whitebeam (*Sorbus aria*), Silver Birch (*Betula pendula*) and Pedunculate Oak (*Quercus robur*) are proposed in the peripheries of Site A and within Site B. The applicants have submitted detailed landscape proposals, which demonstrate the proposals as feasible.

- 11.150 Some of the development will be carried out within the root protection areas of some of the existing trees. Proposals for building foundations, and new paving inside the Root Protection Areas (RPAs) of trees T11, T12 and T13 will encroach into between 3.3% and 9.4% of their RPAs. These incursions are unlikely to significantly impact or cause disturbance to the trees, subject to appropriate controls under the Arboricultural Management Scheme (AMS). Proposals for a new permeable play surface for the proposed children's play area inside the RPA of T29 will encroach by 4.0%. These incursions are unlikely to significantly impact or cause disturbance to the trees.
- 11.151 Proposed new self-bound gravel footpaths, bridge footings and construction activity inside the RPAs of trees T27, T28 T32, T33, T36, T37, TG60-01, TG60-4 and T62 are considered unlikely to significantly impact their structural or physiological condition. Some minor facilitation pruning works for T18-01 will be necessary to facilitate proposed construction works and future site usage.

Tree Canopy Cover Assessment:

- 11.152 A supplementary Canopy Cover Assessment Report has been produced by the applicant to assess the predicted canopy growth of proposed new planting against trees requiring removal to facilitate development in compliance with Oxford City Council Planning Policy (G7) and Technical Advisory Note (TAN) 9. Based on this assessment, it is predicted that the total canopy area loss necessary to facilitate development will be mitigated proposed tree planting within the period of 25 years. It is predicted that the total canopy area loss necessary to facilitate development will be mitigated by the proposed planting of 50 new trees on Site A and Site B as part of landscaping proposals. The new canopy cover as a result of the scheme is predicted to provide an overall gain of 5% from new planting over the existing arboricultural features to be removed.
- 11.153 The total canopy cover increase across the site has been calculated as the proposed new canopy cover minus the predicted canopy cover of trees to be removed, the results of which are as follows:
- 11.154 The total canopy cover lost will be some 1024m². After 25 years the total proposed canopy cover is estimated to be 1076m²; i.e. a 5% increase. Based on these figures, proposed tree planting on the site as assessed by Year 25 will provide and qualify as No-Net-Loss, as set out as a requirement of TAN9 Appendix 1 (Pre October 2025 version).

Trees and Remediation Measures

- 11.155 As outlined in the Land Quality section of the report above both Sites A and B are showing levels of contamination from previous uses and Site A needs remediation measures before construction of the development. The Arboricultural Impact Assessment (AIA) indicates remediation mitigation works within the Root Protection Areas (RPAs) of trees T5, T6, T7, T8, T11, T12 and T13. The works have been designed to reduce potential long term arboricultural impacts by proposing a no-dig, above ground system. The trees themselves will be safeguarded from the remediation works by new surfacing and a 1.7m high timber fence. The new surface will be permeable to water and will be supplied air to the subsurface using breather tubes allowing for root system respiration. Bare ground adjacent to the trees will be covered by a suitable grid to allow water to penetrate the roots.
- 11.156 In Site B, where overgrown vegetation and mature trees are present, these will be preserved and increased as part of the development's landscape management plan. This approach minimises potential disturbance to tree root zones but also ensures that natural barriers remain in place, further reducing the potential for direct contact or dust emission exposure pathways. To further enhance this natural barrier, additional planting of brambles is proposed in selected areas to reinforce the effectiveness of the vegetative cover and further restrict access to Site B other than the pathway.
- 11.157 In summary, the rationale for the proposed tree losses is related directly to layout conflicts with proposed housing units or spatial inappropriate juxtaposition with proposed private amenity space. There is no significant tree loss proposed for Site B, and new additional planting is proposed as part of land remediation of land contamination risks. New tree planting is proposed to be secured by planning condition.
- 11.158 Subject to the suggested conditions, the development is therefore considered to be in compliance with the NPPF and Policy G7 of the Oxford Local Plan 2036.

Air Quality

- 11.159 Policy RE6 of the Oxford Local Plan requires development to protect and improve air quality, ensuring proposals do not worsen pollution and do not expose people to harmful air conditions. Schemes must minimise emissions and, where necessary, provide mitigation and supporting assessments.
- 11.160 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). The applicant submitted air quality baseline desk assessment shows that current air quality levels at the application site are quite below relevant air quality objectives for NO₂, PM₁₀ and PM_{2.5} concentrations. Therefore, the location of the application site is considered suitable for its intended use - the introduction of future residents (new receptors) without mitigation.

- 11.161 The energy strategy for the proposed development will be all-electric. The proposed development will be provided with heating, cooling and hot water via an all-electric system comprising air-source heat pumps and photovoltaic panels. As such, there will be no emission associated with energy provision.
- 11.162 It is anticipated that the proposed development would not result in a change of Heavy-Duty Vehicles HDV flows of more than 25 annual average daily traffic (AADT). As such, potential air quality impacts associated with the construction phase road vehicle exhaust emissions are expected to be negligible, in accordance with the Institute of Air Quality Management (IAQM) & Environmental Protection UK (EPUK) guidance screening criteria. Construction vehicle emissions have therefore not been considered further in the assessment.
- 11.163 The impacts of demolition and construction work on dust soiling and ambient fine particulate matter concentrations have been assessed on the Air Quality (AQ) Assessment. A construction dust risk assessment was undertaken in accordance with the IAQM construction dust guidance. The outcome of the assessment determined that the proposed development is a medium risk for air quality impacts from construction and track out and a high risk for air quality impacts from earthworks. Relevant mitigation measures have been proposed in accordance with the IAQM construction dust guidance. Assuming the relevant mitigation measures outlined in the site's AQA are included within the site's construction management plan for implementation, the residual effects from all dust-generating activities are predicted to be negligible. This is suggested to be secured by a planning condition.
- 11.164 The proposed development is in a Controlled Parking Zone. In line with policy, the proposed development will be car-free with limited parking. Due to the limited parking facilities, the change in AADT from the traffic data assessment during operation does not meet the above screening criteria. Therefore, air quality modelling of vehicle emissions as per the IAQM and EPUK guidance is not required and operational air quality impacts from traffic are considered to be negligible.
- 11.165 Subject to the suggested conditions, the proposals are considered to be in accordance with Policy RE6 of the Oxford Local Plan.

Health Impact Assessment

- 11.166 Policy RE5 of the Oxford Local Plan states that Oxford seeks to promote strong vibrant and healthy communities. For major development proposals, the Council will require a Health Impact Assessment to be submitted, which should include details of implementation, and monitoring. A Health Impact Assessment (HIA) has been submitted.
- 11.167 Inclusive design has been considered both internally and externally throughout the scheme with wheelchair accessibility and flexibility available, considerations has been given to air quality and noise through submitted assessments, the site is in a sustainable location and does not promote additional car use, the development involves sustainable construction

techniques and renewal energy and therefore demonstrates where applicable that the development promotes health and wellbeing.

11.168 The proposed development is considered to be in accordance with policy RE5 of the OLP 2036.

Utilities

11.169 Policy V8 of the Oxford Local Plan 2036 requires there to be adequate capacity in utility networks to support the development. The applicants have submitted a utilities statement which had adequately considered the utilities provision to the site and no significant issues are envisioned. Thames Water have received two consultations on the application, and no concerns have been received. On this basis the proposal is considered acceptable in relation to policy V8 of the Oxford Local Plan 2036.

Best Interests of the Child

11.170 Article 3.1 of the United Nations Convention on the Rights of the Child provides that “In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration”.

11.171 Article 3 and the Children Act 2004 principle of the ‘best interests’ of the child are accepted that in planning decisions concerning children. Planning case law says that their best interests must be of primary importance, and that planning decisions ought to have regard to that principle. As outlined in the above report the play, safety and welfare needs of children, have been carefully considered. In light of the mitigation through the use of planning conditions, it is not considered that the impacts of the proposal on children would warrant the refusal of planning permission. The mitigation of any potential impacts can be dealt with by the suggested planning conditions proposed to safeguard needs of children.

11.172 Impacts on children through the reduction/loss of the open space and play areas have been identified within the representations received from local residents. There will be an impact on local children and young people by the loss / reduction of these facilities. As outlined in the planning balance section of the report below this is balanced against the provision of new affordable housing some of which is aimed at families.

12. CONCLUSION AND PLANNING BALANCE

12.1 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.

- 12.2 The NPPF recognises the need to take decisions in accordance with Section 38 (6) but also makes clear that it is a material consideration in the determination of any planning application (paragraph 2). The main aim of the NPPF is to deliver sustainable development, with paragraph 11 the key principle for achieving this aim. The NPPF also goes on to state that development plan policies should be given due weight depending on their consistency with the aims and objectives of the Framework. The relevant development plan policies are considered to be consistent with the NPPF.
- 12.3 As the Council cannot demonstrate a five year supply of housing, paragraph 11(d) of the Framework indicates that planning permission should be granted unless: (i) the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or (ii) any adverse impacts of doing so significantly and demonstrably outweigh the benefits, when assessed against policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination. In this case Officers would advise Members and as has been demonstrated within this report i) does not apply here as there are no strong reasons for refusal arising from the application of policies in the Framework that protect assets of particular importance. Therefore ii) applies in this case and as such the assessment is whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits.

Compliance with development plan policies

- 12.4 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.
- 12.5 In summary the proposed scheme, is complex, with a number of competing issues. The applicants have amended the scheme in response to a number of technical concerns from consultees. This has resulted in positive responses from the majority of the technical consultees in the last rounds of consultations. The outstanding concerns arise from Thames Valley Police and the local residents. As outlined in the above report, some of these objections relate to the principles set out in adopted Policy SP32 of the Oxford Local Plan 2036. In some cases, it has not been possible for the applicants to find a solution which works with the delivery of the site for affordable housing. After weighing all the representations and material considerations, considered as a whole, the scheme is considered to be in accordance with the National Planning Policy Framework and the Oxford Local Plan 2036 as a whole.
- 12.6 Whilst the housing policies which are important for determining this application are out of date by virtue of the absence of a 5-year housing land supply, that does not mean the policies carry no weight. The weight attached to the development plan policies is a matter for the decision maker(s).

12.7 The benefits and disbenefits associated with the application are:

12.8 Economic Benefit:

- Provision of construction jobs - is given limited positive weight

12.9 Social Benefit:

- Provision of 100% affordable housing - is given very substantial weight
- Provision of 31 new homes - is given substantial weight

Social Disbenefit:

- Reduction/loss in recreation space. Loss of space for ball games and reduction in the size of the MUGA/Children's play area - is given substantial weight
- Potential for increased crime and anti-social behaviour - is given significant weight

12.10 Environmental Benefit:

- Construction of a replacement footbridge - is given significant weight
- Improved biodiversity measures - is given moderate weight
- Provision of a wildlife buffer zone along the Redbridge Stream - is given moderate weight
- Provision of Site B for informal public open space - is given limited weight

Environmental Disbenefit:

- Overlooking, noise and disturbance to existing and new residents - is given significant weight
- Loss of existing trees - is given moderate weight

12.11 All other material planning consideration matters where no harm has been identified are neutral in the planning balance. When taking all of the above into consideration, overall, it is considered and has been demonstrated that the benefits would outweigh the harms of the scheme as outlined above.

Material considerations

12.12 The principal material considerations which arise are addressed above, and follow the analysis set out in earlier sections of this report.

12.13 Officers consider that the proposed application would accord with the overall aims and objectives of the NPPF for the reasons set out in 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.

12.14 Officers would advise members that, having considered the application carefully, including all representations made with respect to the application,

the proposal are considered to be acceptable, when read as a whole, in terms of the aims and objectives of the National Planning Policy Framework, and on balance against the relevant policies of the Oxford Local Plan 2036, and that there are no material considerations that would outweigh these policies. In particular when applying the tilted balance set out in 11 (d) of the NPPF, Officers consider and would advise Members that planning permission should be granted because there are no policies in the Framework that protect areas or assets of particular importance that provide a strong reason for refusal and furthermore when applying ii) which applies in this case, the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits as set out in fully in this report.

12.15 It is 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 as set out in paragraph 3.2 and the following suggested planning conditions.

13. CONDITIONS

Time

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

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

Approved Plans

2. The development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the Local Planning Authority.

D00	REV D	Location Plan
D27	REV X	Site layout
D40	REV G	Proposed street scenes
D901	REV M	Landscape plan
D903	REV I	Landscape plan-site b.
D902	REV E	Play area proposals
D904	REV B	Boundary Treatment Plan
D953		Section Arrangments - Section FF', GG' & II'
D110	REV J	Housetypes 3b
D109	REV K	Housetypes 3a
D107	REV J	Housetypes 1a1 and 1b1
D106	REV K	Housetypes 2b
D105	REV K	Housetypes 2a
D104	REV K	Housetypes 1c1
D103	REV K	Housetypes 1c
D102	REV J	Housetypes 1a, 1b, 1d, 2d

D101 REV H	Housetypes 1a, 1b, 1d, 2d plans
5028222-rdg-xx-xx-d-s-212500-p01	Bridge sections sheet 1
5028222-rdg-xx-fn-d-s-010905-p01	Foundation general arrangement
5028222-rdg-xx-00-d-s-011000-p01	Ground general arrangement

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

Conditions – Pre-Commencement

Buffer Zone

3. No development shall take place until a scheme for the provision and long-term management of a minimum-10-metre-wide buffer zone alongside the Redbridge Stream has been submitted to and approved in writing by the Local Planning Authority. Notwithstanding the submitted plans, the buffer zone shall be measured from the top of bank, defined as the point at which the bank level meets the surrounding land level, and shall be kept free from built development, footpaths, formal landscaping and earthworks excluding the footbridge, multi-use games area and children's playarea. Thereafter, the development shall be carried out in accordance with the approved scheme. Any subsequent variations shall be submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with the amended scheme as approved.

The scheme shall:

- Be free from any lighting (cowlings should be used where appropriate to redirect light away from buffer zone), footpaths, formal landscaping or earthworks.
- Include scaled plans showing the extent and layout of the buffer zone. The minimum buffer provision should be measured from the top of the bank (where the bank meets the surrounding level of ground).
- Show/detail any proposed buffer zone protection measures (this could include physical fencing or directed hedge planting).
- Provide details of any proposed planting scheme within the buffer zone (these must be UK native species only, ideally of local provenance and include additional planting to the rear of 114, 116 and 118 Wytham Street).
- State how the buffer will be managed over the longer term (i.e., vegetation management) including adequate financial provision, management operations and schedule and named responsible body.

Reason: Land alongside watercourses is particularly valuable for wildlife and it is essential that it is protected in accordance with Article 10 of the Habitats Directive, NPPF and Policy G2 of the Oxford Local Plan 2036. Networks of undeveloped buffer zones help wildlife adapt to climate change and will help restore watercourses to a more natural state as required by the river basin management plan.

Landscape and Ecological Management Plan

4. No development shall take place until a landscape and ecological management plan (LEMP), including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas including the footbridge has been submitted to and approved in writing by the Local Planning Authority. The landscape and ecological management plan shall be carried out as approved and any subsequent variations shall be agreed in writing beforehand by the Local Planning Authority.

The LEMP shall include:

- Details of any habitat enhancements on site (i.e., angled trees, deadwood, canopy thinning along watercourse corridor planting).
- Details of any new habitat created on site (i.e., wetland creation).
- Details of how the waterbodies, watercourses, drainage network and the surrounding landscaped areas of the site will be managed over the longer term. This should include:
 - Maintenance techniques and methods
 - Long-term design objectives
 - Management objectives
 - Maintenance schedules and timing
 - Adequate financial provision
 - Named body responsible for management
- Details of how the waterbodies, watercourses and the surrounding landscaped areas of the site will be protected during the construction phase of the development, i.e. a Construction Environmental Management Plan (CEMP) which assesses potential environmental risks to the ecological receptors (i.e., the receiving watercourse and associated riparian habitats) and details protection measures to be implemented. This should include:
 - Demolition and removal plans of the existing bridge
 - Plans for and timings of pre-commencement surveys to ensure absence of protected species in construction areas prior to any on-site mobilisation. This is a particular risk with water vole who are known to be present on site and who may colonise/recolonise areas prior to the commencement of works.
 - The measures to be used to physically protect the buffer zone during construction e.g. fencing.
 - Any necessary pollution protection methods, particularly for dust, silt/sediment and other harmful substances such as oil that could otherwise pollute the watercourse.
 - Any necessary mitigation for protected/priority species.
 - Responsible management bodies.

Reason: This condition is necessary to ensure the protection of wildlife and supporting habitats and to secure opportunities for the enhancement of the nature conservation value of the site, in accordance with the NPPF and Policy G2 of the Oxford Local Plan 2036

Construction Environmental Management Plan (Biodiversity)

5: No development shall take place (including demolition, ground works and vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of “biodiversity protection zones” in respect of protected and notable species and habitats;
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts on biodiversity during construction (may be provided as a set of method statements) and biosecurity protocols;
- d) The location and timing of sensitive works to avoid harm to biodiversity features;

- e) Contingency/emergence measures for accidents and unexpected events, along with remedial measures;
 - f) Responsible persons and lines of communication;
 - g) The role and responsibilities on site of a qualified ecological clerk of works (ECoW) or similarly competent person if required, and times and activities during construction when they need to be present to oversee works; and
 - h) Use of protective fences, exclusion barriers and warning signs;
- The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing beforehand by the Local Planning Authority.

Reason: To prevent harm to species and habitats within and outside the site during construction in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended), The Wildlife and Countryside Act 1981 (as amended) and Policy G2 of the Oxford Local Plan 2036.

Invasive Species Management and Eradication Plan

6: Prior to the commencement of the development, an Invasive Species Management and Eradication Plan shall be submitted to and be approved in writing by the Local Planning Authority. For the avoidance of doubt, this plan shall detail how the presence of Himalayan balsam will be managed throughout the construction phase and ultimately result in eradication of these species from the site in accordance with best practice guidance. The development shall be implemented strictly in accordance with the approved details.

Reason: It is an offence under the Wildlife and Countryside Act 1981 (as amended) to introduce, plant or cause to grow any wild plant listed in Schedule 9, Part 2 of the Act.

Remediation Strategy

7. No development shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to and approved in writing by the Local Planning Authority. This strategy shall include the following components:

- a. Up to date Preliminary Risk Assessment (PRA) and conceptual model following the results of an exploratory investigation.
- b. A detailed site investigation scheme, based on the results from (1) to provide information for a detailed risk assessment to all receptors that may be affected, including those off-site.
- c. A tiered risk assessment using the results of the site investigation referred to in (2).
- d. An options appraisal including sustainability and treatability studies of the remediation measures required and how they are to be undertaken.
- e. A remediation strategy and verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for

longer-term monitoring of pollutant linkages, mitigation, maintenance and arrangements for contingency action.

Any changes to these components require the prior written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reasons: To ensure that the development:

- does not contribute to and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 187 of the NPPF.
- will contribute to and enhance the natural and local environment by remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate in line with paragraph 187 of the NPPF.

Decommissioning of Investigative Boreholes

8. The development hereby permitted may not commence until such time as 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 shall be fully implemented and subsequently maintained, in accordance with the scheme, or any changes as may subsequently be agreed in writing by the Local Planning Authority. The scheme will need to include the following:

- i Decommissioning Plan to include intended programme/schedule of works and detailed method statement.
- ii Borehole Retention Plan to include location, security and protection measures.
- iii Verification Report for the decommissioned boreholes to include records of:
 - a. the reason for abandonment;
 - b. groundwater level prior to decommissioning;
 - c. any removal of casing or attempts to remove the casing;
 - d. the depth, position and nature of backfill materials;
 - e. problems encountered during decommissioning.

Reason: This condition seeks to ensure that redundant boreholes are safe and secure, and do not pose an unacceptable risk of groundwater pollution or loss of water supplies in line with paragraph 187 of the NPPF and Position Statement A8 - Building and decommissioning of structures of The Environment Agency's approach to groundwater protection.

Construction environmental management plan (CEMP)

9. No development shall take place (including demolition, ground works and vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of "biodiversity protection zones" in respect of protected and notable species and habitats;
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts on biodiversity during construction (may be provided as a set of method statements) and biosecurity protocols;
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Contingency/emergence measures for accidents and unexpected events, along with remedial measures;
- g) Responsible persons and lines of communication;
- h) The role and responsibilities on site of a qualified ecological clerk of works (ECoW) or similarly competent person if required, and times and activities during construction when they need to be present to oversee works;
- i) Use of protective fences, exclusion barriers and warning signs; and
- j) Dust and asbestos mitigation

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

Reason: To prevent harm to humans, species and habitats within and outside the site during construction in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended), The Wildlife and Countryside Act 1981 (as amended) and Policies RE1 and G2 of the Oxford Local Plan 2036.

Construction Traffic Management Plan (CTMP)

10. A Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing the Local Planning Authority prior to commencement of works. This should identify:

- a. The CTMP must be appropriately titled, include the site and planning permission number.
- b. Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access into the site.
- c. Details of and approval of any road closures needed during construction.
- d. Details of and approval of any traffic management needed during construction.
- e. Details of wheel cleaning/wash facilities - to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway.
- f. Details of appropriate signing, to accord with the necessary standards/requirements, for pedestrians during construction works, including any footpath diversions.
- g. The erection and maintenance of security hoarding / scaffolding if required.

- h. A regime to inspect and maintain all signing, barriers etc.
- i. Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided.
- j. The use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc.
- k. No unnecessary parking of site related vehicles (worker transport etc) in the vicinity - details of where these will be parked and occupiers transported to/from site to be submitted for consideration and approval. Areas to be shown on a plan not less than 1:500.
- l. Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc.
- m. A before-work commencement highway condition survey and agreement with a representative of the Highways Depot - contact 0845 310 1111. Final correspondence is required to be submitted.
- n. Local residents to be kept informed of significant deliveries and liaised with through the project. Contact details for person to whom issues should be raised with in first instance to be provided and a record kept of these and subsequent resolution.
- o. Any temporary access arrangements to be agreed with and approved by Highways Depot.
- p. Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.

The approved CTMP shall be adhered to at all times.

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 and to comply with policy M1 of the Oxford Local Plan and the NPPF.

Demolition method statement and construction management plan

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

Reason: To ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise, vibration, dust, lighting or other emissions from the building site in accordance with policy RE7 of the Oxford Local Plan 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 have first 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 "no-dig" 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)

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.

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)

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 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 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.

Biodiversity Net Gain

17. The development shall not commence until a Biodiversity Gain Plan has been submitted to and approved in writing by the Local Planning Authority. The Biodiversity Gain Plan shall be prepared in accordance with the statutory biodiversity gain condition and shall demonstrate how the proposal will deliver the required biodiversity net gain, including the securement of off-site biodiversity units.

For the avoidance of doubt, the Biodiversity Gain Plan shall evidence that the following off-site units (or such other units as may be necessary to meet the required biodiversity net gain) have been purchased and/or otherwise secured prior to commencement through an appropriate legal mechanism:

- 0.17 habitat units (any distinctiveness); and
- 0.10 watercourse units (to be provided by watercourse habitat creation).

The development shall thereafter be carried out in accordance with the approved Biodiversity Gain Plan and the approved measures shall be maintained and managed for a minimum period of 30 years from the completion date, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development secures and delivers the required biodiversity net gain, including the delivery of the identified off-site biodiversity units, in accordance with the statutory biodiversity gain requirement and Policy G1, G2 and SP32 of the Oxford Local Plan 2036 and the NPPF.

Conditions – Before Start of Ground Works

Materials

18. Samples of the exterior materials to be used shall be submitted to and approved in writing by the Local Planning Authority before the start of above ground works on the site and only the approved materials shall be used.

Reason: In the interests of visual amenity in accordance with Policy DH1 of the Oxford Local Plan.

Flood Risk Assessment

19. The development shall be carried out in accordance with the submitted flood risk assessment (ref 10040827-ARC-XX-BP-RP-DH-0007-P3, revision 3, dated 26th April 2023), the flood risk addendum (ref 5028222-RDG-ZZ-XX-T-FR-0001, version 3.0, dated 19th December 2025) and the following mitigation measures they detail:

- Finished floor levels shall be set no lower than 56.80 metres above Ordnance Datum (AOD), in accordance with section 5.3 of the submitted FRA.
- Compensatory storage shall be provided as shown in section 5.3.1 of the submitted FRA and section 5 of the flood risk addendum. Specifically, the level for level compensation scheme shall provide an additional 166.21m³ storage compared to the existing site, at levels from 54.06mAOD to 56.40mAOD.
- Notwithstanding the submitted drawings/reports, the compensatory storage shall be located outside of the root protection areas of the retained trees.
- The soffit height of the bridge shall be set at a minimum height of 56.96mAOD, as stated in section 6.1.1 of the flood risk addendum.

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.

Reason: In accordance with paragraph 178 of the NPPF and adopted policy RE3 in the Oxford City Local Plan 2036:

- To reduce the risk of flooding to the proposed development and future occupants.
- To prevent an increase in flood risk elsewhere by ensuring that the flow of flood water is not impeded, and the proposed development does not cause a loss of floodplain storage.

Piling

20. The Piling/other foundation designs using penetrative method hereby permitted by the Local Planning Authority may not commence until such time as a scheme has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall be based on the information submitted as part of the application and, where necessary, supported by:

- Foundation Works Risk Assessment
- A conceptual site model
- Specification of the type, number and depth of proposed piles/foundations/ dimensions of shaft/tunnel/ design of heating and cooling system
- A detailed groundwater monitoring programme including a schedule for submission of interim and final monitoring reports
- A contingency action plan including the list of potential mitigation measures that will be implemented, should unexpected changes in groundwater quality be noted as a result of decommissioning piling/other foundation designs works
- Timing/phasing arrangements.

The scheme shall be fully implemented and subsequently maintained in accordance with the timing/phasing arrangements contained in the scheme or any details as may subsequently be agreed in writing by the Local Planning Authority.

Reason: Piling/other foundation designs using penetrative methods can result in risks to potable supplies from, for example, pollution/turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. This condition seeks to ensure that the proposed piling/other deep foundation design, does not harm groundwater resources in line with paragraph 187 of the NPPF and Position Statement N7, N9 and N11 of The Environment Agency's approach to groundwater protection.

Unexpected Contamination Watching Brief

21. 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 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.

Refuse vehicles

22. Prior to above ground works of the development hereby approved, and notwithstanding the application details, full details of refuse and pantechnicon turning within the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

Dust Mitigation

23. No ground works shall take place until the complete list of site specific dust mitigation measures and recommendations that are identified on Table 17 (pages 26-29) of the Air Quality Assessment that was submitted with this application, are included in the site's Construction Environmental Management Plan (CEMP). The CEMP shall be submitted to and approved in writing by the Local Planning Authority prior to any above ground works commencing.

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 Oxford Local Plan 2036.

Site B Specimen Tree Pits: Materials Management and Construction Details

24. No development involving the excavation or formation of specimen tree pits on Site B shall commence until a Materials Management Statement and detailed Tree Pit Construction Specification have been submitted to and approved in writing by the Local Planning Authority. Any excavated soils will need to be tested for suitability prior to off-site disposal or re-use on site. The development shall be carried out fully in accordance with the approved details.

Reason: To ensure appropriate soil conditions for the successful establishment and long-term health of specimen trees, and to prevent the reuse of unsuitable or contaminated materials on site, in the interests of public safety, landscape quality, and sustainable development in accordance with policy RE9 of the Oxford Local Plan 2016 - 2036.

Security

25. Prior to above ground works, an application shall be made for Secured by Design (SBD) accreditation on the development hereby approved. The development shall be carried out in accordance with the approved details and shall not be occupied or used until confirmation of SBD accreditation has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development is safe and secure, and the design of the development reduces opportunities for crime in accordance with Policies RE7 and DH1 of the Oxford Local Plan 2036.

Photovoltaic panels

26. Prior to above ground works, details of the photovoltaic panels to be used on the properties shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the size and output, finalised siting and specification of the panels and how they have been incorporated into the built form of the residential accommodation. The photovoltaics' shall be provided in accordance with these approved details before the development hereby permitted is first occupied and shall remain in place thereafter.

Reason: In the interests of sustainability and visual amenity in accordance with Policies RE1 and DH1 of the Oxford Local Plan.

Noise – Play Areas

27. Before the start of ground works, a noise mitigation plan shall be submitted to and approved in writing by the Local Planning Authority to mitigate noise from the children's play area and Multi-use games area in accordance with the measures as set out in Arcadis Noise Assessment Report dated May 2023. The development shall thereafter be implemented in accordance with the approved details.

Reason: To protect the amenity of adjoining and future residential occupiers from noise disturbance in accordance with Policy RE8 of the Oxford Local Plan.

Lighting requirements - Ecology

28. Prior to the installation of any lighting, a lighting plan including glare from both internal and external light sources within the development shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented on its first occupation or use. No lighting shall be directed towards new features for bats, birds or within the 10m buffer from the top of the bank of the stream or within the stream itself. There shall be no variation to the approved details without the further prior written approval of the Local Planning Authority.

Reason: Oxford City Council, as the Local Planning Authority, can refuse permission if adequate information on protected species is not provided by an applicant, as it will be unable to assess the impacts on protected species and thus meet the requirements of the National Planning Policy Framework (2023) and the Conservation of Habitats and Species Regulations 2017 (as amended).

Ecological Enhancement Measures

29. Prior to the start of ground works, details of ecological enhancement measures in line with recommendations made within Ecological Appraisal (Arcadis, 2023), shall be submitted to and approved in writing by the Local Planning Authority. This will include a minimum of five integrated bat boxes suitable for maternity roosting, and 25 integrated bird boxes within the new structures suitable for a range of different bird species. These features will need to be positioned with consideration of aspect, location, surrounding habitat and lighting to maximise potential for uptake by relevant species. Details must include the proposed specifications, locations, and arrangements for any required maintenance. The approved devices shall be fully constructed under the oversight of a suitably qualified ecologist prior to occupation of the approved development. Any new fencing will include holes suitable for the safe passage of hedgehogs. The approved devices and fencing holes shall be maintained and retained in perpetuity unless otherwise approved in writing by the Local Planning Authority.

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

Habitat Management and Monitoring Plan

30. Prior to above ground works, a Habitat Management and Monitoring Plan (the HMMP) for sites A and B, prepared in accordance with the approved Biodiversity Gain Plan and including:

- (a) a non-technical summary;
- (b) the roles and responsibilities of the people or organisation(s) delivering the HMMP;
- (c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;

(d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and

(e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority, has been submitted to and approved in writing by the Local Planning Authority.

Notice in writing shall be given to the Council when the:

(f) HMMP has been implemented; and

(g) habitat creation and enhancement works as set out in the [HMMP] have been completed.

No occupation shall take place until:

(a) the habitat creation and enhancement works set out in the approved HMMP have been completed; and

(b) a completion report, evidencing the completed habitat enhancements, has been submitted to and approved in writing by the Local Planning Authority.

The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.

Monitoring reports shall be submitted to Local Planning Authority in writing in accordance with the methodology and frequency specified in the approved HMMP.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Policy G2 of the Oxford Local Plan

Conditions – Prior to Occupation

Land and Water Quality Remedial Works

31. 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 in writing by the Local Planning Authority.

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

Cycle Parking Facilities

32. Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details which shall be first submitted to and approved in writing by the Local Planning Authority. Thereafter, the covered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.

Reason: In the interests of sustainability, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework and policy M5 of the Oxford Local Plan 2036.

Landscaping Materials, Bin and Cycle Stores

33. Prior to above ground works, notwithstanding the submitted details, details of the appearance and design of bin and cycle stores (which shall be to Secure By Design standards), lighting and a schedule of materials together with samples shall be submitted to and approved in writing by the Local Planning Authority. The materials details shall include:

- All new facing materials
- External store materials,
- Boundary treatment materials
- Hard landscape materials
- External store materials,
- Fenestration materials such as guttering and downpipes

The development shall be completed in accordance with the approved details, materials schedule and sample panels unless otherwise first agreed in writing by the Local Planning Authority.

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

Flood Evacuation (Flood Escape) Plan

34. The development shall not be occupied until a site-specific Flood Evacuation (Flood Escape) Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall be prepared with reference to the site-specific Flood Risk Assessment and shall include the following details:

- Flood Sources and Expected Impacts

Identification of all flood sources affecting the site and the expected depths, velocities, and timings of flooding, as informed by the Flood Risk Assessment.

- Flood Warning and Activation Procedures

Procedures triggered by Environment Agency (EA) flood alerts and warnings, including responsibilities of residents or site management (including play areas and cycle path) for activating the Plan.

- Safe Access and Egress Routes

Clearly defined safe escape routes from the site to areas of safe refuge outside Flood Zones 2 and 3, including mapping and signage where required.

- Provisions for Vulnerable Residents

The Flood Evacuation Plan shall include specific procedures for vulnerable residents, including (but not limited to):

- a. Identification of vulnerable occupants (e.g., mobility-impaired, elderly, or otherwise at heightened risk).
- b. Any additional assistance, supervision, or adaptations required for safe egress.

c. Assessment of limitations that may compromise their ability to follow standard evacuation routes.

d. Alternative refuge arrangements or tailored evacuation timings where necessary.

- Evacuation Procedures

Step-by-step evacuation arrangements, including assembly points, access to higher ground or designated refuges, and instructions for residents to follow during a flood event.

- Information Measures

a. Confirmation that all future residents will be provided with a copy of the approved Flood Evacuation Plan prior to occupation and advised to sign up to EA flood warning services.

b. Confirmation that the Oxfordshire Joint Resilience Team will be provided with a copy of the approved plan prior to occupation.

- Regular Monitoring and Review

The Flood Evacuation Plan shall include a Monitoring and Review Framework, which must:

a. set out the procedure for reviewing the Plan at least every three years, or sooner if circumstances change (e.g., updated Environment Agency flood data, changes in site occupancy, or changes in vulnerable resident needs);

b. specify who is responsible for carrying out each review;

c. ensure all residents and the Joint Oxfordshire Resilience Team are issued with updated evacuation information following each review cycle.

The approved Flood Evacuation Plan shall be implemented prior to first occupation and shall be adhered to for the lifetime of the development.

Reason: To ensure the development is safe for its lifetime from flooding and that suitable evacuation procedures and safe egress arrangements are in place, in accordance with the National Planning Policy Framework, guidance on flood risk management and Policy RE3 of the Oxford Local Plan 2036.

Land Remediation Verification Report

35. Prior to the development being brought into use or occupied, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: This condition seeks to ensure that the site does not pose any further risk to the land and water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 187 of the NPPF.

Provision of Access

36. Prior to the use or occupation of the approved development, the vehicular access shown on approved drawing number D27 Rev X shall be provided. Thereafter, the visibility splays shall be permanently maintained free from obstruction to vision.

Reason: In the interest of highway safety in accordance with Policy M1 of the Oxford Local Plan

Land Quality Validation Report

37. The development shall not be occupied until any approved remedial works, including 3rd party validation of ground gas membrane installation, testing of any soils utilised in landscaped areas and details of adopted potable water supply pipework, has been carried out and a full validation report has been submitted to and approved in writing by the Local Planning Authority.

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

Car Club Parking

38. Prior to the occupation of the development, details of the car parking area shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the following:

- Location of EV charging point on the Car Club Space;
- Details of how the Car Club Space will be managed and monitored
- Measures to prevent parking on the landscape / grass areas within the site.

The approved details shall be implemented and maintained as such thereafter

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

Car-Free Development

39. The development hereby permitted shall be 'car-free'. No occupier of the approved dwellings shall be eligible to apply for or obtain an on-street residents' parking permit or visitors' parking permit within any Controlled Parking Zone (CPZ) in Oxford. The restriction shall apply to all future occupiers, except holders of a valid Blue Badge.

Prior to first occupation, the applicant/developer shall submit to and obtain approval from the Local Planning Authority of a scheme outlining how the parking controls across the site will be managed and enforced including how future occupiers will be notified in writing of this permit-free status. The scheme shall include measures to prevent parking on the verge / landscaped

areas. The approved scheme shall be implemented and maintained for the lifetime of the development.

Reason: To ensure the development accords with Oxford City Council's strategy to reduce car dependency and promote sustainable, active and low-carbon travel modes, in accordance with the adopted Oxford Local Plan 2036 and in particular policy M3.

Air Source Heat Pumps

40. Prior to occupation, in relation to the inclusion of air source heat pumps, noise emissions from air source heat pumps shall be assessed and controlled in line with the guidance set out in Microgeneration Installation Standard MCS 020, specifically noise emissions from air source heat pumps shall not exceed 42dB LAeq,5min at 1 metre from a window or door opening of a habitable room in the façade of a neighbouring residential property (ignoring the effect of that façade).

Reason: In the interests of the health and wellbeing of neighbouring residents and occupiers/users of the application site subject to the development, in accordance with policy RE8 of the Oxford Local Plan 2036.

Landscape Proposals – Implementation

41. 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 2036.

Landscape Proposals - Reinstatement

42. 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.

Public Open Space and Bridge Implementation

43. Prior to occupation, the replacement footbridge, Site B public open space, Multi-use Games Area (MUGA) and Children's Play Area shall be open and available for use. Notwithstanding the details submitted, details of the play

equipment, benches, lighting and surfacing of the MUGA and Children's Play Area shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details and maintained as such thereafter.

Reason: In the interests of community and residential amenity in accordance with policies SP32 of the Oxford Local Plan 2016-2036.

Dusk-to-Dawn Lighting Control

44. Prior to the first occupation of the dwellings or use of the Multi-use Games Area (MUGA) and Children's Play Area hereby permitted, full details of the external lighting scheme, including luminaires, mounting positions, illumination levels, control systems and timing, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall accord with the following requirements:

- All external lighting shall operate using photoelectric "dusk-till-dawn" controls to ensure uniform illumination during evening and night-time periods; and
- Lights shall incorporate PIR-controlled dimming, or an equivalent energy-saving mechanism, to reduce lighting output when no motion is detected.

The approved lighting scheme shall be installed prior to occupation / use and shall thereafter be retained and operated in accordance with the approved details unless otherwise agreed in writing beforehand by the Local Planning Authority.

Reason: To ensure appropriate lighting levels, minimise light spill, protect residential amenity and crime prevention, and promote energy efficiency in accordance with the National Planning Policy Framework and Policy RE3 of the Oxford Local Plan 2036.

Design of Children's Play Area and MUGA

45. Prior to the first occupation of the dwellings or use of the Multi-use Games Area (MUGA) and Children's Play Area hereby permitted, notwithstanding the details submitted, full details of the fencing and play equipment along with a management plan shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:

- 2.2m fencing along the roadside of the MUGA
- Measures for the MUGA to be secured from "dusk till dawn"
- Equipment for the play area for children up to and around 12 years of age including those with a disability
- Seating
- Surfacing

The approved scheme shall be implemented before use of the MUGA and play area and maintained thereafter.

Reason: To ensure appropriate lighting levels, minimise light spill, protect residential amenity and crime prevention, and promote energy efficiency in accordance with the National Planning Policy Framework and Policy RE3 of the Oxford Local Plan 2036.

As built drainage scheme

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

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

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal in accordance with Policies RE3 and RE4 of the Oxford Local Plan.

Windows

47. The side windows of plots 3-4, plots 12-13 and plot 23, shall be glazed with obscure glass to a minimum level of obscurity equivalent to Pilkington Level 3 (or such other level as may be first agreed in writing by the Local Planning Authority) and shall be non-opening (fixed shut). The window(s) shall be retained as such thereafter.

Reason: To safeguard the privacy and amenity of the occupants of neighbouring properties in accordance with Policy DH7 of the Oxford Local Plan 2036.

Ecological Enhancements Compliance

48. Prior to occupation of the development, evidence must be submitted to and approved in writing by the Local Planning Authority to demonstrate that the ecological enhancements are in place as detailed within the approved Ecological Enhancements Plan. Photos can be submitted to support the compliance of the ecological enhancement measures.

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

Conditions – Post-occupation

Noise - Design

49. The design and structure of the development shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason: To ensure that the amenity of occupiers of the development site is not adversely affected by noise in accordance with the Policy RE3 of the Oxford Local Plan 2036.

Noise - Plant

50.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.

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

Reason: To protect the amenity of adjoining and future residential occupiers from noise disturbance in accordance with Policy RE8 of the Oxford Local Plan.

Informatives

Working with the applicant

In accordance with guidance set out in the National Planning Policy Framework, the Council tries to work positively and proactively with applicants towards achieving sustainable development that accords with the Development Plan and national planning policy objectives. This includes the offer of pre-application advice and, where reasonable and appropriate, the opportunity to submit amended proposals as well as time for constructive discussions during the course of the determination of an application. However, development that is not sustainable and that fails to accord with the requirements of the Development Plan and/or relevant national policy guidance will normally be refused. The Council expects applicants and their agents to adopt a similarly proactive approach in pursuit of sustainable development.

Community Infrastructure Levy

The development hereby permitted is liable for a Community Infrastructure Levy (CIL) charge.

A Liability Notice will be issued to the applicant (or other relevant parties) shortly after the grant of planning permission, setting out the amount of CIL payable. This charge is levied under the Oxford City Council Community Infrastructure Levy Charging Schedule and is payable on commencement of development.

You are required to submit a Form 2 (Assumption of Liability) and a Form 6 (Commencement Notice) to the City Council prior to the commencement of development. Failure to do so may result in the loss of any instalment rights and/or the imposition of surcharges.

Further information is available on the Council's website or from the Planning Portal.

Parking Permits

The development/proposed unit(s) are excluded from eligibility for parking permits.

Environmental permit – Environment Agency advice to applicant

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing flood.permitting@environment-agency.gov.uk.

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Waste to be taken off-site – Environment Agency advice to applicant

Contaminated soil that is (or must be) disposed of, is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2016
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of hazardous waste material produced or taken off site is 500kg or greater in any 12-month period, the developer will need to register with us as a hazardous waste producer. Refer to the hazardous waste pages on GOV.UK for more information.

Waste on-site – Environment Agency advice to applicant

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the environmental

permitting status of any proposed on-site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

We recommend that developers should refer to the waste management page on GOV.UK.

We will consider any queries in relation to the use of Definition of Waste: Development Industry Code of Practice (DoWCoP) (which is to be updated) through our environmental permitting enhanced pre-application advice service, considering site conditions, the materials that are proposed to be used, and the potential for harm to the environment and to human health. We can also provide advice as to whether an environmental permit is required.

Dewatering – Environment Agency advice to applicant

Dewatering is the removal/abstraction of water (predominantly, but not confined to, groundwater) in order to locally lower water levels near an excavation. This can enable operations to take place, such as mining, quarrying, building or engineering works, whether underground or on the surface. The dewatering activities on-site could have an impact upon local wells, water supplies and/or nearby watercourses and features of environmental interest. Most cases of new planned dewatering operations above 20 cubic metres a day will require a water abstraction licence from us prior to the commencement of dewatering activities at the site. More information is available on gov.uk: Apply for a water abstraction or impounding licence - GOV.UK.

Other Consents – Environment Agency advice to applicant

Environment Agency (EA) has a regulatory role in issuing legally required consents, permits or licences for various activities. We have not assessed whether consent will be required under our regulatory role and therefore this letter does not indicate that permission will be given by the Environment Agency as a regulatory body. End 12

The applicant should contact 03708 506 506 or consult the EA website to establish if consent will be required for the works they are proposing.

Water Pressure – Thames Water advice to applicant

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.

Private Streets – Highway Authority Advice

Please note, the Advance Payments Code (APC), Sections 219 -225 of the Highways Act 1980, is in force in the county to ensure financial security from the developer to off-set the frontage owners' liability for private street works, typically in the form of a cash deposit or bond. Should a developer wish for a street or estate to remain private, then to secure exemption from the APC procedure, a 'Private Road Agreement' must be entered into with the County Council to protect the interests of prospective frontage owners. For guidance and information on road adoptions etc. please visit our website.

Design updates

Any updates to the landscape design may affect the delivery of biodiversity net gain (BNG) on site and, consequently, the type and number of biodiversity units required to be purchased/secured off site. Where the landscape design is updated, an updated BNG assessment (including an updated Biodiversity Metric and any associated supporting documents) shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of works.

Lifespan of Assessment

If the development hereby approved does not commence within 12 months, further ecological survey(s) should be considered, in accordance with Chartered Institute of Ecology and Environmental Management (CIEEM) Advice Note on the Lifespan of Ecological Reports and Surveys to establish if there have been any changes in the presence of roosting bats, and identify any likely new ecological impacts that might arise from any changes through professional validation or additional surveys. The results of professional validation and/ or the survey(s) shall be submitted to the local planning authority.

Where validation and/ or survey results indicate that changes have occurred that will result in impacts not previously addressed in the approved scheme, a mitigation and compensation scheme will be submitted to and approved in writing by the local planning authority prior to the commencement of development. Works will then be carried out in accordance with the approved scheme, under licence from Natural England.

To ensure bats are protected in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended) and The Wildlife and Countryside Act 1981 (as amended).

Protected Species

All species of bats and their roosts are protected under The Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (as amended). Please note that, among other activities, it is a criminal offence to deliberately kill, injure or capture a bat; to damage, destroy or obstruct access to a breeding or resting place; and to intentionally or recklessly disturb a bat while in a structure or place of shelter or protection. Occasionally bats can be found during the course of development even when the site appears unlikely to support them. In the event that this occurs, work must stop immediately and advice should be sought from a suitably qualified ecologist. A European Protected Species Mitigation Licence (EPSML) may be required before works can resume.

All wild birds, their nests and young are protected under The Wildlife and Countryside Act 1981 (as amended). Occasionally nesting birds can be found during the course of development even when the site appears unlikely to support them. If any nesting birds are present then the buildings works must stop immediately and advice should be sought from a suitably qualified ecologist.

The Wild Mammals (Protection) Act 1996 (as amended) makes provision for the protection of wild mammals from certain cruel acts, making it an offence

for any person to intentionally cause suffering to any wild mammal. In the context of development sites, for example, this may apply to rabbits in their burrows.

13. APPENDICES

- **Appendix 1** – Site location plan

14. HUMAN RIGHTS ACT 1998

- 14.1 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.

15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

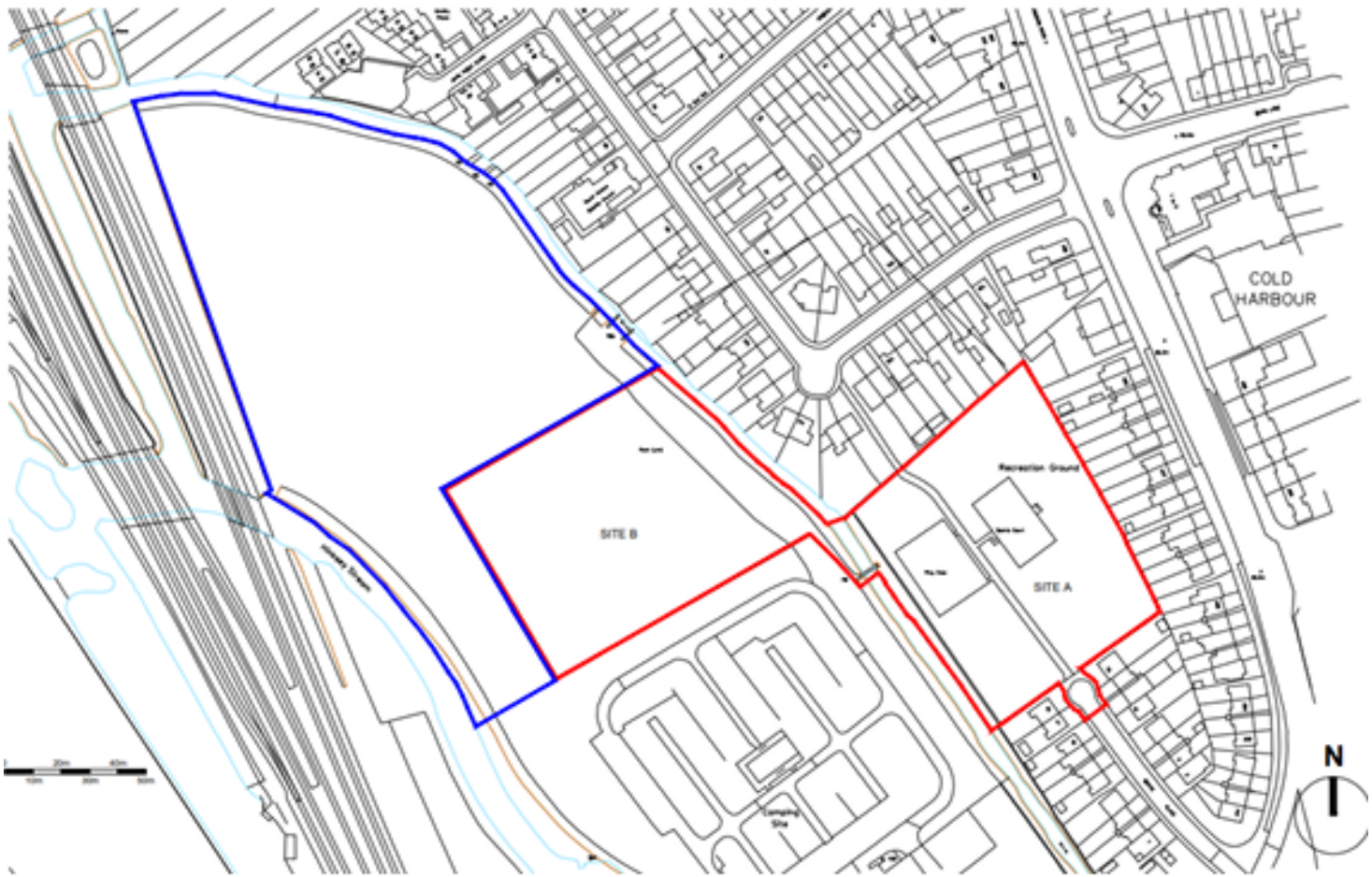
- 15.1 As set out in the above report, officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation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

16. RIGHTS OF THE CHILD

- 16.1 The UN Convention on the Rights of the Child (UNCRC) is a, legally binding agreement signed by 196 countries (as of 12 July 2022) which outlines the fundamental rights of every child, regardless of their race, religion or abilities. The Convention has 54 articles that cover all aspects of a child's life and set out the civil, political, economic, social and cultural rights. The convention is universal—these rights apply to every child and the convention entitles every child to claim them. It also explains how adults and governments must work together to make sure all children can enjoy all their rights.
- 16.2 Each of the rights enshrined within the Convention is interlinked, and no right is more important than another. The following rights are of equal importance to every child. Every child has rights including:
- Relax and play (Article 31)
 - Freedom of expression (Article 13)
 - Be safe from violence (Article 19)
 - An education (Article 28)
 - Protection of identity (Article 8)
 - Sufficient standard of living (Article 27)
 - Know their rights (Article 42)
 - Health and health services (Article 24)

As set out in the above report, in reaching a recommendation for approval, officers consider that the proposal will not undermine the rights of the child under the Convention.

Appendix 1 – Site Location Plan



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