

**CUM/NHI/20109-X – University of Oxford
Construction of 150 dwellings with alterations to the junction of Eynsham Road
and Fogwell Road.
Land at Tilbury Lane, Dean Court, Cumnor/North Hinksey.**

1.0 The Proposal

- 1.1 This is an outline application for new housing and associated public open space with all matters reserved apart from the details of access. The proposed housing will be on the allocated housing site off Tilbury Lane. However, the area covered by the application is larger as it includes land between the allocated housing site and the A420. This difference is shown in the site location plan in **Appendix 1**. For the rest of this report the term “housing site” will mean the allocated housing site while the term “application site” will mean the larger area of land covered by this application.
- 1.2 The application site is comprised of two parcels of land separated by Tilbury Lane, a private road that runs north from Eynsham Road and under the A420. The lane marks the division between the parishes of Cumnor and North Hinksey. The housing site is 3.9 hectares in area and lies to the east of the Fogwell Road estate, to the north of housing on Tilbury Lane and Seacourt Road, and to the west of housing on Hazel Road. Allotments also lie to the south of the site. Overhead electricity lines suspended from national grid pylons run parallel and just to the south of to the A420. These power lines carry 450kV of electricity.
- 1.3 The proposal is to construct 150 dwellings served via a vehicular access taken from the existing truncated end of Fogwell Road. An illustrative layout plan has been submitted with the application and is in **Appendix 2**. The applicants propose to create some public open space within the housing area but also to use the land between the proposed housing and the A420 as a further area of public open space, some 2.3 hectares in area, as a continuation of the theme used on the existing Fogwell Road estate. Two areas of play space are proposed within the housing area.
- 1.4 The application comes to Committee because of the amount of local objection to it. The application has been highly controversial locally and has raised a number of complex issues which necessitates a lengthy report.
- 1.5 The following documents were submitted with the application – a design and access statement, a transport assessment, a landscape and visual appraisal, a tree retention report, a flood risk assessment and drainage strategy, an ecological appraisal, a noise report, an air quality assessment and a report on electromagnetic fields from the electricity lines. The main elements of the proposal can be summarised as follows.

Highways and Access

- 1.6 Discussions between the applicant and the County Engineer about the use of Fogwell Road to access the whole of the housing site go back as far as 1999. It has been accepted by the County Engineer that, with some modification, the junction of Eynsham Road and Fogwell Road is suitable to serve 400 dwellings. It currently serves 250, and the additional 150 dwellings would bring the total to 400 dwellings. There have been no recorded accidents at the junction over the last 5 years and Eynsham Road in the vicinity of the junction has a better than average accident record.

- 1.7 It is proposed to alter the existing junction and to create a ghost right turn lane for vehicles turning into Fogwell Road. The detail of this is in **Appendix 3**. The principle of this arrangement was approved by the County Engineer in 1999. The details of the proposed alterations to the junction have been recently approved by an independent safety audit process. A traffic survey of peak hour movements at the junction of Eynsham Road and Fogwell Road was carried out on a week day in May 2007. A transport model has been used to predict peak hour traffic flows at the junction after the development is completed. This concludes that the junction will operate within capacity at the peak hours.
- 1.8 The applicants will also make financial contributions to a range of local transportation improvements. These include new real-time information bus shelters on Eynsham Road, improved traffic signalling in Botley Road and improved passenger facilities at Oxford Railway Station.
- 1.9 There is to be no vehicular access from the new housing onto Tilbury Lane, other than in an emergency. The lane serves Tilbury Farm and several dwellings north of the A420, which have rights of way over it. Consequently, it is proposed to install a controlled gate across Tilbury Lane for the sole use of the residents of the farm and dwellings north of the A420, and for use as an emergency access if required. A plan of this is in **Appendix 4**.
- 1.10 It is proposed to construct a footpath/cycleway from the eastern end of the proposed housing site to Hazel Road. This footpath/cycleway would be adopted by the County Council and would be lit for safety reasons. A plan showing this is in **Appendix 5**.

Design and Layout

- 1.11 Although the application is in outline and the details of design and layout are not to be considered with the application, the applicants are required to provide a significant amount of information on these issues to help explain the proposal. The applicants have carried out a contextual analysis of the surrounding residential area together with the more traditional housing in Eynsham.
- 1.12 It is proposed to construct 150 dwellings with 40% of them to be affordable (ie 60 dwellings). The supporting illustrative plans show primarily 2-storey buildings, with some 2 ½-storey buildings and seven 3-storey flats buildings to provide visual interest at focal points. The proposed houses would be between 8m and 9.5 m high and between 6.5m and 10m in span. The proposed flats buildings would be up to 11m high. Indicative street elevations have been provided to show the scale of the proposed houses.
- 1.13 The illustrative layout takes the form of a series of three “town squares” along a spine road, with “perimeter blocks” of housing arranged to either side of the spine road. A total of 259 parking spaces are proposed which would be provided through a mixture of on-street parking (14%), garages (34%), driveways (27%) and parking courts (25%) – the latter will be overlooked through the use of “flats over garages”.

Affordable Housing

- 1.14 In view of the outline status of the application, no details have been submitted of the proposed 60 affordable dwellings. The applicants confirm they are fully aware of the Council’s policies on affordable housing and intend that the development should

comply in terms of tenure split (75% rental and 25% shared equity) and dispersal across the site. An illustrative mix of size of unit has been produced for this outline application, and the precise mix will be agreed with Housing Services at the reserved matters stage. As part of this application the provision of the affordable housing will be controlled via a Section 106 Obligation with the Council.

Drainage

- 1.15 The site does not lie within a river flood plain but it is necessary to ensure that there is no additional risk of surface water run-off from the site. Geological investigations have revealed a clay layer below the surface, which is relatively impermeable to water. This indicates the site will have less water storage capacity in its current greenfield state than other greenfield sites with more permeable geology. The topography of the site means that not all of the site could be drained through the use of gravity fed storage ponds.
- 1.16 The drainage strategy therefore proposes to make use of permeable paved surfaces with surface water being absorbed and stored by a new permeable layer constructed under the surfaces. The aim of this is to provide a volume of storage that will more than meet the storage level required by the Environment Agency to cope with run-off from 1 in 100 year plus 30% global warming event levels (ie there would be a net improvement in storage of surface water run-off within the site compared to the current green field state). In addition, it is proposed to construct two swales on the site, a larger one along the south east boundary of the site and a smaller one along Tilbury Lane. These will provide additional water storage capacity to cope with extreme storm events expected to occur less than once in 100 years.

Ecology

- 1.17 The applicants carried out an ecological survey in August 2006. This survey covered not only the application site but also the adjoining farm land to the east up to the A34/A420 junction. It is noted that the proposed housing site lies some distance from the Wytham Woods SSSI, which is 350 m away to the north, across fields on the other side of the A420. OS records show the application site has been under "improved" agriculture for at least 200 years and as a result ecological interest is largely confined to existing boundary hedgerows. Because of its open cultivated nature, the site is considered unsuitable as a habitat for protected species such as bat, great crested newt, dormouse and otter. There are no buildings on the site for bats to roost in, and, although the existing trees were examined for potential bat roosts, all were found to be of low potential.
- 1.18 The survey did find two badger setts, but these were on land associated with the primary school and health centre in Elms Road, some 200 m east of the proposed housing. Several badger latrines were also found on land outside the proposed housing site. A further badger survey (to preferably take place between the months of November and April) is recommended as part of any future detailed application.
- 1.19 A reptile survey found no evidence of Sand Lizard or Smooth Snake, which are the only two UK reptile species whose habitats are legally protected. It is likely that there are a number of other protected reptile populations within existing hedgerows and field margins and on the adjoining allotment site. There is a legal obligation to make a reasonable effort to relocate these reptiles where they are at risk from development.

For this reason a detailed reptile survey is also recommended between the months of March and October as part of any detailed application.

- 1.20 Existing trees and hedgerows on the site are likely to assist the movement of some animals. Although some hedgerow will be lost as part of the proposal to allow for access across Tilbury Lane, it is pointed out that the proposed landscape and open space areas associated with the proposal are likely to more than compensate for the loss by providing opportunities for enhanced ecological diversity when compared to the existing agricultural regime. A further tree and hedgerow survey is also recommended between the months of April and September as part of any detailed application.

Electro-Magnetic Field (EMF)

- 1.21 The high voltage power lines that run parallel to the A420 emit an electro-magnetic field and concerns have been raised about the possible health effects of this EMF. A survey of the site by the applicants in January 2007 measured the EMF values around the power lines. The strength of the EMF decays with distance from the power lines. The applicants' report takes a precautionary approach by setting a safe exposure threshold that is slightly below the recommended level. This lower threshold for exposure was found to lie 74m from the centre line of the power lines and the proposed housing lies outside this critical distance.

Noise

- 1.22 A noise survey was carried out on the site on two days in August 2006. This survey shows that the site falls within Noise Exposure Category B, as defined in PPG24, "Planning and Noise". In this category noise should be taken into account and conditions imposed if necessary to ensure the new housing has adequate levels of protection against noise.

Air Quality

- 1.23 The applicants' report, dated April 2007, makes an assessment of air quality specifically in relation to levels of nitrogen dioxide in response to the Council's published air quality reports for the A34 corridor in Botley. The report considers both prevailing air quality on the site and the likely impact of future residents on local air quality. In previous studies the Council's consultants had identified the Westminster Way area of the A34 as one of a small number of potential air quality problem areas for nitrogen dioxide in the Vale. The other main air pollutant in the Vale, particulates, are not considered in the applicants' report because the Council's Screening Assessment of 2003 concluded that levels of particulates were only likely to exceed target levels very close to busy road junctions.
- 1.24 The applicants' report draws on the Council's Air Quality Progress Report of 2004 which considered data from three permanent nitrogen dioxide monitors in Botley. One monitor in Poplar Road had continuously recorded levels below the national target level since 1997, while another in West Way had measured reducing levels of nitrogen dioxide and had dipped below the target level in 2004. The third monitor had no useful data because it had been recently relocated.
- 1.25 From this data the applicants argue that, as measurements made close to the A34 show levels of air pollution to be below target level, and as the application site is more

than 350 m from the A34, it is reasonable to assume that background levels of nitrogen dioxide on the application site will be significantly below national target levels. An air quality figure derived from national survey data has therefore been used. Applying the expected traffic flows to the figure produces a relatively low local increase in air pollution that is still well below target levels.

2.0 **Planning History**

- 2.1 There are no previous planning applications on the site. However, the planning policy history is relevant to the current application. The proposed housing site was identified as “safeguarded land” in the Oxford Fringe and Green Belt Local Plan of 1991. This meant it was land that was not in the Green Belt but held in reserve for future housing development. The Inspector for the adopted Vale of White Horse Local Plan concluded in his report of February 2006 that the site should be allocated for housing as part of the new Local Plan. His reasons for doing so are in **Appendix 6**.
- 2.2 It is worth noting the Inspector felt that, as the new housing development on the site would lie no further north than the existing housing to the west and east, the landscape impact should be limited and “.. the effect on views from vehicles leaving Oxford on the A420 would only be marginally affected and ought to carry very little weight as a result.”
- 2.3 On access issues, the Inspector noted, “Subject to the provision of cycle/pedestrian links to the south via Tilbury Lane and east via Elms Road as proposed...new housing on this site would be within modest walking and cycling distance of all the services and facilities along the West Way...In this respect at least, the proposed indirect vehicular access via Fogwell Road should act as a disincentive to the use of private cars for short local trips and perhaps even encourage the use of other travel modes by residents for longer journeys too.”

3.0 **Planning Policies**

- 3.1 The adopted Vale of White Horse Local Plan contains the following relevant policies:-
- H3 iv) allocates the site for housing development
 - H15 requires a net residential density of 40 dwellings per hectare in the Botley area
 - H16 aims for 50% of new dwellings on large sites to be 2-bedrooms or less and 10% to be “lifetime homes”
 - H17 requires 40% of new housing to be affordable
 - H23 requires 15% of the area of the housing site to be laid out as public open space
 - DC1 seeks to achieve high quality design
 - DC2 encourages energy conservation
 - DC3 concerns crime deterrence through good design
 - DC4 relates to the provision of public art on large schemes
 - DC5 requires that all new developments are acceptable in terms of highway safety
 - DC8 deals with impacts on social and physical infrastructure
 - DC9 is concerned with the impact on neighbours’ amenity from new development
 - DC10 seeks to prevent development that would be adversely affected by noise
 - DC14 requires new development to avoid causing additional risk of flooding from surface water run-off
- 3.2 Relevant national guidance is provided in PPS3, “Housing”, PPG13, “Transport”, PPS23, “Planning and Pollution Control”, and PPG24, “Planning and Noise”.

4.0 **Consultations**

- 4.1 Cumnor and North Hinksey Parish Councils made comments on the application, which are in **Appendix 7**.
- 4.2 In addition, the two Parish Councils have made a joint request for financial contributions to off-site leisure facilities. Cumnor Parish Council requested contributions for additional play equipment at the Fogwell Road playing field, while North Hinksey Parish Council requested contributions for a new play area and new allotments.
- 4.3 It should be recognised that these requests exceed what Officers consider to be reasonably related to the scale of the proposed development. Nevertheless, the applicants have responded by agreeing to an extra contribution to improved play equipment at the Fogwell Road playing field and by improving on-site play space in the North Hinksey half of the housing site. The detail of this response is in **Appendix 8**.
- 4.4 North Hinksey Parish Council is not content with this and its comments on this are in **Appendix 9**. Any response received from Cumnor Parish Council will be reported at the Meeting.
- 4.5 Local Residents – 63 letters of objection have been received together with 5 letters of observation. The grounds for objection can be summarised as follows-
1. The development will be on a greenfield site and will disfigure the landscape
 2. The density is out of keeping with the surrounding housing areas, as is the height of the proposed 3-storey buildings.
 3. Additional traffic using Fogwell Road will cause danger due to the curving nature of Fogwell Road and the prevalence of parked vehicles on the road. Refuse vehicles have been blocked by parked vehicles. The cramped layout of some side roads means Fogwell Road is used for parking. When matches are played on the sports pitch, cars are parked on the road near to the junction with Eynsham Road.
 4. The traffic from the development should be split between Fogwell Road and another route, either Tilbury Lane or Seacourt Road.
 5. The additional traffic will add to existing peak hour congestion on Eynsham Road and will be a danger to children and other pedestrians. The applicants' traffic survey is for 1 day only, is inadequate and has underestimated the dangers of this junction. A roundabout should be used instead of a right-turn lane.
 6. Tilbury Lane is dangerous for pedestrians due to farm machinery. The proposed gate will need to be managed and is likely to be vandalised and fail, thus allowing traffic from the new estate to use the lane.
 7. The use of Fogwell Road by construction traffic will cause danger and the hours of access by construction traffic should be restricted.
 8. There will be additional noise from traffic on Fogwell Road and Eynsham Road which will harm neighbours' amenities.
 9. Proposed on-site parking is inadequate.
 10. The proposed footpath/cycleway to Hazel Road will add pedestrians and cycles to a narrow road with on-street parking, causing danger. It will also provide a

means of escape for criminals. The existing hedge will be breached and the proposed lighting will be harmful.

11. There will be a significant impact on local services. The local GP surgery is overworked and will not cope.
 12. There will be significant impacts on wildlife such as bats. The ecological survey is inadequate in relation to badgers and a further survey should be carried out.
 13. There will be loss of privacy due to overlooking, particularly from the proposed 3-storey buildings.
 14. Existing sewage overflow and flooding problems will be made worse.
 15. There will be harm to the health of future residents from the nearby high voltage power lines. The applicants' report on this is inaccurate, incomplete and ignores the findings of recent relevant case studies and reports. The interaction of EMF with vehicular particulate pollution has been ignored.
 16. The levels of noise from traffic on the A420 will be too great for residents. The applicants' noise report underestimates the noise level because it was measured in August when there is less traffic on the A420.
 17. Air pollution levels will be increased resulting in harm to health. There has been no on-site survey of air quality.
 18. The provision of social housing is likely to lead to problems in the area.
 19. An Environmental Impact Assessment should be carried out for the proposal.
 20. There will be a loss of property value (this is not a material consideration).
- 4.6 The County Engineer has no objections subject to conditions, including the alterations to the Eynsham Road/Fogwell Road junction, and to financial contributions to off-site transport improvements.
- 4.7 The County Council Developer Funding Officer has no objection subject to financial contributions towards primary, secondary and special needs education, and towards the local library, waste management, social services and the County museum store.
- 4.8 The Environment Agency has issued an initial holding objection to request a greater degree of sustainability in the drainage strategy. Additional information has been submitted by the applicants on this issue and an update on progress will be reported orally at the Meeting.
- 4.9 Thames Water requires a Grampian condition to be imposed to prevent occupation of any dwelling until off-site improvements to the local sewerage network have been carried out.
- 4.10 English Nature has considered the submitted Ecological Appraisal and raises no objections subject to conditions, including further surveys when more detail of the proposed development is known.
- 4.11 The Deputy Director (Environmental Health) – has considered the submitted noise assessment and air quality assessment and raises no objections.
- 4.12 The Health Protection Agency has considered the submitted electro-magnetic field report and the criticisms made of it. Subject to clarification of the type of equipment used to measure the EMF, it agrees with the findings of the applicants' report.
- 4.13 The County Archaeologist has no objections.
- 5.0 **Officer Comments**

5.1 Members need to consider 12 main issues in connection with this application –

1. The principle of developing the site and its impact on the area
2. Whether an Environmental Impact Assessment is required
3. The proposed access arrangements
4. The quality of the proposed scheme, including conservation of resources
5. The impact on surrounding residents
6. The impact on local services
7. Surface water and foul water drainage
8. The issue of electro-magnetic fields
9. Ecology
10. The impact of noise from the A420
11. Air quality
12. Section 106 matters

The Principle of Development and the Impact on the Area

5.2 The proposed housing site was allocated for development following the recommendation of the Local Plan Inspector. In reaching his conclusion the Inspector made a detailed assessment of the potential landscape impact of housing development, including a site visit, and concluded that this impact would be acceptable. In light of the Inspector's decision to recommend that the site be allocated, Officers consider there are no grounds for refusing the proposal based on landscape impact.

Environmental Impact Assessment (EIA)

5.3 EIA is mandatory for certain types of development (known as "Schedule 1 development") and discretionary for others (known as "Schedule 2 development"). Housing schemes of more than 0.5 hectare in area are considered to be "urban development projects" within Category 10 of Schedule 2, where EIA is discretionary. Paragraphs 32 – 44 of Circular 2/99, "Environmental Impact Assessment" give advice on the need for EIA for Schedule 2 development.

5.4 In paragraph 33 it states "... the Secretary of State's view is that, in general, EIA will be needed for Schedule 2 developments in three main types of case:-

- a) for major developments which are of more than local importance
- b) for developments which are proposed for particularly environmentally sensitive or vulnerable locations; and
- c) for developments with unusually complex and potentially hazardous environmental effects."

Having regard to these issues Officers consider that none of these categories apply to the current proposal. The proposed development is considered to be of local importance – compared to the existing population of the suburb of Botley/Dean Court/Cumnor Hill and Chawley, the proposal represents an increase in population of only approximately 5%. The existing natural environment is primarily cultivated farm land and is not particularly sensitive or vulnerable. The environmental impact of the development proposed is not unusually complex or particularly hazardous. Consequently, on 31 May 2007 it was decided under delegated authority to issue a screening opinion to the effect that the proposed development did not require EIA.

Access arrangements

- 5.5 A significant amount of objection has focussed on the issue of access, by vehicle, pedestrian and cycle. Discussions have taken place between the applicants and the County Engineer over several years regarding the safety of vehicular access from Fogwell Road to serve the whole housing development. It should also be noted that the Local Plan Inspector considered the issue of sole vehicular access from Fogwell Road as part of his deliberations and concluded that it was acceptable.
- 5.6 The Fogwell Road estate consists of the main spine road and 8 minor roads that branch from it. The main spine road was designed to a high specification – the carriageway is 6 m wide and the curves in it were designed to provide adequate forward vision to ensure safety for vehicles travelling up to 30mph. The County Engineer considers the spine road is of a suitable design standard to serve 400 dwellings, which would enable the proposed 150 dwellings to be added to the existing 250 dwellings.
- 5.7 In accordance with the County's highway design hierarchy, the minor roads on the estate are narrower than the spine road. It has been stated by local residents that the two eastern-most minor roads (Homestall Close and a continuation of Fogwell Road containing Nos 61 – 81 Fogwell Road) suffer from on-street parking congestion caused by insufficient off-street parking capacity and this leads to on-street parking on the main spine road. It has also been stated that, during football matches at the Fogwell Road sports field, cars are parked on Fogwell Road close to the junction.
- 5.8 It is relevant to note that obstruction of the public highway is an offence and, when considering any planning application, it cannot be assumed that people will park irresponsibly unless there is a demonstrable lack of capacity for on-street parking. Random visits made by Officers during evenings and weekends have highlighted some on-street parking on Fogwell Road at these times, but not what could be considered a serious parking problem. The Council has also recorded occasions when refuse vehicles have been obstructed by parked vehicles, but this has occurred in the minor roads (particularly Nos 61 – 81 Fogwell Road) and not on the main spine road. Consequently, there is considered to be no highway safety objection to additional traffic from the proposed housing development using the spine road.
- 5.9 The junction of Fogwell Road with Eynsham Road has also been the subject of considerable discussion between the applicant and the County Engineer. The proposed modifications to create a ghost right-turn lane with pedestrian refuges have passed an independent safety audit, and are supported by the County Engineer. Alternative options for the junction have been suggested, but the County Engineer considers there is no technical justification for either a roundabout or traffic lights.
- 5.10 It has been suggested by some objectors that the eastern half of the site should take its vehicular access from Seacourt Road, via an existing garage block owned by Vale Housing Association. This option has not been examined in any detail to determine whether Seacourt Road itself, or the junction of Seacourt Road and Poplar Road, is adequate to serve such a proposal. However, regardless of this, the essential point is that there is no safety objection from the County Engineer to the use of Fogwell Road

to serve the whole development and, thus, there is no planning reason to examine an alternative access proposal.

- 5.11 The proposed footpath/cycleway link from the east end of the housing site has been moved from the originally proposed route (to Elms Road) to a shorter route to Hazel Road. The principal reason for this change relates to the requirement for lighting of the route. As the footpath/cycleway is to be adopted by the County Council the lighting must meet the County's requirements, which means it will have to be achieved through the use of overhead lamp posts 5 metres in height. These lights will have a greater impact in terms of light pollution than other types of light (for example low level bollard lights), and therefore the applicant wishes to minimise the length of this lighting.
- 5.12 It has been noted earlier in this report that the Local Plan Inspector made reference to the need for a footpath/cycleway at the east end of the site to encourage walking and cycling to local services and reduce car usage. To further improve sustainable transport options for residents, the applicants have also agreed to make financial contributions to a range of off-site transport improvements
- 5.13 The suggested arrangements for vehicular access along Tilbury Lane involve the installation of a gate system to restrict access to those properties that have right of way to use the lane, and to allow emergency access to the proposed housing. The applicants request the precise mechanism for control be the subject of a condition on the outline planning permission. The tenant farmer who occupies Tilbury Farm originally objected to the option of a gated system on the grounds of its practicality. However, he has been in discussion with the landowners, Oxford University, to provide a new access track for the farm which would run along the north side of the A420 and avoid the need for farm machinery to use Tilbury Lane. Oxford University has also written to confirm this intention. In view of this the farmer has recently withdrawn his objection. A new farm track can be created without the need for planning permission using agricultural permitted development rights.
- 5.14 Officers consider it is reasonable to impose a condition to agree the precise method of how to control access to Tilbury Lane at the reserved matters stage. The issue of a new farm access is purely a private matter between the farmer and the landowner. As such, it would be unreasonable to impose a condition on this application to require such an access to be provided. Even if the new farm access is provided a means of controlled access will still be necessary for the small number of dwellings that are also served by the lane.

Quality of the Proposed Scheme

- 5.15 Although the application is in outline the applicants have produced a considerable amount of material in connection with the illustrative design, layout and sizes of the proposed dwellings, including a contextual analysis to inform a suggested design for the proposed housing. The illustrative proposal is for 95 houses and 55 flats with a total of 73 1- and 2-bedroom dwellings (which equates to almost 50%). The majority of the buildings would be 2- or 2 ½ storeys. There are also seven 3-storey flats buildings arranged throughout the site. The indicative layout is focussed around three "town squares" with illustrative designs for each square included in the submission. Distances between the suggested dwellings accord with the Council's minimum standards, namely 21 m back-to-back and 12 m back-to-side wall. The applicants

have demonstrated that the site can accommodate a good mix of housing that promises to have attractive variations in terms of massing and scale.

- 5.16 In terms of public open space the applicants are proposing to provide most of this on land to the north of the housing site rather than within the housing area. They argue that this will provide an attractive setting for the proposed housing and follows the pattern used on the existing Fogwell Road estate, where open space has been created between the housing and the A420. There will thus be the opportunity to connect both the existing and proposed open spaces to provide a long corridor of strategic open space. At the east end of the site the proposed footpath/cycle link to Hazel Road would pass through this proposed open space corridor.
- 5.17 The principal area of open space within the housing site would be along both sides of Tilbury Lane, which would enable the existing hedgerows to be protected. There would be 2 play spaces on the site.
- 5.18 Policy H23 of the adopted Local Plan usually requires public open space to be laid out within the housing area, but does acknowledge that off-site provision may be more suitable on some sites. In view of the applicants' arguments concerning the disposition of public open space Officers see merit in connecting the public open space for the application site and the existing public open space corridor to the west. However, as it is a departure from usual practise, Members' views on this matter are sought.
- 5.19 In terms of conservation of resources, the applicants have confirmed that 10% of all on-site energy consumption will be offset by renewable energy sources. This is in accordance with the suggestion of the Council's Energy Team Leader and goes significantly beyond the current Eco-homes "very good" standard. Water conservation measures, such as the use of water butts, are also proposed. This energy and water conservation strategy can be secured by condition.
- 5.20 Overall, therefore, Officers consider the proposed scheme is likely to produce a high quality residential environment.

Impact on Surrounding Residents

- 5.21 The indicative details submitted with the application show that the proposed housing can be sited so that the distance to existing neighbouring houses meets the Council's standards. Consequently, there should be no undue harm to neighbours arising from overlooking or over dominance.
- 5.22 Objections have also been made concerning additional noise from traffic associated with the development affecting existing rear gardens that adjoin Fogwell Road. However, it is not considered that any increase in traffic noise levels will be so great as to warrant refusal of the application.

Impact on Local Services

- 5.23 The applicants have agreed a package of financial contributions with Oxfordshire County Council to help provide proportionate improvements to local educational, social, and waste management services. The contributions will enable these local services to absorb the additional demands from the residents of the scheme.

- 5.24 With regard to the local GP surgery, the Oxfordshire Primary Care Trust has determined (after a considerable delay) that a new GP will be required to deal with the increased population arising from this proposal, as well as from the new housing proposed at the allocated sites at Lime Road and Timbmet on Cumnor Hill. An extension to the GP surgery will also need to be built. At the time of writing the report, the PCT were preparing a request for a proportionate financial contribution. Progress on this issue will be reported at the Meeting.

Surface Water and Foul Water Drainage

- 5.25 The applicant's Flood Risk Assessment and Drainage Strategy has been the subject of consultation with the Environment Agency. The Agency made an initial holding objection and the applicants have submitted additional information in response. A further update on this issue will be made orally at the Meeting.
- 5.26 In terms of foul water drainage, Thames Water requires the imposition of a Grampian condition to prohibit the occupation of any new dwelling on this site until improvements have been made to local sewerage infrastructure. There have been instances of sewage surcharging in properties in Dean Court for some years, and Thames Water has accepted that the sewer network is operating above capacity at certain times. A study of the local sewer network is currently under way to find the source of the bottleneck and what needs to be done to address the problem. A Grampian condition can be imposed, as it was on the Timbmet outline planning permission, to ensure that the sewer improvements are carried out before any new dwelling on the site is occupied.

Electro-magnetic Field (EMF)

- 5.27 The submitted EMF report from the applicants has been reviewed by the independent Health Protection Agency. The accuracy and rigour of the report has been criticised by several objectors, some of whom obviously have considerable knowledge of the subject. They believe the likely health impact of EMF on future residents from the high voltage power lines has been incorrectly assessed.
- 5.28 The HPA concludes the applicants' report and its recommendation are consistent with the current accepted majority scientific view about the possible health effects of EMF. The recommended separation distance of the housing from the power lines is considered to be "very conservative in terms of current UK EMF exposure guidelines". However, the HPA has raised questions about the equipment used by the consultants to measure the EMF, to which the consultants have responded. The HPA letter and the applicants' response are in **Appendix 10**. A further update on this issue will be reported orally at the Meeting.
- 5.29 In terms of the detailed criticisms made by neighbours that refer to contrary findings of other studies, including the interaction between EMF and particulate pollutants in the air, the HPA conclude that these reflect the views of a minority of studies that are not supported by current scientific orthodoxy.

Ecology

- 5.30 The submitted habitat and ecological appraisal has not identified the presence of any legally protected habitats anywhere on the application site. It is likely that there are species of protected reptile living in hedgerows on the site and also in the allotments

to the south. Due to the inevitable delay between the granting of any outline planning permission and the development of detailed plans for the site, and to the fact that the final detailed proposed housing layout may depart from the current illustrative plan, it is recommended that further surveys are carried out in parallel with a reserved matters proposal, when the potential impact of the proposed development on the more ecologically sensitive parts of the site will be more fully appreciated.

- 5.31 The appraisal has been carefully considered by Natural England. It was carried out using a nationally accepted methodology and also drew on data from other sources, including the Thames Valley Environmental Records Centre. Natural England raises no objection to the conclusions of the appraisal, subject to conditions. These conditions include a further surveys and a mitigation strategy for any reptiles that may reside on site and in the adjoining allotments. These recommendations are the subject of conditions.

Noise from the A420

- 5.32 The submitted Noise Assessment has been considered by the Deputy Director (Environmental Health). He considers that the methodology and findings of the assessment are well founded. Although the noise level inside the dwellings facing the A420 will be acceptable provided suitable double glazing is used, an open window would lead to excess noise inside these particular dwellings. It is therefore recommended that passive ventilation be included in the dwellings that will face the A420 as part of a scheme of acoustic insulation that can be required by condition. The remaining proposed dwellings will not require passive ventilation. To protect garden areas the indicative layout plan shows proposed houses on the north boundary orientated so that the building shields the rear garden against noise from the A420. Officers consider that, although this orientation cannot be required by a condition, an informative can be attached to any planning permission to draw attention to the desirability of including this detail in any future reserved matters application.
- 5.33 Some objectors have criticised the noise assessment because the survey was carried out in August, when it is argued that traffic volumes on the A420 will be less due to holidays. However, there is no quantitative evidence to support this stance. Moreover the Deputy Director (Environmental Health) has pointed out that, due to the logarithmic nature of the decibel scale which is used to measure sound, there would need to be a very substantial reduction in traffic levels before any material change occurred to the results of the survey.

Air Quality

- 5.34 Officers have carefully considered the arguments made in the applicants Air Quality report concerning the level of nitrogen dioxide prevalent at the site. Since the submission of the applicants report, a more detailed Council study of levels of nitrogen dioxide along the A34 in Botley has been published (in September 2007) with measurements from seven sites close to the road (mostly within 30 metres of it). Of these seven sites, five recorded levels that were below the target level, and two were above the target level. By 2010, it is predicted in the study that all the sites will be below the target level due to improved emissions from vehicles. It should be noted that the Council does propose to declare an Air Quality Management Area (AQMA) for the A34 corridor in Botley.

- 5.35 It is a fact that the level of air pollution from traffic declines with distance from a road. Officers have considered the close proximity of these latest recording sites to the A34 (when compared to the application site) and the mixed nature of their results. From this, Officers consider the arguments that the application site will have relatively low levels of nitrogen dioxide, and that the proposed housing will not cause any harmful level of air pollution, to be entirely reasonable.
- 5.36 Objectors have pointed out that the proposed housing is closer to the A420 than the A34 (although it will be at least 100 m from the A420) and may suffer from air pollution from this source. However, as part of the three-stage District-wide air quality review and assessment process that finished in 2000, the Council's air quality consultants did examine the section of the A420 near to houses in Orchard Road as a potential source of nitrogen dioxide pollution. They concluded that levels only 30 m from the road were significantly below the national target level. National predictions are that nitrogen dioxide levels will fall. Thus, there is considered to be no reason to conclude that air pollution from the A420 is a problem on the proposed housing site.
- 5.37 In reaching these conclusions about air quality Officers have also been mindful of relevant Government advice in PPS23, "Planning and Pollution Control". In paragraph 1G.2 it states, "It is not the case that all planning applications for development... should be refused if the development would result in a deterioration of local air quality. Such an approach could sterilise development... Road transport is recognised as a significant contributor to poor local air quality, particularly in urban areas. Local planning authorities can play a key role by ensuring that developments reduce the need to travel and by encouraging more sustainable travel choices." In this regard, the Local Plan Inspector's comments concerning how sustainable the application site is for housing, and the significant potential for non-car modes of travel, are particularly relevant.

Section 106 Matters

- 5.38 A Section 106 Obligation is being prepared with the Vale to cover the following matters –
- Affordable housing
 - Commuted sums for the maintenance of public open space and play space
 - Contributions in respect of the requests made by Cumnor and North Hinksey Parish Council's
 - A contribution to Botley GP Surgery
 - Public art

6.0 **Recommendation**

- 6.1 *Subject to the nature of the further progress to be reported orally at the Meeting on the stance of the Environment Agency on the drainage strategy and the Health Protection Agency regarding the EMF report, it is recommended that authority to grant outline planning permission be delegated to the Deputy Director (Planning & Community Strategy) in consultation with the Chair, Vice-Chair and Local Members, subject to –*
- i) *the completion of Section 106 Obligations with the Vale and with Oxfordshire County Council*

- ii) *conditions, to include the submission of reserved matters, a limitation on the number of dwellings to no more than 150, details of the modified junction arrangement, the provision of the footpath/cycleway, details of lighting of the footway/cycleway, the details for restricting access to Tilbury Lane, tying in elements of the design and access strategy, foul drainage, noise insulation, the energy and water conservation strategy, the recommendations of English Nature on ecology, and those of the Environment Agency on surface water drainage*

- iii) *an informative regarding the orientation of dwellings on plots facing the A420.*