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25 May 2022

**Wolvercote Neighbourhood Forum. Comments on Reserved Matters Planning Application 22/00675/RES: Oxford North  
25 May 2022, up-dated 2 September 2022**

The planning application is at:

<https://public.oxford.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R8W6SCMF19P00>

The comments in the Forum's response to the first Reserved Application addressed the application's compliance with the policies in the made Wolvercote Neighbourhood Plan in the order in which they appear in the plan. (Reference was made to the policies in every case.) The changes in the current application do not make any difference to our concerns. For completeness, the comments already submitted have been repeated.

Because the biodiversity report provides new evidence of the almost certain failure to achieve a 5% increase in biodiversity across the site, and the likely attempt to compensate for this by funding enhancements elsewhere in Oxford contrary to **Policy GBS 5**, this new response to the application is placed first. It is completely unacceptable for the developer to reduce the biodiversity of an area and suggest that it can be compensated for by the Council's accepting money to employ elsewhere.

Where there is failure to comply, or insufficient information to be confident of compliance, the following comments are an objection to the application. In some instances compliance could be achieved by, for example, providing more information, submitting an improved plan, or providing more appropriate mitigation. However, there are matters – Air and Noise Pollution, and Layout of Buildings on New Developments – where non-compliance, and indeed risk to health, are both so serious that the objections to the application recommend that permission is not granted until, and only if, the problems can be resolved by completely new submissions.

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**COMMENTS ON THE BSG ECOLOGY REPORT**

**Policy GBS5**

The Report (15 July 2022) by BSG Ecology for TWO, details the likely effects of the development as planned on Canalside on the overall biodiversity net gain or loss on the whole site.

Condition 52 of the Hybrid Planning permission (18/02065/OUTFUL) required details with each Reserved Matters application to be submitted, providing details of ecological enhancements for that phase, to ensure that a minimum overall net gain in biodiversity of 5% would be achieved across the whole site.

Because previous calculations of the likely effect of the whole development on biodiversity were not divided into the different areas of the development, BSG has now allocated Units to the different areas of the site.

The number of Biodiversity Units from different habitats (types of vegetation) and hedgerows in the different areas of the whole masterplan area is reduced, compared with the original assessments. In the Environmental Statement Addendum 2019, Table 7.13 showed an overall biodiversity loss of -6.67 in habitats, and a 5.92 gain in hedgerows. To achieve a gain of 5% overall, arrangements have been made with the City Council for TWO to convert 3 ha of land in Cutteslowe Park from a species-poor site with low soil fertility to a species-rich wildflower meadow.

The current assessment is for the habitat areas to show a 3.01 net gain, and a hedgerow gain of 2.51. BSG concludes that there is a net gain shortfall of 2.048 in habitat units, and 2.6 linear habitat units compared with that predicted from the illustrative masterplan. It appears that this is because of the replacement of dense scrub between the new development and Jury's Inn Hotel with private gardens.

**It is predicted by BSG that the 5% net gain will only be achieved overall either by changes to the planting plans in other parts of the development, or more likely by an agreement between TWO and the city council for an increase in biodiversity elsewhere in Oxford.**

**Schedule 9 of the S106 Agreement states that the owner will not occupy more than 443 dwellings or 85,000m<sup>3</sup> of employment GIA until an agreement has been reached to compensate for any biodiversity shortfall by a contribution to the City Council to implement biodiversity enhancements in or around Oxford. Unless, that is, the parties agree to the owners themselves carrying out further enhancement works on or off the site to achieve the overall net gain from the development of 5%.**

**This report then makes it clear that a 5% minimum increase in biodiversity across the site will not be achieved. It seems unlikely that off-site enhancements could be provided within Wolvercote ward, which they should be to comply with Policy GBS5 of the Wolvercote Neighbourhood Plan. The concerns expressed in our original comments on this application are now increased by the information in this report.**

**THE WOLVERCOTE NEIGHBOURHOOD FORUM OBJECTS TO THIS APPLICATION BECAUSE IT IS NOT COMPLIANT WITH THE POLICY GBS5 IN THE NEIGHBOURHOOD PLAN.**

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**Comments below made 25 May 2022**

#### **PLAY AREAS**

**Policy GBS3: "There must be play areas that are safe and within 100m of accommodation. The provision should be enhanced or new facilities be provided where appropriate."**

**We are pleased that a children's play area will be provided in the Neighbourhood Square, and that it will be within 100m of much of the accommodation. However, the East Side housing will be further from the play area, some accommodation being 200m from it. We ask that an additional play**

area is included on the East Side to ensure consistency with GBS3. We need assurance that all play equipment will be installed by the developer, and that it will be provided as soon as the first units of accommodation on the development are occupied.

#### **RECREATIONAL FACILITIES**

**Policy CHC1:** “Community, sports and recreational facilities (indoors and outdoors) should be within 500m walking distance for every household.”

We are pleased to see the provision of an outdoor exercise station with outdoor gym equipment within 500m walking distance of all accommodation, consistent with CHC1. We are expecting the provision of additional facilities to complete this requirement when the plans for the next part of the development are submitted.

#### **BIODIVERSITY**

**Policy GBS 5:** Assuming that the benefits of this development are considered by planners to outweigh the loss of habitat and species (see Oxford Core Strategy CS12), “Loss can be mitigated and compensated for on a like-for-like basis elsewhere within the WNPA by providing a replacement habitat of equivalent or higher ecological value that is appropriate for the habitat and species within it, and which provides net gains in biodiversity.”

There is no evidence that adequate mitigation is proposed for the loss of biodiversity on the Canalside site, including the destruction of the hedges. Mitigation must provide biodiversity the equivalent of, or higher than, the lost biodiversity. A detailed ecological justification should have been provided to demonstrate that planting a wildflower meadow on a green space at Cutteslowe represents a net gain in biodiversity. However, we consider that using land already established as green space is not equivalent to a developer providing a new replacement habitat. Therefore, this would not be a suitable solution.

With reference to Policy GBC1 (Wildlife Corridors)

It should also be noted that the clearing of the site and the destruction of hedges before any attempted mitigation has already damaged biodiversity in the area and disrupted wildlife corridors.

**THE WOLVERCOTE NEIGHBOURHOOD FORUM OBJECTS TO THIS APPLICATION BECAUSE IT IS NOT COMPLIANT WITH THE POLICY GBS5 IN THE NEIGHBOURHOOD PLAN.**

#### **GREEN SPACE IN DEVELOPMENTS**

**Policy GBS6:** (This policy supports development proposals that increase public access to green spaces and increase biodiversity.)

More information is required for us to be convinced of compliance with this policy. Canalside Park would constitute an increase in public access to green spaces, but since it lies outside the area of the present application, we currently lack assurance that it will be provided in the form suggested. We ask for details to be provided of the design of the park and public access to it, to which developer TWO is committed.

#### **AIR POLLUTION**

**Policy BES2: (This policy requires the identification of the present state of air quality and of the impact of a development on the health of residents.)**

The air quality assessment provided refers several times to the inadequacy of its own data and modelling. It is assumed that there will be ‘no improvement in the pollutant background concentrations or road transport emission factors’, yet it concludes that ‘no mitigation is required as air quality objectives are predicted to be met’. The out-of-date 2019 baseline is used by the report and there is a failure to assess the effect of the increase in traffic on the A40 consequent on the many new developments along the A40 and A44 planned before the completion of Oxford North, and the likely increase in through-traffic because of the A40 dualling to the west.

A modelling estimate of traffic in 2031 that still took no account of new development, approved or proposed, was that at peak times there will be 3km traffic queues, moving slowly, and stopping and starting, on a highway that the development will have made into a canyon by high buildings on either side. In the introduction to the assessment, it is acknowledged that ‘additional traffic information is required once more data is available’. In fact, there are already models of the likely increase of traffic and the effect of high building on the A40, which can provide better predictions of the consequences of the development on current and future residents and workers.

The development will increase the number of car movements with most workers not living on site (Oxford North’s modelling shows 2232 employees are eventually expected to commute in, mostly by car), and the proposals for low car ownership and use by residents is unrealistic (see the comments on the Travel Plan).

The report is full of uncertainties and qualifications. Though it says that the residents at Canalside are not at risk, it continues: ‘It is widely acknowledged that there is no safe level of exposure to air pollution’. The report does not address PM2.5 and does not make correct reference to the 10 microgram standard now in place, which is currently under consultation for revision to 5 micrograms. It also indicates that current traffic data is ‘highly uncertain’, that unfortunately no ‘automatic monitoring sites’ measuring nitrogen dioxide and particulate matter are near the site, and there are only three diffusion tubes. These ‘tend to under or over read’ and the data from them have to use a bias adjustment factor.

**Detailed information is required on the present state of air pollution and risks to the health of residents. Those most at risk are obviously the residents in the apartments flanking the major roads, where much of the affordable housing is.**

**The only proposed mitigation is heavily reliant on the use of mechanical ventilation units. These would need a comprehensive maintenance strategy for the replacement of air filters and the servicing of the units to prevent disease transmission and internal air pollution. Mitigating this risk also requires a minimum of four full air exchanges an hour per room, and cross ventilation with outdoor air is preferred for domestic buildings.**

**There is thus no evidence of any design features that would provide appropriate mitigation, and planning permission should therefore not be granted. This objection should be read with the objections to noise pollution and the layout of buildings.**

**THE WOLVERCOTE NEIGHBOURHOOD FORUM OBJECTS TO THIS APPLICATION BECAUSE IT IS NOT COMPLIANT WITH POLICY BES2 IN THE NEIGHBOURHOOD PLAN.**

## **NOISE POLLUTION**

**Policy BES3: (This policy requires that, using up-to-date technical guidance, developments should be designed to minimise intrusive noise for new and existing residents both inside their homes and outside within the curtilage of their dwellings.)**

The proposals do not achieve this, and do not offer convincing solutions to intrusive noise. The specialist reports conflict with each other. For residents to benefit from the sound insulation properties of their new homes, the acoustic engineers (Cass Allen) expect them to live in hermetically sealed environments - windows would always be closed with mechanical ventilation systems permanently in operation (see noise assessment). The environmental engineers (Max Fordham), in considering the apartments, expect that windows might need to be opened in summer to avoid overheating in order to supplement the mechanical ventilation that they predict might not be able to cope alone. Furthermore, it is proposed to install ceiling fans. Max Fordham cites the benefits of the dual-aspect internal dwelling layouts to encourage passive ventilation, but ignores that making windows openable will remove barriers to noise and potential air pollution. Therefore, the fact that windows may need to be opened confirms that the double or triple glazing specifications in the acoustic statement do not in themselves provide the complete solution for the mitigation of either traffic noise or air pollution. Other strategies are needed.

It should be noted that the overheating strategy is also flawed by the architectural scheme. Approximately a third of the 205 apartments (72) are designed with single aspect only. Residents of the flats in Block 2 facing the A34 will have no option but to open their windows, thus letting in noise and polluted air. This is disgraceful enough, but the proposal to allocate such flats for 'social rent' is totally unacceptable.

Externally, whilst there are plans to show the location of noise insulating glazing (Appendix 6 on the Acoustic Statement), and while fencing is mentioned in the report, there is no analysis of where acoustic fencing is needed and no plan showing its proposed location in order to mitigate noise pollution in gardens or yards. No specifications for the make-up of fencing are offered, so it has to be assumed that this will be nothing special. Thus it is unlikely that the suggestion of 1.8m high fencing would do anything to reduce the noise in private yards and gardens. There is plenty of evidence for the inadequacy of fencing in the neighbourhood of Wolvercote already.

**It is clear that many residents will be forced to chose between horribly intrusive noise and polluted air, or never having open windows. We consider this unacceptable, and inconsistent with policy BES3.**

**In addition, noise levels in open spaces alongside the A40 and at the west end of the site are predicted to be 'intrusive' to a level we consider unacceptable: Leq=70 dBA or more. We are also concerned that noise levels in future will exceed even the high levels predicted in the Noise Assessment, since future traffic levels assumed in the modelling are unrealistically low (see our comments in relation to policy BES2).**

**Furthermore, the introduction of tall buildings on the north side of the A40 will generate a canyon effect, which will serve to amplify noise for the new residents on the south side through reflection of noise from vehicles. This also seems to have been neglected in the modelling.**

**It is also completely unacceptable that many of the flats in blocks flanking major roads are designated as affordable housing and that blocks are being used to attempt to shield more expensive open-market housing in the centre of the site. Clearly, if the more expensive housing cannot be located and marketed here, houses should not be built.**

**THE WOLVERCOTE NEIGHBOURHOOD FORUM OBJECTS TO THIS APPLICATION BECAUSE IT IS NOT COMPLIANT WITH POLICY BES3 IN THE NEIGHBOURHOOD PLAN.**

#### **DRAINAGE AND FLOODING**

**Policy BES4: (This policy is designed to ensure that the foul sewerage system is sufficient to cope with the development and to ensure there is no increased risk of flooding. The County Council as Lead Local Flood Authority have to sign off the approval.)**

**There is insufficient information provided for informed consent. The observations about the capacity of the foul sewer network below apply to this and to all planning applications. Thames Water does not seem to consider them cumulatively.**

Thames Water's response to this application is:

- 1) The network into which the site will discharge is subject to much groundwater ingress (which by implication occurs after periods of heavy rain).
- 2) There is no problem with capacity of the foul sewer network.

No reference is made to the fact that Oxford's foul sewer network has large areas of housing built with combined drainage (in which a substantial amount of roof drainage goes directly into the foul network). This makes flows particularly responsive to rainfall and, without adequate storm tank capacity, leads to overflows of foul sewage into rivers during rainfall. With increasing amounts of development, the capacity of the system is gradually used up as the amount of foul sewage increases, but the responsiveness to rainfall does not diminish, so foul overflows occur more frequently. This is exacerbated by more extreme and more frequent rainstorms resulting from Climate Change. **However, it seems that no Water Authority takes responsibility for preventing storm overflows occurring more frequently than they are expected to (in once-in-10-years rainstorms).** Foul sewage overflows to river are currently occurring **for long periods, many times** every year!

We have no evidence as to whether the Sandford (Oxford) Sewage Treatment Works has adequate capacity to:

1. Treat the foul sewage flows, which are increasing predictably and inexorably with all the new development in Oxford;
2. Store the excess storm flows in all rainfall events of less than 10% p.a. risk.

Predictable excesses are occurring more often, due to both displacement by the increase in foul sewage flow, and the greater frequency of extreme rainfall events due to Climate Change.

**Specifically for this site, assurance is required that Goose Green Close is protected. It seems particularly vulnerable from the new water course.**

**THE WOLVERCOTE NEIGHBOURHOOD FORUM OBJECTS TO THIS APPLICATION BECAUSE IT IS NOT COMPLIANT WITH POLICY BES4 IN THE NEIGHBOURHOOD PLAN.**

**LAYOUT OF BUILDINGS ON NEW DEVELOPMENTS**

**Policy BEC2: (This policy is to safeguard privacy, minimise overlooking, maximise natural light within dwellings and gardens, and avoid living rooms with a northerly aspect.)**

In this application north-facing rooms are generally avoided, though some overlooking is inevitable given the density of development. Provision of balconies providing external amenity space and solar shading significantly compromises natural light penetration of some dwellings. A particularly unsatisfactory apartment layout (types 3B WCH type A PS and 3B type B PS) is indicated in the south internal corner of Block 1 – not only is this unit entirely north-facing, but also the provision of natural light and natural ventilation appears below standard. These flaws are compounded by the provision of a balcony thus providing external amenity space but which will permanently be in the shade (See Daylight impact study) and which will further limit the penetration of natural light to the apartment. This is undesirable.

Another unfortunate aspect of the design of the apartment layout is the use of long corridor access particularly in Blocks 1 and 2, which we consider will be devoid of natural light, if not ventilation. We think that these spaces, if uncared for, could become particularly unpleasant spaces and not at all an asset to the ‘journey home’ (see section 6 of the Design & Access statement), an alleged feature of the design.

**THE WOLVERCOTE NEIGHBOURHOOD FORUM OBJECTS TO THIS APPLICATION BECAUSE IT IS NOT COMPLIANT WITH POLICY BEC2 IN THE NEIGHBOURHOOD PLAN.**

**ENERGY EFFICIENCY**

**Policy BEC4**

**We commend the apparent energy efficiency of the application. We request assurance that there will be comprehensive provision of effective internet connections, cabling and fittings to all dwellings to ensure their internet connectivity.**

**MIX OF DWELLINGS**

**Policy BEC5: “There should be an appropriate mix of dwellings to meet community needs.”**

**The Health Impact Assessment indicates that the development does not provide ‘dedicated older persons’ accommodation’ but instead provides a significant amount of ‘accessible homes’ and wheelchair accessible homes. Thus for the elderly and disabled, the developer is minimally providing for the elderly and it is regrettable that no community spaces are planned.**

**We would welcome efforts to remedy this.**

**TRAVEL PLANS**

**Policy CHS4**

**We agree with every one of the County Council’s list of the inadequacies of the Vectos Residential Travel Plan. It is unrealistic. It is an admirable ambition to reduce the use of cars and for people to use public transport, and bicycles, and to walk; but on a development of 163 three, four and five-bedroom houses as well as 155 one and two-bedroom apartments, the provision of fewer than one parking place per unit of accommodation is unlikely to be adequate to cope with car ownership. Providing 0.6 spaces per dwelling is below the City Council’s policy for 0.75. Even this would be very difficult to achieve on a site with houses of this size. One consequence otherwise will be an unacceptable nuisance for current nearby residents from overspill parking in the neighbourhood. We ask that the provision of parking space be increased to 0.75 per dwelling.**

**We are disappointed that apart from the provision of bus stops, all the developer is doing is providing new residents with information and appointing someone as Travel Plan Coordinator, though it is difficult to see what he or she will do. The aim to reduce car/motorcycle travel by 13% and increase bus trips by 1% is too modest. The development should be designed to encourage greater use of buses, by ensuring it is able to accommodate buses passing through the site, ready for take-up as soon as public policy and new technology enable the provision of more local buses (e.g. through use of on-demand, electric, driverless buses). This means that entrances and exits to/from the site and corners on the loop road need to be designed to accommodate a bus of the maximum length reasonably expected to be in use in the foreseeable future. We ask that the street layout be modified to achieve this.**

**THE WOLVERCOTE NEIGHBOURHOOD FORUM OBJECTS TO THIS APPLICATION BECAUSE IT IS NOT COMPLIANT WITH THE POLICY CHS4 IN THE NEIGHBOURHOOD PLAN.**

#### **PERMEABLE PAVING**

**Policy GBC5: “It is desirable that all hard surfaces should be permeable.”  
We encourage this and hope that it will be achieved on this site.**

#### **ELECTRIC CAR CHARGING POINTS**

**Policy CHS2 – It is expected that charging points will have to be provided by regulation now at all houses. In addition we ask for assurance that:**

- 1. All car park spaces at the blocks of flats will also be provided with charging points;**
- 2. All the cycle storage locations will be provided with a reasonable number of electric cycle charging points;**
- 3. All cycle storage locations and charging points are also designed to be usable by e-scooters, ready for when their general use is approved.**

#### **SAFE ACCESS TO SCHOOLS ETC.**

**Policy CHS3: There must be “safe access to schools, community facilities and retail outlets, where practicable”.**

**Access from the site to Wolvercote Primary School is being improved a little by provision of highway refuges at a few locations. We are disappointed that no more substantive safety measures (such as Zebra crossings or controlled crossings) are proposed instead. We ask for this decision to be reversed.**

#### **WALKING AND CYCLING INFRASTRUCTURE**



**POLICY CHC2: “Walking and cycling must be encouraged.” By implication, this includes providing corresponding facilities for residents with impeded mobility, using wheelchairs.**

**We are pleased that footpaths and cycle tracks are provided across the site, and also that all housing will be provided with suitable cycle storage (that needs to be designed to be usable for e-scooters too – see above).**

**However we are concerned that inadequate provision has been made for wheelchair users needing to traverse the site from the area of the A40 down to Joe White’s Lane. On the footpath at the centre of the site in this direction, there are 4 flights of steps that would not be accessible by wheelchairs. If they have to take another route it involves an unreasonably long detour. We ask that this path be re-designed, so that adjacent to each flight of steps there are zig-zag ramps provided, easily usable by wheelchairs.**

**We ask for assurance that all facilities on the site designed for cyclists and pedestrians are designed to the most up-to-date Oxfordshire County Council Design Standards.**

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