

Case Officer: Andrew Lewis

Applicant: Pye Homes Limited

Proposal: Outline planning application for the erection of up to 31 dwellings, public open space, landscaping, associated parking, vehicular access and ancillary works (all matters reserved except means of access)

Ward: Fringford And Heyfords

Councillors: Councillor P. Clarke, Councillor Corkin, and Councillor Wood

Reason for Referral: Major development

Expiry Date: 14 January 2022

Committee Date: 10 March 2022

SUMMARY OF RECOMMENDATION: DELEGATE POWERS TO GRANT PERMISSION SUBJECT TO CONDITIONS AND COMPLETION OF A S106 PLANNING AGREEMENT

1. APPLICATION SITE AND LOCALITY

- 1.1. The land subject of this application is approximately 1.07 hectares in size and an open green field site located to the east of the former RAF/USAF Upper Heyford base on the north side of Camp Road. Its actual western boundary is a track that leads to a group of residential buildings to the north of the site that are collectively known as Letchmere Farm. On the other side of the track is a strong green boundary of trees and hedging. This forms the eastern edge of the former Heyford base. This area consists of a mix of former officer's housing built of red brick in an arts and crafts style with large gardens accessed off Larsen Road that leads on to Trenchard Circle and a group of more American style bungalows.
- 1.2. The land slopes down to its eastern boundary to Sor Brook and hedging. Beyond that are a small group of ponds and beyond that another open field. There is a hedge to the front of the site that separates it from the adjacent parcel of land to the south which is subject to a full application for the erection of a further 89 dwellings and the Planning Committee resolved to grant planning permission, subject to s106 and conditions, in January 2022. Access to this application site is provided through the adjacent site and on to Camp Road. On the south side of Camp Road is the Duvall Mobile Home Park.
- 1.3. In terms of the uses on the adjacent former RAF/USAF site, military use ceased in 1994. Since 1998 the site has accommodated a number of employment uses in existing buildings on the flying field and in the technical area, first under temporary planning permissions and latterly under a permanent permission granted on appeal and by subsequent applications.
- 1.4. Over the last 20 years numerous applications have been made seeking permission to either develop the whole base or large parts of it and numerous of them have gone to appeal. The most significant was application ref 08/00716/OUT. Following a major public inquiry that commenced in September 2008 the Council received the appeal decision in January 2010 that allowed "*A new settlement of 1075 dwellings, together with associated works and facilities including employment uses, community uses,*

school, playing fields and other physical and social infrastructure (as amended by plans and information received 26.06.08).” This permission included the flying field and the uses and development permitted upon it at the appeal have been implemented under the appeal permission.

- 1.5. A revised masterplan was submitted as part of the outline application for “*Proposed new settlement for 1075 dwellings, together with associated works and facilities, including employment uses, a school, playing fields and other physical and social infrastructure*” and was granted permission on 22 December 2011 (ref 10/01642/OUT). The planning permission included a number of plans with which compliance was required including a masterplan, a retained buildings plans and other plans showing layouts all of which included the demolition of some buildings on the site. A number of reserved matters have been submitted, approved and implemented for permission 10/01642/OUT. As a result, Heyford Park is starting to take shape to the west of the application site.
- 1.6. In 2015, the Cherwell Local Plan 2011-2031 was adopted. This includes Policy Villages 5 which provides for “*...a settlement of approximately 1,600 dwellings (in addition to the 761 dwellings (net) already permitted) and necessary supporting infrastructure...enabling environmental improvements and the heritage interest of the site as a military base with Cold War associations to be conserved, compatible with achieving a satisfactory living environment. A comprehensive integrated approach will be expected*”. The current application site falls within the allocated site in an area marked as having potential for additional development
- 1.7. In November 2020, the Planning Committee considered application 18/00825/HYBRID which in summary sought approval for 1,175 dwellings, an area of potential high-tech employment based on film industry production, a commercial area, a park and visitor destination centre, an education site , the formation of a new access at the eastern end of the site (Chilgrove Drive) to the flying field for commercial traffic together with a new circulatory route through the extended settlement a new sports park, a new medical centre an energy facility, extension of the Village Centre including community buildings. The Committee resolved that authority be delegated to the Assistant Director Planning and Development, to grant permission for application 18/00825/HYBRID subject to conditions and the completion of a section 106 planning obligation. These delegated matters are still being progressed by officers.

2. CONSTRAINTS

- 2.1. The majority of the former airbase, that includes the adjacent land to the west of the application site and to the north of Letchmere Farm, was designated as a Conservation Area in 2006 because of its architectural and social historic interest due to its role during the Cold War, In addition, the wider RAF Upper Heyford site also contains a number of Scheduled Monuments identified as ‘Cold War Structures’ and five listed buildings as noted in the ‘RAF Upper Heyford Conservation Area Appraisal’ produced by the Council (CDC) in 2006. There are also buildings which are not listed, but of local and national significance. No buildings in the vicinity of the application site are either scheduled ancient monuments or statutorily listed buildings although the Officer’s housing to the west is listed as being of local importance.
- 2.2. The site lies just outside the recently designated Ardley and Upper Heyford Conservation Target Area and the County designated wildlife site on the flying field which is important for its calcareous grassland, ground nesting birds and great crested newts. The latter have also been recorded at Letchmere Farm.
- 2.3. The site is also potentially contaminated land.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. This application seeks outline permission for up to 31 dwellings on the site. All matters are reserved except the principal means of access on to Camp Road, which will be via the proposed frontage development by the same applicant for 89 dwellings with access and landscaped open space (Ref: 15/01357/F).
- 3.2. An indicative layout has been provided with the application, which shows the provision of 31 dwellings, public open space, landscaping and associated parking.

4. RELEVANT PLANNING HISTORY

- 4.1. There is no planning history on the application site but the following history is considered relevant to the current proposal:

15/01357/F

Erection of 89 dwellings, creation of new access arrangement from Camp Road, creation of open space, hard and soft landscaping and associated ancillary works and infrastructure. Decision - Currently pending-approved subject to a s106 agreement and conditions.

08/00716/OUT

Outline application for new settlement of 1075 dwellings, together with associated works and facilities including employment uses, community uses, school, playing fields and other physical and social infrastructure (as amended by plan and information received 26.06.08). Decision - Permitted at appeal in 2010

10/01642/OUT

Outline - Proposed new settlement of 1075 dwellings including the retention and change of use of 267 existing military dwellings to residential use Class C3 and the change of use of other specified buildings, together with associated works and facilities, including employment uses, a school, playing fields and other physical and social infrastructure. Decision – Permitted December 2011. This was a revised proposal that included the creation of a new area of open space centred on the parade ground, now the “village green”, the retention of a large number of dwellings including 253 bungalows, and more of the heritage buildings the demolition of which was previously consented. The retention of these buildings at their existing low density meant the development area expanded west on to the sports field in order to achieve the number of dwellings previously approved. The planning permission included a number of plans with which compliance was required including a masterplan, a retained buildings plans and other plans showing layouts all of which included the demolition of all buildings on this site. The associated reserved matters have been submitted, approved and implemented for the permission. As a result of this, the new settlement is starting to take shape. Several phases of development have been undertaken including the former sports hall which was retained and refurbished and is now the gym and cultural wing of the Heyford Park Free School, over 700 dwellings are complete and a new commercial centre for the settlement is currently nearing completion. Decision – Permitted

16/02446/F

Erection of 296 residential dwellings (Use Class C3) comprising a mix of open market and affordable housing, together with associated works including provision of new and amended vehicular and pedestrian accesses, public open space, landscaping, utilities and infrastructure, and demolition of existing built structures and site clearance works. Decision – Permitted Application ref: 18/00825/HYBRID The application is a Hybrid application seeking approval in principle for: 1,175 dwellings, 348 (30%) are proposed to be affordable and 60 will be close care; 11.1 hectares is set aside for

Creative City, an area of potential high-tech employment based on film industry production, and which will also use areas of the flying field for filming; a commercial area of 2.3 hectares to the south of Creative City is also allocated for employment use; at the heart of the flying field will be the creation of a park (parcels 28 and 30); a 30m observation tower with zipwire with ancillary visitor facilities of up to 100 m², a visitor destination centre; an education site designed for primary and potentially early years provision; provision for up to 2,520 m² of additional Secondary school provision on the two current Free School sites (in Parcel 32 west and east); the formation of a new access at the eastern end of the site (Chilgrove Drive) to the flying field for commercial traffic together with a new circulatory route through the extended settlement to also facilitate a new bus service; a new sports park (4.2ha) is created in the south east corner of the site; the creation of a new medical centre up to 670 m² (described as Class D1) on Parcel 20; an energy facility of up to 1000 sq m; the existing consented Village Centre is being extended by the provision of a further mixed-use area comprising a variety of A1-A5, D1 and D2 uses on Parcel 38. This includes provision of up to 925 sq.m of community buildings (Class D2) located on Parcel 38 and also Parcel 34 adjacent to the proposed Sports Park. Decision - Currently pending-approved subject to a s106 agreement and conditions.

5. PRE-APPLICATION DISCUSSIONS

5.1. No pre-application discussions have taken place with regard to this proposal.

6. RESPONSE TO PUBLICITY

6.1. The application has been publicised by way of a site notice displayed near the site entrance, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **14 December 2021**. There were no objections, no submissions of support and 2 comments received.

6.2. A third party comments that the biodiversity enhancements with regards to birds is lacking in this proposal

6.3. A response from the main developer of Heyford Park, Dorchester Living states:

In applying Policy Villages 5 to applications 15/01375/F and 21/03523/OUT, it is highlighted that relevant and reasonable financial obligations should be secured towards the provision of this infrastructure to secure its onward delivery by either public bodies or other third-party developers:

- M40 Junction 10
- Bus Services
- Bus Infrastructure
- Junction Safety improvements to A4260 /B4027
- HGV restrictions
- Hopcrofts Holt
- Middleton Stoney Bus Gate or other solution
- Cycle link connection between Camp Road and B430
- Bridleway upgrade between B430 and Bicester
- Signalisation of Ardley Road/Bucknell Road/B430 Junction
- Signalisation of B430/Unnamed Road Junction

- Junction of Chilgrove Drive and Camp Road
- Upgraded Chilgrove Drive and new bus route
- Village Traffic Calming
- Junction Safety Improvements A420/North Aston Road
- Camp Road Improvements
- New School crossing
- Travel Planning
- New Primary School
- Primary School Land
- Secondary Education
- SEN Education
- Allotments
- Sports Pitches
- Indoor sports
- Community Hall
- Park creation
- Heritage Centre
- Heritage Buildings
- Grassland habitat creation

6.4. The comments received can be viewed in full on the Council's website, via the online Planning Register.

7. RESPONSE TO CONSULTATION

7.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

7.2. Heyford Park Parish Council: **No objections** but has concerns on highways grounds.

7.3. Middleton Stoney Parish Council: **No objections or comments.**

CONSULTEES

7.4. CDC - ARBORICULTURE: **No objections.** Comments: No harm outlined in report to T2, however concerned for future impact the proposal may have on T2 due to its proximity to the dwellings. If there would be scope to adjust the proposal to increase the distance from T2 to the closest dwelling this would mitigate concerns.

7.5. CDC - CONSERVATION: No comments

7.6. CDC - ECOLOGY: **No objections.** Comments:

- Ecological Survey is generally fine in terms of surveys carried out and assessment of value/impact.

- The measures outlined in MM1-MM8 inclusive to avoid harm to protected species and retained habitats are suitable to condition (or to be included in a conditioned CEMP).
- District licensing scheme is already arranged through Nature space for GCNs. The conditions and informatives within the Nature Space certificate to be added verbatim to any permission.
- The ecological appraisal makes some suggestions for enhancements on site, which are OK, however a little short of the numbers we would expect. Cherwell DC guidance recommends a minimum of the equivalent of one integrated bat/bird provision per dwelling. The intended number, types and locations of such enhancements should be included within a Biodiversity enhancement scheme or a LEMP. I would concur with Chris Mason of Swift Conservation that at least some of these provisions should be swift bricks.
- The ecological appraisal does not include a measurable demonstration of a net gain for biodiversity on site. For a site of this size, we look to have a Biodiversity Impact calculation submitted using a recognised metric to determine the net gain achievable on site. Whilst this is an outline application this is the stage at which we expect to see this demonstrated even if using an illustrative layout. CDC currently seeks a minimum net gain for habitats of 10% in line with upcoming legislation. I would request therefore that they submit a metric to show how this could be achieved within the proposed layouts. This will then aid us in judge if the net gain is acceptable.

7.7. CDC - PLANNING POLICY: **No objections or comments.**

7.8. CDC - RECREATION & LEISURE (CDC): **No objections** subject to S106 planning obligations for community hall facilities provision, outdoor sports provision, indoor sport provision and public art provision.

7.9. CDC - STRATEGIC HOUSING: **No objections** in principle. Requests 10 affordable units with the indicative mix of tenures and sizes:

- x 2-bedroom 4-person houses
- x 3-bedroom 5-person houses
- 2 x 4-bedroom 7 or 8-person houses
- First Homes - Total 3 dwellings
- x 2-bedroom 4-person houses

7.10. ENVIRONMENT AGENCY: **No objections** subject to foul drainage details.

7.11. ENVIRONMENTAL HEALTH (CDC): **No objections** subject to standard conditions in respect of a CEMP, contaminated land conditions and electrical vehicle charging infrastructure.

7.12. HEYFORD PARK RESIDENTS & COMMUNITY DEVELOPMENT ASSOCIATION: **No comment.**

7.13. LANDSCAPE SERVICES: **No objections** subject to landscaping conditions.

7.14. MID-CHERWELL NEIGHBOURHOOD FORUM: **No objections or comments.**

7.15. OXFORD TRUST FOR CONTEMPORARY HISTORY: **No objections or comments.**

- 7.16. LOCAL HIGHWAYS AUTHORITY (OCC): **No objections** subject to standard conditions in respect of width of the new estate roads, estate access, driveways and turning areas, retention of parking and manoeuvring areas and cycle parking provision and S106 contributions.
- 7.17. EDUCATION (OCC): **No objections** subject to S106 contributions to primary and nursery education, primary school land contribution, secondary education and SEN.
- 7.18. LEAD LOCAL FLOOD AUTHORITY: **No objections** subject to condition relating to SuDS scheme.
- 7.19. INFRASTRUCTURE FUNDING: **No objections** subject to S106 contributions towards the new Bicester library.
- 7.20. OXFORDSHIRE CLINICAL COMMISSIONING GROUP (CCG): **No objections or comments.**
- 7.21. THAMES VALLEY POLICE: **No objections.**
- 7.22. THAMES WATER: **No objections.** Request that informatives relating to Groundwater Risk Management Permit from Thames Water and water pressure are included.
- 7.23. WASTE & RECYCLING (CDC): **No objections** subject to S106 contributions towards Household Waste Recycling Centres.
- 7.24. COUNTY WATER LTD (HEYFORD PARK): **No objections.** Comments: This development is outside of County Water's area of appointment and therefore are not the sewerage undertaker for this development.

8. RELEVANT PLANNING POLICY AND GUIDANCE

- 8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council in 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2031 Part 1)

- PSD1 – Presumption in Favour of Sustainable Development
- SLE4 – Improved Transport and Connections
- BSC1 – District Wide Housing Distribution
- BSC2 – The Effective and Efficient Use of Land – Brownfield land and Housing Density
- BSC3 – Affordable Housing
- BSC4 – Housing Mix
- BSC7 – Meeting Education Needs
- BSC8 – Securing Health and Well Being
- BSC9 – Public Services and Utilities

- BSC10 – Open Space, Outdoor Sport and Recreation Provision
- BSC11 – Local Standards of Provision – Outdoor Recreation
- BSC12 – Indoor Sport, Recreation and Community Facilities
- ESD1 – Mitigating and Adapting to Climate Change
- ESD2 – Energy Hierarchy and Allowable Solutions
- ESD3 – Sustainable Construction
- ESD5 – Renewable Energy
- ESD6 – Sustainable Flood Risk Management
- ESD7 – Sustainable Drainage Systems (SuDs)
- ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 – Local Landscape Protection and Enhancement
- ESD15 – The Character of the Built and Historic Environment
- ESD17 – Green Infrastructure
- Policy Villages 5 – RAF Upper Heyford
- Policy INF1 – Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C23 – Retention of features contributing to character and appearance of a conservation area
- C28 – Layout, design and external appearance of new development
- C30 – Design of new residential development
- C31 – Compatibility of proposals in residential areas
- C32 – Provision of facilities for disabled people
- ENV1 – Environmental pollution
- ENV12 – Potentially contaminated land
- TR1 – Transportation Funding

MID-CHERWELL NEIGHBOURHOOD PLAN 2018-2031 (Feb 2019)

- Policy PD4: Protection of Views and Vistas
- Policy PD6: Control of light pollution
- Policy PC2: Health Facility
- Policy PC3: New Cemetery
- Policy PH3: Adaptable Housing
- Policy PH4: Extra-care and new planning policy Housing

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF) 2021
- Planning Practice Guidance (PPG)
- Cherwell Residential Design Guide SPD 2018

- Developer Contributions SPD 2018
- RAF Upper Heyford Conservation Appraisal 2006 (UHCA)
- Oxfordshire Local Transport Plan: Connecting Oxfordshire (2015- 2031)
- Circular 06/2005 (Biodiversity and Geological Conservation)
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017

9. APPRAISAL

9.1. The key issues for consideration in this case are:

- Planning Policy and Principle of the Development
- Site layout and design principles
- Landscape, visual impact and impact on the character of the area
- Heritage impact
- Housing
- Ecology impact
- Flood Risk and drainage
- Traffic, Transport, Accessibility
- Planning Obligations

Planning Policy and Principle of the Development

9.2. The Development Plan for Cherwell District comprises the saved policies in the adopted Cherwell Local Plan 1996, the adopted Cherwell Local Plan 2011-2031 (CLP 2031 Part 1) and the Mid Cherwell Neighbourhood Plan. Section 70(2) of the Town and Country Planning Act 1990 provides that in dealing with applications for planning permission the local planning authority shall have regards to the provisions of the development plan in so far as is material to the application and to any material considerations. Section 38 of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination shall be made in accordance with the development plan unless material considerations indicate otherwise. This is also reflected in the National Planning Policy Framework (NPPF) at paragraph 12 which makes it clear that the starting point for decision making is the development plan.

9.3. Paragraph 11 of the NPPF makes it clear that there is a presumption in favour of sustainable development and that permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against policies in the Framework taken as a whole. In Cherwell District, a five-year housing land supply does not presently exist. The Council's latest Annual Monitoring Report, (AMR 2021), prepared in accordance with NPPF guidance identifies only a 3.8 housing land supply for the period 2021-2026 and a 3.5 year housing land supply for the period 2022-2027 (commencing on 1 April 2022). As the Council cannot demonstrate a five-year housing land supply, in accordance with the NPPF, any assessment of the residential proposals will need to apply the 'tilted balance'. The 'tilted balance' states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably

outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

- 9.4. The Cherwell Local Plan 2011-2031 seeks to allocate sufficient land to meet District Wide Housing needs. The overall housing strategy is to focus housing growth at the towns of Banbury and Bicester as well as the Heyford strategic site outside of these towns. Policy ESD1 identifies that in mitigating the impact of development within the district on climate change, growth will be distributed to the most sustainable locations as defined in the Plan and to deliver development that seeks to reduce the need to travel and which encourages sustainable travel options including walking, cycling and public transport to reduce dependence on private cars.
- 9.5. In recognising that there is a need within the rural areas to meet local and Cherwell wide housing needs, the Cherwell Local Plan 2011-2031 at Policy BSC1 allocates 2,350 homes for the 'Rest of the District' in addition to windfall development. Of these, 1,600 homes are allocated by Policy Villages 5 at Former RAF Upper Heyford.
- 9.6. Policy Villages 5 of the CLP 2031 Part 1 identifies the former military base as a strategic site in the rural area for a new settlement. The land subject of this application is identified within that allocation as part of a potential development area. The policy seeks to achieve a settlement of approximately 1600 dwellings in addition to those already approved. The policy also goes on to lay down specific design and place making principles including avoiding development on more sensitive and historically significant sites, retain features that are important for the character and appearance of the site, encourage biodiversity enhancement, environmentally improve areas, integrate the new and existing communities and remove structures that do not make a positive contribution to the site's special character.
- 9.7. The plans and supporting documentation with this application demonstrate its general conformity with the development plan. The significant elements are:
 - Provision of further housing in order to meet the housing target and trajectory
 - Provision of over 30% affordable housing
 - A satisfactory mix of dwellings including smaller units
 - The environmental improvement of the locality
 - Integration and connectivity to the surrounding development.
 - Retention of the main hedging and trees
- 9.8. The main issues will be discussed in more detail below but in principle the application is seen to broadly conform to Policy Villages 5

Site Layout and Design Principles

- 9.9. Policy ESD15 of the CLP 2015 provides guidance as to the assessment of development and its impact upon the character of the built and historic environment. It seeks to secure development that would complement and enhance the character of its context through sensitive siting, layout and high-quality design meeting high design standards and complementing any nearby heritage assets. The National Planning Policy Framework is clear that good design is a fundamental to what the planning and development process should achieve.
- 9.10. Policy BSC 2 of the CLP 2020 Pt 1 requires the effective and efficient use of brownfield land and requires a density of 30 dwellings per ha. Saved policies applicable from the CLP 1996 include the retention of features contributing to character or appearance of a conservation area - Policy C23; development affecting the site or setting of a schedule ancient monument Policy C25; Layout, design and

external appearance of new development Policy C28; and Design Control - Policy C30:

9.11. The Council's Design Guide SPD seeks to ensure that new development responds to the traditional settlement pattern and character of a village. This includes the use of continuous building forms along principal routes and the use of traditional building materials and detailing and form that respond to the local vernacular.

9.12. Policy Villages 5 sets out a number of Key site-specific design and place shaping principles including:

- In order to avoid development on the most historically significant and sensitive parts of the site, new development is to be focused to the south of the flying field and on limited greenfield land to the south of Camp Road (and one greenfield area to the north of Camp Road, east of Larsen Road)
- The release of greenfield land within the allocated site Policy Villages 5 will not be allowed to compromise the necessary environmental improvements and conservation of heritage interest of the wider site
- The construction of the settlement on the former technical core and residential areas should retain buildings, structures, spaces and trees that contribute to the character and appearance of the site and integrate them into a high quality place that creates a satisfactory living environment
- The achievement of environmental improvements within the site and of views to it including the removal of buildings and structures that do not make a positive contribution to the special character or which are justified on the grounds of adverse visual impact, including in proximity to the proposed settlement, together with limited appropriate landscape mitigation, and reopening of historic routes
- Visitor access, controlled where necessary, to (and providing for interpretation of) the historic and ecological assets of the site
- New development should reflect high quality design that responds to the established character of the distinct character areas where this would preserve or enhance the appearance of the Former RAF Upper Heyford Conservation Area
- New development should also preserve or enhance the character and appearance of the Rousham, Lower Heyford and Upper Heyford Conservation Area, as well as the Oxford Canal Conservation Area, and their settings
- Development on greenfield land within 'Policy Villages 5' should provide for a well-designed, 'soft' approach to the urban edge, with appropriate boundary treatments
- Landscape/Visual and Heritage Impact Assessments should be undertaken as part of development proposals and inform the design principles for the site
- The scale and massing of new buildings should respect their context. Building materials should reflect the locally distinctive colour palette and respond to the materials of the retained buildings within their character area, without this resulting in pastiche design solutions

9.13. The application is in outline with all matters reserved except for access from Camp Road, via the adjacent site under application 15/01357/F. The application is accompanied by an indicative layout and a Design and Access Statement, which indicates one way in which the site could be developed. It includes a public open space to the centre of the development around a mature tree, a small paddock area to the south and landscape buffers to north and east of the site.

- 9.14. Whilst many of the principles (including those outlined above) within the proposed indicative layout are considered appropriate for the site, officers have concerns which would need to be fully addressed as a part of a subsequent reserved matters application. For example, pedestrian access from the site to connect to Larsen Road and the wider Dorchester site has not been included. It is also considered that the garden plots are on the small side and the plot to the far east of the site results in a particularly narrow access to the dwelling, in front of the hedgerow. However, given the current application is made in outline, these matters could be addressed at the reserved matters stage.
- 9.15. The density of the scheme (excluding the paddock area to the south) equates to approximately 30 dwelling per hectare and is therefore relatively low density, although in accordance with Policy BSC2 which states that dwellings should be provided at 30dph unless there are justifiable planning reasons for a lower density. In this case the site lies at the edge of the settlement where the surrounding development has a relative low density. Furthermore, there is a need to provide landscape mitigation to the boundaries of the site. The density is therefore considered acceptable.
- 9.16. The illustrative layout seeks to retain and enhance the existing boundary. The layout demonstrates an appropriate level of public open space can be provided at the site including the area to the centre of the site areas around the boundaries of the site to comply with the requirements to general amenity space under Policy BSC11 of the CLP 2015 (approx. 0.2 hectares). Policy BSC11 also requires the provision of a local area of play (LAP); which has been provided within the proposal.
- 9.17. In terms of integration with the surrounding movement network the proposal fails to provide a new footpath to join with Larsen Road which will allow residents to access the village in a safe fashion on foot. However, the applicants have stated that a footpath would be provided within a future reserved matters application.
- 9.18. Overall, Officers conclude that what is proposed conforms to CLP 2031 policies Villages 5, BSC2 and ESD 15, and CLP96 policies C28 and C30 together with relevant national policy set out within the NPPF and it is considered that an acceptable layout and detailing can be negotiated at a reserved matters stage when matters of layout, appearance and landscaping are fully considered.

Landscape, visual impact and impact on the character of the area

- 9.19. Government guidance contained within the NPPF towards achieving well-designed places states that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. The NPPG goes on to note that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Further, Paragraph 134 of the NPPF states that permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions. Paragraph 174 states planning decisions should contribute and enhance the natural and local environment recognising the intrinsic character and beauty of the countryside.
- 9.20. Paragraph 130 of the NPPF states that planning decisions should ensure that developments:
- 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;
 - are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

- 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);
- 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;
- 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
- 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.

9.21. Policy ESD15 of the Cherwell Local Plan Part 1 states that: *“New development proposals should:*

- *Contribute positively to an area’s character and identity by creating or reinforcing local distinctiveness and respecting local topography, including skylines, valley floors, significant trees, historic boundaries, landmarks, features or views.*
- *Respect the traditional pattern routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings. Development should be designed to integrate with existing streets and public spaces, and buildings configured to create clearly defined active public frontages.”*

9.22. Policy ESD13 of the Cherwell Local Plan Part 1 states that: *“Development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Proposals will not be permitted if they would:*

- *Cause undue visual intrusion into the open countryside;*
- *Cause undue harm to important natural landscape features and topography;*
- *Be inconsistent with local character;*
- *Harm the setting of settlements, buildings, structures or other landmark features;*
- *Harm the historic value of the landscape.”*

9.23. Policy ESD 17. Seeks to maintain and enhance the District's green infrastructure network. New landscaping areas, particularly in the case of strategic sites like RAF Upper Heyford, will be required to assimilate development into the landscape and assist in the transition between the urban edge and rural areas.

9.24. Policy Villages 5 of CLP 2031 Part 1 requires

- Proposals must demonstrate that the conservation of heritage resources, landscape, restoration, enhancement of biodiversity and other environmental improvements will be achieved across the whole of the site identified as Policy Villages 5.
- The achievement of environmental improvements within the site and of views to it including the removal of buildings and structures that do not make a positive contribution to the special character or which are justified on the grounds of adverse visual impact, including in proximity to the proposed settlement,

together with limited appropriate landscape mitigation, and reopening of historic routes.

- Landscape/Visual and Heritage Impact Assessments should be undertaken as part of development proposals and inform the design principles for the site

- 9.25. MCNP Policy PD4 seeks to protect views and vistas including several around RAF Upper Heyford and Rousham although none are believed to be affected by this proposal.
- 9.26. Saved Policy C28 of the Cherwell Local Plan 1996 exercises control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context and Saved Policy C8 seeks to limit sporadic development beyond the built limits of settlements.
- 9.27. The Cherwell Residential Guide SPD (2018) builds on the above policies and provides a framework to deliver high quality locally distinctive development.
- 9.28. The wider site is a relatively flat grassland paddock with hedgerows along the northern, southern, eastern and western boundaries. The application site forms part of the wider paddock land to the east of Larsen Road with relatively flat open arable farmland beyond to the north.
- 9.29. The site is separated from the wider open countryside by the track serving Letchmere Farm and a brook to the east and is arranged in a smaller field pattern than the surrounding more expansive fields which surround the village in this location. Hedgerows on the boundaries of the site give the wider site a sense of enclosure and some sense of separation from the surround countryside.
- 9.30. The proposed development would lead to the loss of this site to development. However, as noted above this site already has a different character to the wider more expansive countryside setting of the village which exists to the north and east of the site which somewhat limits the impact on the wider landscape character and it is, of course, allocated for development.
- 9.31. The illustrative layout for the proposed development seeks to retain and strengthen the planting on the eastern and western boundaries of the site. This would provide a further degree of containment to the site in terms of the wider landscape and visual impacts. Whilst views of the development from Larsen Road to the west of the site and the adjacent track serving Letchmere Farm would still be available, these would be filtered to some extent and diminish in time and distance.
- 9.32. The requirement for visibility splays at the site access with Camp Road means that much of the planting to the south of the site for the proposed access on the adjacent site (application ref: 15/01357/F) will need to be removed and this will open up views of the wider site in views from the road and the areas to the southern part of the site. However, it is proposed to plant new trees, shrubs and hedgerow planting in native species in order to help soften the impacts of the development to some.
- 9.33. In terms of the impact of the development on the immediate setting of the village, the proposed development would undoubtedly lead to some harm through the urbanisation of the site. However, the proposed development has to be viewed in the context of the aspirations of Policy Villages 5 within the CLP 2031 Part 1 to direct some growth to this site. Given the scale of growth this is not likely in officers' opinion to lead to the development of existing open land outside the settlement limits. The proposal is located at one of the less sensitive edges of the village from a heritage perspective and the proposed development would be viewed in the context of the existing more modern development at Larsen Road. The screening which exists

around the site and presence of the access to Letchmere Farm also provides visual containment to the site and the countryside beyond.

- 9.34. Overall, the impact of the development on the landscape character area is considered moderate. There would be visual impacts associated with the development and with the more significant visual impacts of the development particularly from the north and east however these can be mitigated to some extent through additional planting and screening to the boundaries. The site is at one of the less sensitive entrances to the village to change and is relatively well contained by existing features. This harm needs to be weighed in the planning balance when considering the development as a whole.
- 9.35. The application responds to the policy requirements set out in Local Plan Policies ESD 13, BSC 10 and the key principles outlined in Policy Villages 5 together with saved Local Plan Policies C11, MCNP Policies PD4, and the guidance in NPPF Core Principles. Together with the principles set out in the submitted planting scheme it is concluded that what is proposed would represent an environmental enhancement in compliance with Policy Villages 5 and other policies listed above.

Heritage Impact

- 9.36. The site is adjacent to the RAF Upper Heyford Conservation Area, designated for the importance of its cold war landscape. It contains five scheduled ancient monuments, including of International Significance, together with three Listed Buildings and other non-designated buildings of national and local significance.
- 9.37. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in carrying out its functions as the Local Planning Authority in respect of development in a conservation area: special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 9.38. Conservation Areas, Listed Buildings and Scheduled Ancient Monuments are designated heritage assets. Para 197 of the Framework states: "In determining applications, local planning authorities should take account of:
- a. the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b. the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c. the desirability of new development making a positive contribution to local character and distinctiveness."
- 9.39. Paragraph 199 advises that: when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 9.40. Policy ESD15 of the CLP 2031 Part 1 is consistent with this guidance. The NPPF also states that, where a development proposal leads to harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal.
- 9.41. Policy Villages 5 includes some specific guidance including:
- Proposals must demonstrate that the conservation of heritage resources, ... and other environmental improvements will be achieved across the whole of the site identified as Policy Villages 5

- In order to avoid development on the most historically significant and sensitive parts of the site, new development is to be focused to the south of the flying field...
- The release of greenfield land within the allocated site Policy Villages 5 will not be allowed to compromise the necessary environmental improvements and conservation of heritage interest of the wider site
- The construction of the settlement on the former technical core and residential areas should retain buildings, structures, spaces and trees that contribute to the character and appearance of the site and integrate them into a high quality place that creates a satisfactory living environment
- The preservation of the stark functional character and appearance of the flying field beyond the settlement area, including the retention of buildings of national interest which contribute to the area's character (with limited, fully justified exceptions) and sufficient low key re-use of these to enable appropriate management of this area
- The achievement of environmental improvements within the site and of views to it including the removal of buildings and structures that do not make a positive contribution to the special character or which are justified on the grounds of adverse visual impact, including in proximity to the proposed settlement, together with limited appropriate landscape mitigation, and reopening of historic routes
- New development should reflect high quality design that responds to the established character of the distinct character areas where this would preserve or enhance the appearance of the Former RAF Upper Heyford Conservation Area
- New development should also preserve or enhance the character and appearance of the Rousham, Lower Heyford and Upper Heyford Conservation Area, as well as the Oxford Canal Conservation Area, and their settings
- Landscape/Visual and Heritage Impact Assessments should be undertaken as part of development proposals and inform the design principles for the site
- The scale and massing of new buildings should respect their context. Building materials should reflect the locally distinctive colour palette and respond to the materials of the retained buildings within their character area, without this resulting in pastiche design solution

9.42. The application site comprises an undeveloped field outside the former military base. It has no heritage assets upon it and its impact will be very limited on the conservation area or other assets of historic importance. Nevertheless, all schemes at Heyford must contribute towards the conservation of heritage resources and restoration across the wider site and a financial contribution will be required from the developer.

9.43. Turning to the guidance to Planning authorities contained in the Framework and the PPG on the historic environment, the applicants have produced a heritage statement concluding that "*The proposal does not alter anything within the area and views into the area are limited. The areas self-containment and individual identity is therefore unharmed.*" They point out that heritage assets outside the application site are separated by distance, verges, trees, etc. This physical separation is also extended by a landscape character and functional separation as set out in the 2006 Character Assessment. They conclude that the setting changes but their individual or collective heritage, historic or functional value remains. Historic England did not raise any specific concerns in commenting when this land to the east of the base was proposed for development.

- 9.44. The main elements of significance are the new indicative road layout with its reinforcement by tree planting. These are maintained and reinforced by this scheme therefore, preserving and enhancing the character and appearance of the Conservation Area. It is concluded the proposal broadly complies with the policies of the development plan relating to the historic environment.
- 9.45. Overall, it is considered that the proposed development would make a positive contribution to the character and appearance of the Conservation Area and does not cause harm to any individual heritage assets. Furthermore, it is also considered the main heritage tests set out in Policy Villages 5 are complied with for the reasons explained and as assessed in the submitted Landscape/ Visual impact and Heritage Impact Assessments

Housing

- 9.46. Policy BSC1 of the CLP 2015 states that Cherwell District will deliver a wide choice of high-quality homes by providing for 22,840 additional dwellings between 1 April 2011 and 31 March 2031. In doing so, housing is expected on this allocated site.
- 9.47. New residential development is expected to provide a mix of homes under Policy BSC 4: Housing Mix to meet housing need and creating socially mixed and inclusive communities.
- 9.48. Policy BSC 3: Affordable Housing sets out the requirement for social housing in the district with an expected split between social rented and intermediate of 70/30%. The actual quantum of affordable units is set out in Policy Villages 5 of CLP 2031 Part 1 which requires approximately 1,600 homes (in addition to the 761 (net) already permitted) of which at least 30% are to be Affordable housing.
- 9.49. MCNP Policy PH3 Adaptable Housing favours development designed to enable residents to live there in different phases of their life. Support will be given to new houses being constructed to Building Regulations Part M (4) as amended). In addition, where possible, dwellings that are on one level should be included, to meet the need for such accommodation in particular for older people and those with disabilities.
- 9.50. The principle of housing development on the site is established. The application proposes that 30% of the total number of dwellings proposed will be affordable housing, details to be agreed at reserved matters stage. They will comply with the national "Technical Housing Standards - nationally described space standards" (2015), be built to Building Regulations Requirements M4(2) Category 2: accessible and adaptable dwellings, a minimum of 1% of the affordable units will be constructed so to accord with Building Regulations Requirements M4(2) Category 3: Wheelchair User Dwelling and the tenure agreed at the detailed design stage.
- 9.51. The Council's Strategic Housing Officer has advised the proposal is acceptable in principle and expects the Affordable Housing Scheme to include 10 affordable homes as part of the affordable housing contribution (9 units would fall under the 'at least 30%' requirement).
- 9.52. The national policy requiring 25% First Homes would also apply. This would deliver 3 no. First Homes on the site which could be 2 or 3-bedroom houses suitable for first time buyers. The remainder of the affordable dwellings would be Affordable Rent tenure with rents up to 80% of local market rent or capped at Local Housing Allowance levels whichever is the lower figure. As there are 8 no. 1-bedroom rented homes proposed on the first phase development of the site, we would expect to see 3 and 4-bedroom affordable rented homes on this second phase development to account for the needs of larger families. Whilst there is a need for 1, 2 and 3-bedroom homes,

there is a small but very acute need for more larger 3-bedroom 5-person and 4-bedroom 8-person rented affordable homes.

- 9.53. Considering the need to provide a policy compliant Affordable Housing Scheme that meets local housing need, it is suggested the following Dwelling and Tenure Mix would be appropriate:

Affordable Rent – Total 7 dwellings:

- x 2-bedroom 4-person houses
- x 3-bedroom 5-person houses
- 2 x 4-bedroom 7 or 8-person houses

First Homes - Total 3 dwellings:

- x 2-bedroom 4-person houses

- 9.54. The proposal would deliver 31 dwellings of the 1,600 allocated in Policy Villages 5. Of these dwellings, the 30% affordable housing would be secured (including their mix) by a s106 agreement. It is therefore considered the proposed development complies with the relevant elements in Policy Villages 5 relating to housing provision and also with the other relevant policies in CLP 2013 Part 1 relating to housing and sustainable communities.

Ecology

- 9.55. Paragraph 174 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 9.56. Paragraph 180 states that when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 9.57. Paragraph 185 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- 9.58. Policy ESD10 of the Cherwell Local Plan 2011-2031 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.
- 9.59. Policy ESD11 is concerned with Conservation Target Areas (CTAs), and requires all development proposals within or adjacent CTAs to be accompanied by a biodiversity

survey and a report identifying constraints and opportunities for biodiversity enhancement.

9.60. These policies are both supported by national policy in the NPPF and also, under Regulation 43 of Conservation of Habitats and Species Regulations 2017, it is a criminal offence to damage or destroy a breeding site or resting place, unless a licence is in place.

9.61. The Planning Practice Guidance dated 2014 post dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that Local Planning Authorities should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

9.62. Natural England's Standing Advice states that a LPA only needs to ask an applicant to carry out a survey if it's likely that protected species are:

a. present on or near the proposed site, such as protected bats at a proposed barn conversion affected by the development

It also states that LPA's can also ask for:

b. a scoping survey to be carried out (often called an 'extended phase 1 survey'), which is useful for assessing whether a species-specific survey is needed, in cases where it's not clear which species is present, if at all

c. an extra survey to be done, as a condition of the planning permission for outline plans or multi-phased developments, to make sure protected species aren't affected at each stage (this is known as a 'condition survey')

9.63. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site is close to a stream and there are a number of mature trees and hedgerows within and adjacent the site, and therefore has the potential to be suitable habitat for bats, breeding birds, badgers, reptiles, great crested newts, water voles and invertebrates.

9.64. In order for the local planning authority to discharge its legal duty under the Conservation of Habitats and Species Regulations 2017 when considering a planning application where EPS are likely or found to be present at the site or surrounding area, local planning authorities must firstly assess whether an offence under the Regulations is likely to be committed. If so, the local planning authority should then consider whether Natural England would be likely to grant a licence for the development. In so doing the authority has to consider itself whether the development meets the 3 derogation tests listed above. In this case the developer has already entered into the Great Crested Newt District Licencing Scheme and that the necessary certificate has been obtained and submitted.

9.65. In respect of planning applications and the Council discharging of its legal duties, case law has shown that if it is clear/ very likely that Natural England will not grant a licence then the Council should refuse planning permission; if it is likely or unclear whether Natural England will grant the licence then the Council may grant planning permission.

9.66. The application is supported by a detailed protected species survey which concluded that no statutory or non-statutory nature conservation designations are present within or adjacent to the site, and none of the designations within the surrounding area are likely to be adversely affected by the proposals. The Phase 1 habitat survey has established that the site is dominated by habitats not considered to be of ecological

importance, whilst the proposals have sought to retain those features identified to be of value. Where it has not been practicable to avoid loss of habitats, new habitat creation has been proposed to offset losses, in conjunction with the landscape proposals.

- 9.67. The habitats within the site may support a small number of protected species, including species protected under both national and European legislation. Accordingly, a number of mitigation measures have been proposed to minimise the risk of harm to protected species, with compensatory measures proposed, where appropriate, in order to maintain the conservation status of local populations. In conclusion, the proposals have sought to minimise impacts and subject to the implementation of appropriate avoidance, mitigation and compensation measures, it is considered unlikely that the proposals will result in significant harm to biodiversity. On the contrary, the opportunity exists to provide a number of biodiversity benefits as part of the proposals
- 9.68. Officers are satisfied, on the basis of the advice from the Council's Ecologist and the absence of any objection from Natural England, and subject to conditions, that the welfare of any European Protected Species found to be present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development and that the Council's statutory obligations in relation to protected species and habitats under the Conservation of Habitats & Species Regulations 2017, have been met and discharged.

Flood Risk and Drainage

- 9.69. Policy ESD 6: Sustainable Flood Risk Management requires the application of the sequential approach to managing flood risk in accordance with the NPPF and NPPG; policy ESD 7: Sustainable Urban Drainage requires the implementation of surface water drainage system (SUDS) to manage surface water run-off and Policy ESD 8: Water Resources seeks to protect water quality, ensure adequate water resources and promote sustainability in water usage. CLP 2031 Policy Villages 5 requires provision of sustainable drainage including SuDS in accordance with Policy ESD 7: Sustainable Drainage Systems (SuDS), taking account of the Council's Strategic Flood Risk Assessment and development should be set back from watercourses.
- 9.70. The site lies within Flood Zone 1 (low risk). A Flood risk assessment and Drainage Statement has nevertheless been undertaken by the applicants. As the site is in Zone 1 redevelopment of the site for residential development is not precluded. Surface water discharge from the site could be discharged to a new drainage system that can be suds compliant and submitted drawings show new swales alongside the main spine road as per phase 1. OCC, the Lead Local Flood Authority have no objection subject to conditions to be imposed. A separate foul drainage system is proposed. Neither the Environment Agency (EA) nor TWU have any in principle objections. The Environmental Officer suggests a condition is imposed on contamination.

Traffic, Transport, Accessibility

- 9.71. To ensure sustainable development, Strategic Objective 13 of the CLP 2031 Part 1 seeks to reduce the dependency on the private car as a mode of travel, increase the attraction of and opportunities for travelling by public transport, cycle and on foot, and to ensure high standards of accessibility to services for people with impaired mobility.
- 9.72. Under Policy SLE 4: Improved Transport and Connections of the CLP 2031 Part 1, the Council will support the implementation of the proposals in the Movement Strategies and the Local Transport Plan to deliver key connections, to support modal shift and to support more sustainable locations for employment and housing growth. New development in the District will be required to provide financial and/or in-kind

contributions to mitigate the transport impacts of development. All development where reasonable to do so, should facilitate the use of sustainable modes of transport to make the fullest possible use of public transport, walking and cycling. Encouragement will be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Development which is not suitable for the roads that serve the development, and which have a severe traffic impact, will not be supported. Transport improvements at Upper Heyford are specifically identified and supported.

9.73. Policy Villages 5 of the CLP 2031 Part 1 requires measures to minimise the impact of traffic generated by the development on the surrounding road network through funding and/or physical works, including to any necessary capacity improvements around Junction 10 of the M40, and to the rural road network to the west of the site and around Middleton Stoney including traffic calming and management measures; development will provide for good accessibility to public transport services and a plan for public transport provision will accompany any planning application; the settlement should be designed to encourage walking, cycling and use of public transport rather than travel by private car, with the provision of footpaths and cycleways that link to existing networks. Improved access to public transport will be required; Integration of the new community into the surrounding network of settlements by reopening historic routes and encouraging travel by means other than private car as far as possible; and Retention and enhancement of existing Public Rights of Way, and the provision of links from the development to the wider Public Rights of Way network, including the reinstatement of the historic Portway route across the western end of the extended former main runway as a public right of way on its original alignment. Policy INF1 requires development proposals to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.

9.74. MCNP contains objectives that seek:

- T1 To work with Oxfordshire County Council, Thames Valley Police and their bodies to develop strategies to protect against rising traffic volumes and the impact of increased development on the capacity of the rural road network serving the neighbourhood. This includes concerns about speeding, safety, and the impact of heavy goods vehicles.
- T2 To secure the future of bus services linking the neighbourhood' s villages with each other and with Bicester; to influence train operators to improve currently inadequate services, especially as the local population rises and the need for travel to Oxford and elsewhere increases.

9.75. The NPPF advises in para 110, "*that where sites may be allocated for development in plans, or specific applications for development, it should be ensured that:*

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
- b) safe and suitable access to the site can be achieved for all users;*
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 46; and*
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree."*

9.76. Para 111 states: "*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."*

- 9.77. The current application proposes to create a new vehicle access from Camp Road into the development, via the Phase 1 application (ref: 15/01357/F). The indicative plans are not considered to provide sufficient detail with regards to widths, along with wider pedestrian links at the site which will need to be supplied as part of a reserved matters application.
- 9.78. The layout submitted is indicative, but it is considered important to provide an additional link to Larsen Road in terms of connecting and linking the site to the surrounding movement network. However, the applicants have confirmed that a link will be provided within the reserved matters application.
- 9.79. The Parish Council has concerns with regards to the proposed access in relation to existing traffic calming measures, speed of traffic on Camp Road and access during construction. The traffic calming measures will be moved and therefore will not impact the access to this development.
- 9.80. The Highway Authority has raised no objection to the provision of the new access, and it is considered to be acceptable in terms of visibility and tracking. The works to create the access and undertake the highway improvement works would need to be secured through a S278 Agreement via the Section 106 agreement.
- 9.81. The applicants have submitted a transport assessment and it is considered to be at the level of detail required to give the comprehensive integrated approach required by the Local Plan. At the time the CLP went through its public examination a certain level of work had been undertaken to demonstrate the overall site at Heyford could accommodate an additional 1600 dwellings and increase employment by an additional 1500 jobs but only by increasing the provision of sustainable transport measures and by mitigating the impact of traffic on the local highway network.
- 9.82. Modelling work on traffic and transport has been undertaken by consultants retained by the lead developer at Heyford, the Dorchester Group, as part of a larger masterplan exercise. That application was achieved a committee resolution to grant planning permission in November 2020 and subsequently the two Councils have been working with Dorchester on an agreed package of measures to mitigate the impact of traffic from Heyford Park and to improve the level of sustainable transport measures. The costs have largely been calculated and the applicant on this scheme, Pye Homes, has agreed in principle to make the necessary contributions proportionate towards those costs. These are set out below under Planning Obligations.
- 9.83. It is therefore considered the proposals accord with the requirements of Policies Villages 5 and SLE 4 of the CLP 2031 Part 1 as well as the relevant national policy set out within the NPPF

Planning Obligations

- 9.84. Policies INF1, SLE4 and Villages 5 of the CLP 2031 Part 1 requires that development proposals demonstrate that infrastructure requirements can be met including the provision of affordable housing, transport, education, health, social and community facilities.
- 9.85. Officers have had regard to the consultation responses, the Council's SPD for Developer Contributions (2018), and the statutory tests in considering the application and recommend that the following financial items be secured through a joint S106 legal agreement to cover in order to mitigate the impact of the proposed development.
- 9.86. Pye Homes accepts their application should be determined in accord with the Development Plan, unless material considerations indicate otherwise, and acknowledge the requirements of Policy Villages 5 to require delivery of infrastructure

provision. Heads of terms have broadly been agreed between the applicant, the Council and County Council which are set out below.

9.87. In order for the proposed development to be acceptable having regard to local and national planning policy requirements, officers recommend that the following items need to be secured via planning obligations within a legal agreement (with both Cherwell District Council and Oxfordshire County Council) in order to mitigate the impact of the proposed development. The applicant has agreed to these financial obligations and to the heads of terms set out below

Affordable Housing:

- 10 affordable units to be delivered
- Affordable mix to be agreed with CDC
- 3 4-person units required
- 50% of the affordable rented units must meet the Building Regulations Requirement M4(2) Category 2: Accessible and Adaptable Dwellings requirement. Additionally, 100% of the affordable housing units are to be built to the government's Nationally Described Space Standard (Technical Housing Standards). The wheelchair unit should conform to M4 (2) Category 3 of building regs accessibility requirement.
- The selection of the RP who will take on the affordable units should be agreed with the Council.

Apprenticeships & Skills:

- The submission of an Employment Skills and Training Plan which would state the target number of apprenticeships within it and will require that it also sets out the arrangements through which the apprenticeships will be provided.
- Provision of 2.5 apprenticeships

Biodiversity:

- Enhancement towards and/or provision of off-site ecological mitigation measures to an agreed specification and quantum. Financial contribution in the region of £78,371

Conservation of heritage interests:

- Financial contribution in the region of £104,494

Health:

- Support Improvement of local primary care infrastructure (OCCG) based on OCCGs adopted policy to use a calculation of 2.4 x number of dwellings x £360 for contributions to health infrastructure.- £26,784

Household Waste Recycling Centres:

- Expansion and efficiency of Household Waste Recycling Centres (HWRC) - a contribution of £3,441

Contributions towards community infrastructure and open space:

- Indoor Sports Provision-£25,883.35
- Outdoor Sport Provision-£62,527.93
- Community Hall Facilities-£35,442.96

- Public Art/Public Realm-£6,994
- Community Development Worker-£6,243.38.
- Allotments-£64,856 capital sum to build out allotments and £4,888.00 maintenance sum
- Cemetery Provision - tbc
- POS-maintenance for 15 years at £20.49 m2
- Tree/hedgerow maintenance for 15 years-£198.82 per tree/£20.49m2 per hedge (to be measured)
- LAP with 3 pieces of equipment provided. Commuted maintenance/inspection sum for 15 years-contribution of £tbc
- Commuted sum for maintenance of watercourse and swales (for 15 years)- Total length of watercourse to be measured and multiplied by £116.98/m2/Swales £97.71 per m2

Oxfordshire County Council

Library:

Funding of Bicester library-financial contribution-£3,348

Education:

- Primary and nursery education serving the development- £213,125
- Primary school land contribution-£20.053
- Secondary education capacity serving the development-£99,480
- SEN capacity serving the development-£15,103

Waste Management:

Contribution of £2,912.76

Traffic and Transport:

This development, together with the adjacent Phase 1 (15/01357/F), will need to contribute proportionately to the off site mitigation measures for Heyford Park as agreed in the main Policy Villages 5 planning application under reference No.18/00825/ HYBRID. Specifically, this will include contributions towards the following measures.

- M40, Junction 10
- Bus service contribution
- Junction safety improvements A4260 / B4027
- HGV restrictions on the B4030
- Capacity improvements at Hopcrofts Holt
- Middleton Stoney Bus Gate or other scheme to relieve congestion
- Cycle link between Camp Road and B430
- Bridleway upgrade between B430 and Bicester
- Signalisation of Ardley Road/Bucknell Rd/B430 junction
- Signalisation of B430/unnamed road junction

- Junction of Chilgrove Drive and Camp Road
- Upgraded Chilgrove Drive and masterplan bus route
- Village traffic calming
- Junction safety improvements A4260/North Aston Road
- Camp Road improvements
- Crossing by school
- Travel Plan initiatives

The precise methods by which the proportionate share will be determined are still to be confirmed

Monitoring fees:

- Contributions towards monitoring on behalf of both the District and County Council will also be required

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The proposal complies with the relevant Development Plan policies and guidance listed at section 8 of this report, and so is considered to be sustainable development. In accordance with Paragraph 11 of the NPPF, permission should therefore be granted.
- 10.2. The application proposes residential development considered to accord with the policy for which the site is allocated for by Policy Villages 5. The provision of housing would contribute to the District's Housing Land Supply and this, as well as the provision of affordable housing weighs in favour of the proposal.
- 10.3. The impact of the proposal has been assessed taking into account all other material planning considerations. It is acknowledged that there will be cumulative effects caused by traffic on the surrounding highway network. However, measures can be put in place to mitigate the impact of traffic (which can be secured via the required legal agreement) meaning that a severe highway impact will not result. In addition, the proposal seeks to implement measures to ensure sustainable transport is promoted including contributions towards local public transport and infrastructure to serve it as well as acceptable walking and cycling links. On this basis, the proposal is considered to comply with Policies Villages 5, SLE4 and the NPPF.
- 10.4. Aside from these issues, Officers do not consider there are any other material considerations of significant weight, including matters raised in response to consultation/publicity, that would justify departing from the decision that should be taken against the Development Plan which allocates the former RAF Upper Heyford and additional land as a strategic development site.
- 10.5. It is considered this scheme together with the earlier phase of development, 15/01357/F, would help contribute to the new settlement creating an area of distinct character appropriate to its setting and surroundings and that reflects the policies of the Development Plan. The new community will benefit from social infrastructure being provided and a s106 agreement will ensure its provision at the appropriate time.
- 10.6. It is considered that subject to details of design which will come forward as reserved matters, this scheme would form an area of a distinct character appropriate to its setting and surroundings and that reflects the policies of the Development Plan. It will be ensured that buildings are of a scale and have a variety of designs in a contemporary arts and crafts and military style seen elsewhere that is reflective of the

character of Heyford. Taken together that would form an appropriate form of development. As a result, officers have concluded that Committee should be minded to approve the application and planning permission be granted subject to conditions and the completion of a legal agreement.

11. RECOMMENDATION

RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION, SUBJECT TO:

- i. CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY); AND**
- ii. THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990, TO SECURE THE HEADS OF TERMS LISTED AT PARAGRAPH 9.87 OF THE PUBLISHED AGENDA REPORT (AND ANY AMENDMENTS AS DEEMED NECESSARY)**

CONDITIONS

Time Limit

1. In the case of the reserved matters, application for approval shall be made not later than the expiration of three years beginning with the date of this permission.

Reason: This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 4 of the Town and Country Planning (General Development Procedure) Order 2010 (as amended).

Approved Documents

2. Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following documents:
 - Planning Application Form
 - Planning Statement
 - Design and Access Statement
 - Landscape and Visual Appraisal
 - Arboricultural Impact Statement
 - Flood Risk Assessment and Drainage Statement
 - Transport Assessment
 - Archaeological Assessment & Heritage Statement
 - Ecological Appraisal
 - Affordable Housing Statement (included in Planning Statement)
 - Section 106 Heads of Terms (included in Planning Statement)
 - Statement of Community Involvement (included in Planning Statement)

and drawings numbered:

- 2105-200 - Site Location Plan
- 2105-201 - Illustrative Masterplan
- 2105-203 - Land Use Parameter Plan
- 16413-01 C Proposed Site Access
- 16413-05 - Site Access & Vehicle Tracking
- 10215L.LSP.003 - Illustrative Landscape Strategy
- 4388-LETCH-ICS-02-XX-DR-C-0001-S2 P01 Indicative Drainage Strategy

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

Reserved Matters

3. Details of the layout, scale, appearance, and landscaping (hereafter referred to as 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 6 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

Submission of further matters-prior to commencement

4. The development permitted shall not be begun until details of the following additional matters have been submitted to, and approved in writing by, the Local Planning Authority:
 - A proposed scheme of access for pedestrians and cyclists to the western edge of the application site boundary to facilitate a scheme of access for pedestrians and cyclists to Larsen Road
 - An energy statement demonstrating how all the dwellings will achieve a 19% reduction in carbon emissions above Part G of the building regulations and a water efficiency of not more than 110 litres/person/day.

Reason: - For the avoidance of doubt, to enable the Local Planning Authority to give further consideration to these matters, to ensure that the development is carried out only as approved by the Local Planning Authority, In the interests of creating Sustainable new development in accordance with the requirements of Policies ESD1, ESD2, ESD3, ESD4 and ESD5 of the Cherwell Local Plan 2011-2031 and to achieve a comprehensive integrated form of development in compliance with Policy Villages 5 of the adopted Cherwell Local Plan and to comply with Government guidance contained within the National Planning Policy Framework.

Landscape Management Plan-prior to occupation

5. Prior to the first occupation of the development hereby approved, a landscape and ecology management plan (LEMP), to include the timing of the implementation of the plan, long term design objectives, management responsibilities, maintenance schedules and procedures for the replacement of failed planting for all landscape areas, other than for privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the LEMP shall be carried out in accordance with the approved details.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1, in the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development, and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within Section 15 of the National Planning Policy Framework.

Open Space and Play Areas-prior to commencement

6. Prior to the commencement of the development hereby approved full details of the provision, landscaping and treatment of the open space and play space within the site including the LAP together with a timeframe for its provision shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the open space and play space shall be landscaped, laid out and completed in accordance with the approved details and retained at all times as open space and play space.

Reason: In the interests of amenity, to ensure the creation of a pleasant

environment for the development with appropriate open space/play space and to comply with Policy BSC11 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Construction of roads and paths-prior to commencement

7. Prior to the commencement of the development hereby approved, full specification details of the roads, footpaths and cyclepaths including construction, surfacing, layout, drainage and road markings, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the first house the development shall be constructed in accordance with the approved details.

Reason - In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government guidance contained within the National Planning Policy Framework.

Construction of access and driveways-prior to commencement

8. Prior to the commencement of the development hereby approved, full specification details of the vehicular accesses, driveways and turning areas to serve the dwellings, which shall include construction, layout, surfacing and drainage, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of any of the dwellings, the access, driveways and turning areas shall be constructed in accordance with the approved details.

Reason - In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government guidance contained within the National Planning Policy Framework.

Standard of Construction-prior to occupation

9. Prior to the first occupation of any of the dwellings hereby approved, all of the estate roads and footpaths (except for the final surfacing thereof) shall be laid out, constructed, lit and drained in accordance with Oxfordshire County Council's 'Conditions and Specifications for the Construction of Roads' and its subsequent amendments.

Reason - In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government guidance contained within the National Planning Policy Framework.

Parking and manoeuvring specification-prior to commencement

10. Prior to the commencement of the development hereby approved, full specification details (including construction, layout, surfacing and drainage) of the parking and manoeuvring areas shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the parking and manoeuvring areas shall be provided on the site in accordance with the approved details and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.

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

Travel Information Pack-prior to occupation

11. Prior to first occupation of any dwelling, a Travel Information Pack shall be submitted to and approved by the Local Planning Authority. The first residents of each dwelling shall be provided with a copy of the approved Travel Information Pack.

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.

Cycle Parking

12. 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 to be first submitted to and approved in writing by the Local Planning Authority. The covered cycle parking facilities so provided shall thereafter be permanently retained and maintained for the parking of cycles in connection with the development.

Reason: In the interests of promoting sustainable transport modes in accordance with Government advice in the National Planning Policy Framework.

Construction Environmental Management Plan (CEMP)

13. No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The statement shall provide for at a minimum:
- a) The parking of vehicles of site operatives and visitors;
 - b) The routing of HGVs to and from the site;
 - c) Loading and unloading of plant and materials;
 - d) Storage of plant and materials used in constructing the development;
 - e) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - f) Wheel washing facilities including type of operation (automated, water recycling etc) and road sweeping;
 - g) Measures to control the emission of dust and dirt during construction;
 - h) A scheme for recycling/ disposing of waste resulting from demolition and construction works;
 - i) Delivery, demolition and construction working hours;

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: To ensure the environment is protected during construction in accordance with Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

Sustainable Drainage Details Required (SUDS)-prior to commencement

14. Construction shall not begin until a detailed surface water drainage scheme for the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:
- A compliance report to demonstrate how the scheme complies with the “Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire”;
 - Full drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change;
 - Where calculations are provided for individual soakaway, a drawing must be provided which indicates the area attributed to the soakaway. This should match the area used in the drainage calculations.
 - A Flood Exceedance Conveyance Plan;

- Comprehensive infiltration testing across the site to BRE DG 365 (if applicable)
- Detailed design drainage layout drawings of the SuDS proposals including cross section details;
- Detailed maintenance management plan in accordance with Section 32 of CIRIA
- C753 including maintenance schedules for each drainage element, and;
- Details of how water quality will be managed during construction and post development in perpetuity;
- Confirmation of any outfall details.
- Consent for any connections into third party drainage systems

Reason: To ensure that the development/site is served by sustainable arrangements for the disposal of surface water, to comply with Policy ESD6 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government advice in the National Planning Policy Framework.

Sustainable Drainage Management-prior to first occupation

- 16 Prior to first occupation, a record of the installed SuDS and site wide drainage scheme shall be submitted to and approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:
- (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 development/site is served by sustainable arrangements for the disposal of surface water, to comply with Policy ESD6 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government advice in the National Planning Policy Framework.

Construction Environmental Management Plan (CEMP) for Biodiversity – Prior to commencement

17. No development shall take place (including demolition, ground works, 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 as a minimum:
- a) Risk assessment of potentially damaging construction activities;
 - b) Identification of 'Biodiversity Protection Zones';
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
 - 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) Responsible persons and lines of communication;
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;

- h) Use of protective fences, exclusion barriers and warning signs

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

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011 2031 Part 1 and Government guidance contained within Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

Badgers Mitigation – Prior to commencement

18. Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, a mitigation strategy for badgers, in compliance with the strategy sent out in the submitted Ecology Report which shall include details of a recent survey (no older than six months), whether a development licence is required and the location and timing of the provision of any protective fencing around setts/commuting routes, 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: To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme

Details of Lighting – prior to commencement (CPDA/ecologist)

19. Details of the external lighting including the design, position, orientation and any screening of the lighting shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The lighting shall be installed and operated in accordance with the approved scheme at all times thereafter.

Reason: To protect the amenities of nearby residents and light sensitive ecology, in the interest of public safety and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policies C28 and C30 of the Cherwell Local Plan 1996

Biodiversity Enhancement – Prior to development commencing

20. A method statement for enhancing the bat/bird/invertebrate provision per dwelling shall be submitted to and approved in writing by the Local Planning Authority prior to the development reaching slab level. Thereafter, the biodiversity enhancement measures approved shall be carried out prior to occupation and retained in accordance with the approved details.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 y and Government guidance contained within Section 15 of the National Planning Policy Framework.

NSP licence required conditions

21. No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's organisational licence (WML-OR94) and with the proposals detailed on plan 'Larsen Road Phase 1 and 2 combined: Impact Plan for great crested newt district licensing' Version 3 dated 19th October 2021.

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the organisational licence WML-OR94.

22. No development hereby permitted shall take place unless and until a certificate from the Delivery Partner (as set out in the District Licence WML-OR94), confirming that all necessary measures in regard to great crested newt compensation have been appropriately dealt with, has been submitted to and approved by the local planning authority and the local authority has provided authorisation for the development to proceed under the district newt licence. The Delivery Partner certificate must be submitted to this planning authority for approval prior to the commencement of the development hereby approved.

Reason: In order to adequately compensate for negative impacts to great crested newts.

23. No development hereby permitted shall take place except in accordance with Part 1 of the GCN Mitigation Principles, as set out in the District Licence WML-OR94 and in addition in compliance with the following: - Works which will affect likely newt hibernacula may only be undertaken during the active period for amphibians. - Capture methods must be used at suitable habitat features prior to the commencement of the development (i.e. hand/destructive/night searches), which may include the use of temporary amphibian fencing, to prevent newts moving onto a development site from adjacent suitable habitat, installed for the period of the development (and removed upon completion of the development). - Amphibian fencing and pitfall trapping must be undertaken at suitable habitats and features, prior to commencement of the development.

Reason: In order to adequately mitigate impacts on great crested newts.

Land Contamination Desk Study / Site Walkover-prior to commencement

24. Prior to the commencement of the development hereby permitted a desk study and site walk over to identify all potential contaminative uses on site, and to inform the accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and shall be submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use to comply with Saved Policy ENV12 of the Cherwell Local Plan and Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

Land Contamination Intrusive Investigation-prior to commencement

25. If a potential risk from contamination is identified as a result of the work carried out under condition 24, prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its

written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Land Contamination Remediation Scheme-prior to commencement

26. If contamination is found by undertaking the work carried out under condition 25 prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Land Contamination Remediation Scheme

27. If remedial works have been identified in condition 26, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 26. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Land Contamination Remediation Scheme (EA)

28. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

TWU water infrastructure-prior to occupation

29. No development shall be occupied until confirmation has been provided that either:- all water network upgrades required to accommodate the additional flows to serve the development have been completed; or - a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason - The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development"

PLANNING NOTES

1. The Council has worked with the applicant/agent in a positive and proactive way as set out in the application report. Since submission the details have been revised several times as part of a positive engagement between applicant and Local Planning Authority.
2. Attention is drawn to a Legal Agreement related to this development or land which has been made pursuant to Section 106 of the Town and Country Planning Act 1990, Sections 111 and 139 of the Local Government Act 1972 and/or other enabling powers.
3. The Advance Payments Code (APC), Sections 219 -225 of the Highways Act, 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. Alternatively the developer may wish to consider adoption of the estate road under Section 38 of the Highways Act. Prior to commencement of development, a separate consent must be obtained from OCC Road Agreements Team for any highway works under S278 of the Highway Act. Contact: 01865 815700; RoadAgreements@oxfordshire.gov.uk
4. Fire & Rescue Service recommends that new dwellings should be constructed with sprinkler systems
5. Your attention is drawn to the need to have regard to the requirements of UK and European legislation relating to the protection of certain wild plants and animals. Approval under that legislation will be required and a licence may be necessary if protected species or habitats are affected by the development. If protected species are discovered you must be aware that to proceed with the development without seeking advice from Natural England could result in prosecution. For further information or to obtain approval contact Natural England on 0300 060 2501.
6. Planning permission only means that in planning terms a proposal is acceptable to the Local Planning Authority. Just because you have obtained planning permission, this does not mean you always have the right to carry out the development. Planning permission gives no additional rights to carry out the work, where that work is on someone else's land, or the work will affect someone else's rights in respect of the land. For example there may be a leaseholder or tenant, or someone who has a right of way over the land, or another owner. Their rights are still valid and you are therefore advised that you should seek legal advice before carrying out the planning

permission where any other person's rights are involved.

7. The applicant's and/or the developer's attention is drawn to the requirements of the Control of Pollution Act 1974, the Environmental Protection Act 1990 and the Clean Air Act 1993, which relate to the control of any nuisance arising from construction sites. The applicant/developer is encouraged to undertake the proposed building operations in such a manner as to avoid causing any undue nuisance or disturbance to neighbouring residents. Under Section 61 of the Control of Pollution Act 1974, contractors may apply to the Council for 'prior consent' to carry out works, which would establish hours of operation, noise levels and methods of working. Please contact the Council's Anti-Social Behaviour Manager on 01295 221623 for further advice on this matter.
8. The County Archaeologist has indicated that the proposal does not appear to directly affect any presently known archaeological sites. However, the County Council's records do show the presence of known archaeological finds nearby and this should be borne in mind by the applicant. If archaeological finds do occur during development, the applicant is requested to notify the County Archaeologist in order that he may make a site visit or otherwise advise as necessary. Please contact : County Archaeologist, Department of Leisure and Arts, Oxfordshire County Council, Central Library, Westgate, Oxford, OX1 1DJ (Telephone 01865 815749).
9. The developer can request information to support the discharge of condition 29 by visiting the Thames Water website at thameswater.co.uk/preplanning
10. Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
11. Environment Agency Advice to planning authority and applicant: The foul drainage method associated with this development will require an environmental permit under the Environmental Permitting (England & Wales) Regulations 2016, from the Environment Agency, unless an exemption applies. The applicant is advised to contact the Environment Agency on 03708 506 506 for further advice and to discuss the issues likely to be raised. You should be aware that there is no guarantee that a permit will be granted. Additional 'Environmental Permitting Guidance' can be found at: <https://www.gov.uk/environmental-permit-check-if-you-need-one>.

Government guidance contained within the national Planning Practice Guidance (Water supply, wastewater and water quality – considerations for planning applications, paragraph 020) sets out a hierarchy of drainage options that must be considered and discounted in the following order:

1. Connection to the public sewer
2. Package sewage treatment plant (adopted in due course by the sewerage company or owned and operated under a new appointment or variation)
3. Septic Tank

Foul drainage should be connected to the main sewer. Where this is not possible, under the Environmental Permitting Regulations 2016 any discharge of sewage or trade effluent made to either surface water or groundwater will need to be registered as an exempt discharge activity or hold a permit issued by the Environment Agency, additional to planning permission. This applies to any discharge to inland freshwaters, coastal waters or relevant territorial waters.

Please note that the granting of planning permission does not guarantee the

granting of an Environmental Permit. Upon receipt of a correctly filled in application form we will carry out an assessment. It can take up to 4 months before we are in a position to decide whether to grant a permit or not.

Domestic effluent discharged from a treatment plant/septic tank at 2 cubic metres or less to ground or 5 cubic metres or less to surface water in any 24 hour period must comply with General Binding Rules provided that no public foul sewer is available to serve the development and that the site is not within an inner Groundwater Source Protection Zone.

A soakaway used to serve a non-mains drainage system must be sited no less than 10 metres from the nearest watercourse, not less than 10 metres from any other foul soakaway and not less than 50 metres from the nearest potable water supply.

Where the proposed development involves the connection of foul drainage to an existing non-mains drainage system, the applicant should ensure that it is in a good state of repair, regularly de-sludged and of sufficient capacity to deal with any potential increase in flow and loading which may occur as a result of the development.

Where the existing non-mains drainage system is covered by a permit to discharge then an application to vary the permit will need to be made to reflect the increase in volume being discharged. It can take up to 13 weeks before we decide whether to vary a permit.

Further advice is available at: Septic tanks and treatment plants: permits and general binding rules

12. As requested by the NSP: It is recommended that the NatureSpace Best Practice Principles are taken into account and implemented where possible and appropriate. It is recommended that the NatureSpace certificate is submitted to this planning authority at least 6 months prior to the intended commencement of any works on site. It is essential to note that any works or activities whatsoever undertaken on site (including ground investigations, site preparatory works or ground clearance) prior to receipt of the written authorisation from the planning authority (which permits the development to proceed under the District Licence WML-OR94) are not licensed under the GCN District Licence. Any such works or activities have no legal protection under the GCN District Licence and if offences against GCN are thereby committed then criminal investigation and prosecution by the police may follow. It is essential to note that any ground investigations, site preparatory works and ground / vegetation clearance works / activities (where not constituting development under the Town and Country Planning Act 1990) in a red zone site authorised under the District Licence but which fail to respect controls equivalent to those in condition 21 above would give rise to separate criminal liability under District Licence condition 9 (requiring authorised developers to comply with the District Licence) and condition 23 (which requires all authorised developers to comply with the GCN Mitigation Principles) (for which Natural England is the enforcing authority); and may also give rise to criminal liability under the Wildlife & Countryside Act 1981 (as amended) and/or the Conservation of Habitats and Species Regulations 2017 (for which the Police would be the enforcing authority).