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Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

Committee: Planning Committee
Date: Thursday 5 November 2020
Time: 4.00 pm
Venue: Virtual meeting

Membership

Councillor James Macnamara (Chairman)

Councillor Andrew Beere
Councillor Hugo Brown
Councillor Colin Clarke
Councillor Chris Heath
Councillor David Hughes
Councillor Cassi Perry
Councillor George Reynolds
Councillor Les Sibley

Councillor Maurice Billington (Vice- Chairman)

Councillor John Broad
Councillor Phil Chapman
Councillor Ian Corkin
Councillor Simon Holland
Councillor Mike Kerford-Byrnes
Councillor Lynn Pratt
Councillor Barry Richards
Councillor Katherine Tyson

Substitutes

Councillor Mike Bishop
Councillor Surinder Dhesi
Councillor Tony Ilott
Councillor Ian Middleton
Councillor Douglas Webb
Councillor Bryn Williams
Councillor Sean Woodcock

Councillor Conrad Copeland
Councillor Timothy Hallchurch MBE
Councillor Tony Mephram
Councillor Richard Mould
Councillor Fraser Webster
Councillor Barry Wood

AGENDA

- 1. Apologies for Absence and Notification of Substitute Members**
- 2. Declarations of Interest**

Members are asked to declare any interest and the nature of that interest which they may have in any of the items under consideration at this meeting

3. **Requests to Address the Meeting**

The Chairman to report on any requests to address the meeting.

4. **Minutes** (Pages 1 - 52)

To confirm as a correct record the Minutes of the meeting of the Committee held on 8 October 2020.

5. **Chairman's Announcements**

To receive communications from the Chairman.

6. **Urgent Business**

The Chairman to advise whether they have agreed to any item of urgent business being admitted to the agenda.

Planning Applications

7. **Heyford Park, Camp Road, Upper Heyford, OX25 5HD** (Pages 55 - 143)
18/00825/HYBRID
8. **Proposed Roundabout Access to Graven Hill and Wretchwick Green, London Road, Bicester** (Pages 144 - 166)
20/01830/F
9. **63 Priory Road, Bicester, OX26 6BL** (Pages 167 - 186) **20/01115/OUT**
10. **The Beeches, Heyford Road, Steeple Aston, OX25 4SN** (Pages 187 - 218)
20/02227/OUT

Review and Monitoring Reports

11. **Appeals Progress Report** (Pages 219 - 225)

Report of Assistant Director Planning and Development

Purpose of report

This report aims to keep members informed upon applications which have been determined by the Council, where new appeals have been lodged, public inquiries/hearings scheduled, or appeal results achieved.

Recommendations

The meeting is recommended:

- 1.1 To accept the position statement.

Information about this Agenda

Apologies for Absence

Apologies for absence should be notified to democracy@cherwell-dc.gov.uk or 01295 221591 prior to the start of the meeting.

Declarations of Interest

Members are asked to declare interests at item 2 on the agenda or if arriving after the start of the meeting, at the start of the relevant agenda item.

Local Government and Finance Act 1992 – Budget Setting, Contracts & Supplementary Estimates

Members are reminded that any member who is two months in arrears with Council Tax must declare the fact and may speak but not vote on any decision which involves budget setting, extending or agreeing contracts or incurring expenditure not provided for in the agreed budget for a given year and could affect calculations on the level of Council Tax.

Access to Meetings

If you have any special requirements (such as a large print version of these papers or special access facilities) please contact the officer named below, giving as much notice as possible before the meeting.

Mobile Phones

Please ensure that any device is switched to silent operation or switched off.

Queries Regarding this Agenda

Please contact Lesley Farrell, Democratic and Elections democracy@cherwell-dc.gov.uk, 01295 221591

Yvonne Rees
Chief Executive

Published on Wednesday 28 October 2020

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held as a Virtual meeting, on 8 October 2020 at 4.00 pm

Present:

Councillor James Macnamara (Chairman)
Councillor Maurice Billington (Vice-Chairman)
Councillor Andrew Beere
Councillor John Broad
Councillor Hugo Brown
Councillor Phil Chapman
Councillor Colin Clarke
Councillor Ian Corkin
Councillor Chris Heath
Councillor Simon Holland
Councillor David Hughes
Councillor Mike Kerford-Byrnes
Councillor Cassi Perry
Councillor Lynn Pratt
Councillor George Reynolds
Councillor Barry Richards
Councillor Les Sibley
Councillor Katherine Tyson

Also Present:

Amrik Manku, Oxfordshire County Council for 20/1830/F
Anthony Kirkwood, Oxfordshire County Council for 20/1830/F
Barbara Chilman, Oxfordshire County Council for 20/0293/F
Julie-Anne Howe Oxfordshire Clinical Commissioning Group, for 20/0293/F
Peter Redman, Oxfordshire Clinical Commissioning Group, for 20/0293/F

Officers:

Sarah Stevens, Interim Senior Manager – Development Management
Matt Chadwick, Principal Planning Officer
Caroline Ford, Interim Majors Team Leader
Lewis Knox, Planning Officer
Rebekah Morgan, Principal Planning Officer
Bob Neville, Senior Planning Officer
Amy Sedman, Enforcement Team Leader
Nat Stock, Minors Team Leader
Emma Whitley, Planning Officer
Karen Jordan, Deputy Principal Solicitor
Natasha Clark, Governance and Elections Manager
Lesley Farrell, Democratic and Elections Officer

Declarations of Interest

7. Proposed Roundabout Access to Graven Hill and Wretchwick Green, London Road, Bicester.

Councillor Ian Corkin, Non Statutory Interest, as a Non-Executive Director of Graven Hill and would leave the meeting for the duration of the item.

Councillor Les Sibley, Non Statutory Interest, as a member of Bicester Town Council which had been consulted on the application.

Councillor Lynn Pratt, Non Statutory Interest, as a member of Bicester Town Council which had been consulted on the application.

8. Bicester Gateway Business Park, Wendlebury Road, Chesterton.

Councillor Les Sibley, Non Statutory Interest, as a member of Bicester Town Council which had been consulted on the application.

Councillor Lynn Pratt, Non Statutory Interest, as a member of Bicester Town Council which had been consulted on the application.

11. Land North and West of Bretch Hill Reservoir, Adj to Balmoral Avenue, Banbury.

Councillor Andrew Beere, Non Statutory Interest, as a member of Banbury Town Council which had been consulted on the application.

Councillor Barry Richards, Non Statutory Interest, as a member of Banbury Town Council which had been consulted on the application.

Councillor Colin Clarke, Non Statutory Interest, as a member of Banbury Town Council which had been consulted on the application.

12. Magistrates Court, Warwick Road, Banbury, OX16 2AW.

Councillor Andrew Beere, Non Statutory Interest, as a member of Banbury Town Council which had been consulted on the application.

Councillor Barry Richards, Non Statutory Interest, as a member of Banbury Town Council which had been consulted on the application.

Councillor Colin Clarke, Non Statutory Interest, as a member of Banbury Town Council which had been consulted on the application.

14. 4 Drapers House, St Johns Road, Banbury, OX16 5BE.

Councillor Andrew Beere, Non Statutory Interest, as a member of Banbury Town Council which had been consulted on the application.

Councillor Barry Richards, Non Statutory Interest, as a member of Banbury Town Council which had been consulted on the application.

Councillor Colin Clarke, Non Statutory Interest, as a member of Banbury Town Council which had been consulted on the application.

15. 17 Fair Close, Bicester, OX26 4YW.

Councillor Les Sibley, Non Statutory Interest, as a member of Bicester Town Council which had been consulted on the application.

Councillor Lynn Pratt, Non Statutory Interest, as a member of Bicester Town Council which had been consulted on the application.

16. Land Adjacent to the Oxford Canal, Spiceball Park Road, Banbury - 01854.

Councillor Andrew Beere, Non Statutory Interest, as a member of Banbury Town Council which had been consulted on the application.

Councillor Barry Richards, Non Statutory Interest, as a member of Banbury Town Council which had been consulted on the application.

Councillor Colin Clarke, Non Statutory Interest, as a member of Banbury Town Council which had been consulted on the application and a separate declaration as a member of the Executive and would leave the meeting for the duration of the item.

Councillor George Reynolds, Non Statutory Interest, as a member of Executive and would leave the meeting for the duration of the item.

Councillor Ian Corkin, Non Statutory Interest, as a member of Executive and would leave the meeting for the duration of the item.

Councillor Lynn Pratt, Non Statutory Interest, as a member of Executive and would leave the meeting for the duration of the item.

17. Land Adjacent to the Oxford Canal, Spiceball Park Road, Banbury- 00125.

Councillor Andrew Beere, Non Statutory Interest, as a member of Banbury Town Council which had been consulted on the application.

Councillor Barry Richards, Non Statutory Interest, as a member of Banbury Town Council which had been consulted on the application.

Councillor Colin Clarke, Non Statutory Interest, as a member of Banbury Town Council which had been consulted on the application and a separate declaration as a member of the Executive and would leave the meeting for the duration of the item.

Councillor George Reynolds, Non Statutory Interest, as a member of Executive and would leave the meeting for the duration of the item.

Councillor Ian Corkin, Non Statutory Interest, as a member of Executive and would leave the meeting for the duration of the item.

Councillor Lynn Pratt, Non Statutory Interest, as a member of Executive and would leave the meeting for the duration of the item.

71 **Requests to Address the Meeting**

The Chairman advised that requests to address the meeting would be dealt with at each item.

72 **Minutes**

The Minutes of the meeting held on 10 September 2020 were agreed as a correct record and would be signed by the Chairman in due course.

73 **Chairman's Announcements**

There were no Chairman's announcements.

74 **Urgent Business**

There were no items of urgent business.

75 **Proposed Roundabout Access to Graven Hill and Wretchwick Green, London Road, Bicester**

The Committee considered application 20/01830/F for a proposed roundabout junction to access Graven Hill and Wretchwick Green, London Road, Bicester for Mr Adrian Unitt.

Councillor Nick Cotter, local ward member, addressed the Committee.

Mr Paul Troop addressed the Committee in objection to the application.

Mr John Jowitt, Agent for the applicant, addressed the Committee in support of the application.

It was proposed by Councillor Colin Clarke and seconded by Councillor George Reynolds that application 20/01830/F be approved in line with the officer recommendation.

On being put to the vote the proposal was lost and the motion subsequently fell.

It was proposed by Councillor Les Sibley and seconded by Councillor John Broad that consideration of application 20/01830/F be deferred for one committee cycle to allow for a review of the roundabout design, the speed limit and tree planting.

In reaching its decision the Committee considered the officer's report and presentation, addresses of the local ward member and public speakers and the written updates.

Resolved

- (1) That consideration of application 20/01830/F be deferred for one committee cycle to allow for a review of the roundabout design, the speed limit and tree planting.

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Bicester Gateway Business Park, Wendlebury Road, Chesterton

The Committee considered application 20/0293/OUT an outline application (Phase 1B) including access (all other matters reserved) for up to 4,413 sqm B1 office space (47,502 sqft) GIA, up to 273 residential units (Use Class C3) including ancillary gym, approximately 177 sqm GIA of café space (Use Class A3), with an ancillary, mixed use co-working hub (794 sqm/8,550 sqft GIA), multi-storey car park, multi-use games area (MUGA), amenity space, associated infrastructure, parking and marketing boards at Bicester Gateway Business Park, Wendlebury Road, Chesterton for Mr Cutler.

In reaching its decision the Committee considered the officer's report and presentation and the written updates.

Resolved

- (1) That authority be delegated to the Assistant Director for Planning and Development to grant permission for application 20/0293/OUT subject to:
 - a) The completion of a planning obligation under Section 106 of the Town and Country Planning Act 1990, as substituted by the Planning and Compensation Act 1991, to secure the mitigation set out below:

Final Heads of Terms

- The provision of 30% Affordable Housing on site with the mix made up of 70% affordable rent and 30% intermediate tenures.
- Contribution towards outdoor sport – towards a project for increased tennis court provision at Whitelands Farm Sports Ground based upon a per unit contribution of £1,036.87 per 1 bed unit and £1,498.60 per 2 bed unit, all figures index linked from 2Q17. There will be no requirement to provide a MUGA on site.
- Contribution towards indoor sport – the expansion/enhancement of indoor sport facilities at Bicester Leisure

Centre based upon a per unit contribution of £429.21 per 1 bed unit and £620.34 per 2 bed unit, all figures index linked from 2Q17 if no ancillary gym is proposed on site. If an ancillary gym of no less than 27m² in area is provided, then contributions of £273.61 per 1 bed unit and £395.45 per 2 bed unit index linked from 2Q17 towards additional swimming pool capacity at Bicester Leisure Centre. The ancillary space to be retained for health and wellbeing purposes.

- The provision of a play area strategy to be provided for approval and for play areas to then be provided in accordance with the agreed strategy.
- Commuted sums for the management and maintenance of open spaces, mature trees/ hedgerows, SUDs features within open space, play facilities and the MUGA if these areas were to be transferred to the District Council or secure arrangements for a Management Company to carry out the long term management and maintenance in the event a transfer to the District Council does not take place with secure arrangements for the financing of the management and maintenance including monitoring by CDC.
- Contribution towards local primary health care – to contribute to existing expansion plans for additional primary care infrastructure at Bicester based upon a per unit contribution of £504 per 1 bed unit and £720 per 2 bed unit, all figures index linked from 2Q17.
- Biodiversity contribution of £6000 towards the offsite biodiversity mitigation works planned at Bicester Wetland Reserve.
- Contribution of £24,195.90 towards highway safety improvement measures on the A41, index linked from December 2019.
- Contribution of £289,578.66 towards improvements to the surrounding local and strategic road network – namely towards the western section of the South East Perimeter Route or to an alternative scheme or schemes which are expected to deliver similar or greater mitigation of the potential transport impacts of cumulative development at the site and elsewhere in Bicester index linked from October 2019
- Contribution of £3,120 (index linked from January 2020) towards the cost of administering a Traffic Regulation Order to enable the relocation of the existing 40mph/ national speed limit signage to a point south of the development's southern access for road safety reasons.

- Contribution of £4,691.28 (index linked from December 2019) towards the monitoring of the Travel Plans.
 - The requirement to agree to enter into a S278 agreement with the Local Highway Authority to deliver safe and suitable access to the development as approved by this application as well as the offsite measures identified:
 - Two bellmouth accesses off of Wendlebury Road with associated pedestrian and cycle facilities to link into existing infrastructure
 - A 3m shared use footway/ cycleway linking Vendee Drive link road and the Chesterton slip road to the site along the A41 including works to enable a crossing at the western end of Charles Shouler Way.
 - Relocation of the speed limit signage on Wendlebury Road.
 - Arrangements for a northbound pedestrian/ cycle link along the Wendlebury Road west side north including a crossing to the eastern end of Charles Shouler Way IF Phase 1b were to progress in advance of development on Phase 2.
 - Contribution of £442,600 (index linked from 3Q19) towards primary and nursery education – towards the new primary school at South West Bicester (with a matrix arrangement to be introduced to account for changes in the size of units that may result at the reserved matters stage should that final mix result in a change in pupil generation).
 - Contribution of £326,110 (index linked from 3Q19) towards secondary education – towards the cost of new secondary schools in the locality (with a matrix arrangement to be introduced to account for changes in the size of units that may result at the reserved matters stage should that final mix result in a change in pupil generation).
 - Contribution of £5000 to CDC to administer and monitor the development and a contribution to OCC for the same purpose, the amount for which is to be confirmed.
- b) The following conditions (and any amendments to those conditions as deemed necessary):

TIME LIMITS AND GENERAL IMPLEMENTATION CONDITIONS

1. The development hereby permitted shall comprise no more than:
 - 4,413sqm (GIA) which shall be used only for the purpose of offices falling within Class B1a of the Town and Country Planning (Use Classes) Order 1987 (as amended)
 - 273 C3 residential units
 - 177sqm (GIA) which shall be used only for purposes falling within class A3 of the Town and Country Planning (Use Classes) Order 1987 (as amended)
 - 794sqm (GIA) which shall be used as a mixed-use co-working hub

Reason – In order to retain planning control over the use of the site and to ensure that the impacts of the development are no greater than those considered under this application in accordance with Policies SLE4 and Bicester 10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

2. No development shall commence on a phase identified within an approved phasing plan until full details of access (in so far as not approved by this decision), layout, scale, appearance and landscaping (hereafter referred to as reserved matters) of the development proposed to take place within that approved phase have been submitted to and approved in writing by the Local Planning Authority.

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).

3. Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the later.

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 5(1) of the Town and Country Planning (Development Management Procedure (England)) Order 2015 (as amended).

4. Except where otherwise stipulated by conditions attached to the Reserved Matters Permission(s), the development shall be

carried out strictly in accordance with the following plans and documents:

Site Location Plan PL01
Regulating Plan PL03C
Vehicle Access and Pedestrian Improvements 46462/5501/001
Rev C
Reserved Land PL05
Wendlebury Road Proposed Improvements 46463/5501/002
Rev A

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

5. All site clearance (including the removal of any vegetation or works to hedgerows) shall be timed so as to avoid the bird nesting season, this being during the months of March until July inclusive unless the Local Planning Authority has confirmed in writing that such works can proceed, based on submission of a survey (no more than 48hrs before works commence) undertaken by a competent ecologist to assess the nesting bird activity on site, together with details of measures to protect the nesting bird interest on the site as required.

Reason: To ensure that the development will conserve and enhance the natural environment and will not cause significant harm to any protected species or its habitat to comply with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

6. Except to allow for the creation of means of access with associated vision splays hereby approved, the existing hedgerows along the western (A41), southern and eastern (Wendlebury Road) boundaries of the site shall be retained and properly maintained from the date of this planning permission (unless otherwise approved as part of the approval of reserved matters submitted in requirement of Condition 2), and if any hedgerow plant/tree dies within five years from the completion of the development it shall be replaced and shall thereafter be properly maintained in accordance with this condition.

Reason - In the interests of the visual amenities of the area, to provide an effective screen to the proposed development and to comply with Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner, and shall be maintained for a period of 5 years from the completion of the development. Any trees and/or shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.

Reason: To ensure that the agreed landscaping scheme is maintained over a reasonable period that will permit its establishment in the interests of visual amenity and to accord with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

8. 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 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 1996 and Government guidance contained within the National Planning Policy Framework.

9. All applications for approval of reserved matters relating to an approved phase shall be accompanied by details of the existing ground levels together with proposed finished floor levels of all buildings within that phase (with the level no less than 65.30m AOD as set out in the plans accompanying the LLFA Response reference number JAG//43386/Lt004). Development in that phase shall thereafter be undertaken in accordance with the ground/floor levels approved as part of the grant of reserved matters approval.

Reason - To ensure that the proposed development is in scale and harmony with its neighbours and surroundings and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and

Government guidance contained within the National Planning Policy Framework.

10. All applications for approval of reserved matters relating to an approved phase shall be accompanied by details of the proposed ecological enhancement measures to be incorporated within that phase in line with the recommendations at paragraph 18 of the Ecology Briefing Note prepared by Ecology Solutions Limited. All proposed ecological enhancement measures shall thereafter be installed in accordance with the details approved as part of the grant of reserved matters approval.

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

11. All applications for approval of reserved matters relating to an approved phase shall be accompanied by an Energy Statement based upon Revision P02 of the Energy Statement prepared by Kyoob that demonstrates which sustainable design measures, including the provision of on-site renewable energy technologies, will be incorporated into that phase. The sustainable design measures shall thereafter be fully incorporated into the development of each phase and no occupation of development within the relevant phase shall take place until the approved sustainable design measures have been provided and, for on-site renewable energy provision, until such measures are fully installed and operational.

Reason – To ensure energy and resource efficiency practices are incorporated into the development in accordance with Policies Bicester 10, ESD3, ESD4 and ESD5 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

12. The non-residential floorspace hereby permitted shall be constructed to at least a BREEAM 'Very Good' Standard.

Reason – To ensure energy and resource efficiency practices are incorporated into the development in accordance with Policies Bicester 10, ESD3, ESD4 and ESD5 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

13. Notwithstanding any provisions contained within the Town and Country Planning (General Permitted Development) (England) Order 2015 (and any Order or Statutory Instrument amending, revoking or re-enacting that order), all water supply, foul water,

energy, power and communication infrastructure to serve the development shall be provided underground and retained as such thereafter except where specifically approved otherwise as part of a grant of reserved matters approval for a phase.

Reason - In the interests of ensuring that such above ground infrastructure is not constructed in unsuitable locations on the site where it would be harmful to visual amenity and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

PRE COMMENCEMENT CONDITIONS

14. No development shall take place until a phasing plan covering the entire application site has been submitted to and approved in writing by the Local Planning Authority identifying the phases by which development will take place. The phasing plan shall demonstrate the delivery of the 794sqm (GIA) mixed-use co-working hub to be delivered prior to the first occupation of any residential development. Thereafter the development shall be carried out in accordance with the approved phasing plan and applications for approval of reserved matters shall be submitted in accordance with the terms of the approved phasing plan and refer to the phase (or phases) to which they relate.

Reason: To ensure the proper phased implementation of the development and associated infrastructure in accordance with Policies ESD15, Bicester 10 and INF1 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 any development on the appropriate phase as it is fundamental to the acceptability of the scheme.

15. No development shall take place on any phase, including any works of demolition until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The statement shall be appropriately titled (site and planning permission number) and shall provide for at a minimum:

- The parking of vehicles of site operatives and visitors;
- The routing of HGVs to and from the site;
- Loading and unloading of plant and materials;
- Storage of plant and materials used in constructing the development;
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

- Wheel washing facilities including type of operation (automated, water recycling etc) and road sweeping;
- Measures to control the emission of dust and dirt during construction;
- A scheme for recycling/ disposing of waste resulting from demolition and construction works;
- Delivery, demolition and construction working hours;
- Spoil locations
- Water management

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.

16. No development shall take place on any phase (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) Arrangements for a site walkover survey undertaken by a suitably qualified Ecologist to ensure that no protected species, which could be harmed by the development have moved onto the site since the previous surveys were carried out. If any protected species are found, details of mitigation measures to prevent their harm shall be required to be submitted;
 - b) Risk assessment of potentially damaging construction activities;
 - c) Identification of 'Biodiversity Protection Zones';
 - d) 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);
 - e) The location and timing of sensitive works to avoid harm to biodiversity features;
 - f) The times during construction when specialist ecologists need to be present on site to oversee works;
 - g) Responsible persons and lines of communication;
 - h) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
 - i) Best practice with regard to wildlife including 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.

17. No development shall take place on any phase until an Arboricultural Method Statement for that phase, undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions to include a plan identifying which trees are to be retained and details of how they will be protected, is submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved AMS and any tree protection measures shall be erected before any equipment, machinery or materials are brought onto the site for the purposes of development and shall be maintained until all equipment, machinery and surplus material has been removed from the site.

Reason: To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing built environment and to comply with Policy C28 of the adopted 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.

18. No construction shall take place until a Training and Employment Plan for the development has been submitted to and approved in writing by the Local Planning Authority. As a minimum this Plan shall include the arrangements by which the applicant (or other specified persons) will provide construction (and related trades) apprenticeship starts during construction of the development hereby approved. Construction shall take place in accordance with the agreed Plan.

Reason: Paragraphs 80 and 81 of the National Planning Policy Framework support and encourage sustainable economic growth. Para B14 of the adopted Cherwell Local Plan 2011-2031 recognises that it is important to ensure the population is sufficiently skilled to attract companies and investment to Cherwell and supports proposals to strengthen the skills base of

the local economy. Strategic Objective 3 of the adopted Cherwell Local Plan seeks to support an increase in skills.

19. No development shall take place on any phase until a Detailed Design, Surface Water Management Strategy, Drainage Strategy (including calculations, ground levels and plans) and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods for that phase has been submitted to and approved in writing by the Local Planning Authority. The detailed drainage will follow the Outline Design principles set out in the following documents:

- 43386 Lt004 LLFA Response (JAG) COMPLETE

The approved Sustainable Drainage System shall be implemented in accordance with the approved Detailed Design prior to the first occupation of the development. The Sustainable Drainage Scheme shall be managed and maintained thereafter in perpetuity in accordance with the agreed management and maintenance plan.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal in accordance with Policy ESD8 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.

20. No development shall take place on any phase until full details of the means of access between the land and the highway on Wendlebury Road and the A41 pedestrian bridge including position, layout, and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of any of the development, the means of access shall be constructed and retained 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. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

21. No development shall take place until full details of combined footway/cycleways serving the site along both the A41 and Wendlebury Road, including details of the pedestrian/cycle bridge linking the site to the A41, have been submitted to and approved in writing by the Local Planning Authority. The

approved pedestrian and cycle facilities shall thereafter be provided prior to the first occupation any phase of the development.

Reason - In the interests of ensuring that suitable access is provided to the development that prioritises sustainable travel in accordance with the requirements of Policies Bicester 10 and SLE4 of the Cherwell Local Plan 2011-2031 Part 1 and to comply with Government guidance contained within the National Planning Policy Framework. This information is required prior to the commencement of the development as it is fundamental to the acceptability of the scheme.

22. No development shall take place (including any demolition) until and prior to the submission of the first reserved matters application, a professional archaeological organisation acceptable to the Local Planning Authority, has undertaken an archaeological evaluation of the site. This evaluation will need to be undertaken in accordance with a Written Scheme of Investigation, which has first been agreed with the Local Planning Authority. The Archaeological Evaluation of the site shall be submitted to and approved in writing by the Local Planning Authority. The conclusions of the Archaeological Evaluation shall be taken into account in the future layout of the application site.

Reason - To identify areas of significant archaeological interest not included in the previous evaluation to comply with Government advice in the National Planning Policy Framework (NPPF) (Section 16). This information is required prior to the commencement of the development as it is fundamental to the acceptability of the scheme.

23. No development shall take place (including any demolition) and following the agreement of the results of the archaeological evaluation required by condition 22, full details of archaeological protection measures shall be approved in writing by the Local Planning Authority in a Construction Environmental Management Plan (CEMP) or equivalent document as set out in the Archaeological Mitigation Strategy (rev2 June 2020) submitted with this application.

Reason - To safeguard the physical preservation of significant archaeological deposits within the site to comply with Government advice in the National Planning Policy Framework (NPPF) (Section 16). This information is required prior to the commencement of the development as it is fundamental to the acceptability of the scheme.

24. Following the approval of the archaeological protection measures required by condition 23, and prior to any demolition

on the site and the commencement of the development (other than in accordance with the archaeological protection measures required by condition 23), a second stage Written Scheme of Investigation, including a programme of methodology, site investigation and recording, shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: To secure the provision of archaeological investigation and the subsequent recording of the remains, to comply with Government advice in the National Planning Policy Framework (NPPF) (Section 16). This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

25. Following the approval of the second stage Written Scheme of Investigation referred to in condition 24, and prior to the commencement of the development (other than in accordance with the Written Scheme of Investigation), the programme of archaeological mitigation shall be carried out and fully completed in accordance with the approved second stage Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.

Reason: To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF (2019). This information is required prior to the commencement of the development as it is fundamental to the acceptability of the scheme

26. No phase of the development shall take place until a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model has been carried out 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 has been 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 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.

27. If a potential risk from contamination is identified as a result of the work carried out under condition 26, 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 any ground and water contamination is 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 1996 and Government guidance 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.

28. If contamination is found by undertaking the work carried out under condition 27, 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 any ground and water contamination is 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 1996 and Government guidance 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.

29. Prior to, and within two months of, the commencement of the development, the site shall be thoroughly checked by a suitably qualified ecologist to ensure that no protected species, which could be harmed by the development, have moved on to the site since the previous surveys were carried out. Should any protected species be found during this check, full details of mitigation measures to prevent their harm 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 mitigation scheme.

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.

CONDITIONS REQUIRING APPROVAL OR COMPLIANCE BEFORE SPECIFIC CONSTRUCTION WORKS TAKE PLACE

30. No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling shall be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority (in consultation with Thames Water). Any piling must be undertaken in accordance with the terms of the approved Piling Method Statement.

Reason: In order to protect groundwater and to achieve sustainable development in accordance with Section 15 of the National Planning Policy Framework.

31. No development above slab level on any building proposed to contain residential units shall take place until a scheme for protecting the proposed dwellings from noise has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall achieve internal levels of 30dB LAeq (8 hour) and 45dB L_{AmaxF} in all sleeping areas between 2300 hours and 0700 hours. An internal level of 40dB LAeq 1 hour shall be achieved in all other areas of the building and an external level of 50dB LAeq (16 hours) shall be achieved in garden areas and balconies. Any works which form part of the scheme shall be completed in accordance with the approved details before any of the permitted dwellings to which the scheme relates are occupied.

Reason - To avoid noise giving rise to significant adverse impacts on health and quality of life and to comply with Saved

Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance within the National Planning Policy Framework.

CONDITIONS REQUIRING APPROVAL OR COMPLIANCE BEFORE OCCUPATION

32. No part of the 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 housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

Reason - 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. Any necessary reinforcement works will be necessary in order to avoid low / no water pressure issues. In order to comply with Policy ESD8 of the Cherwell Local Plan 2011 - 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

33. If remedial works have been identified in condition 28, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 28. 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 any ground and water contamination is 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 1996 and Government guidance within the National Planning Policy Framework.

34. Prior to the occupation of the first residential dwelling hereby approved, and in the event that the Poultry Farm to the east of the site is operational, an odour impact assessment, which shall also identify mitigation where any odour nuisance to a proposed residential dwelling is identified, shall be submitted to and approved in writing by the Local Planning Authority. Any identified mitigation measures shall be installed and made operational prior to any dwelling being occupied.

Reason – To safeguard the amenities of the occupiers of the residential properties and to ensure an environment free from

odour nuisance in accordance with Saved Policy ENV1 of the Cherwell Local Plan.

35. Prior to the occupation of any phase of the development hereby approved, an updated Framework Travel Plan, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans" and its subsequent amendments, shall be submitted to and approved in writing by the Local Planning Authority for that phase. This Framework Travel Plan shall be based on the draft document 46463 dated January 2020. The travel plan for each phase shall be implemented in accordance with the details approved.

Reason - In the interests of sustainability and to ensure a satisfactory form of development, in accordance with Government guidance contained within the National Planning Policy Framework.

36. Prior to first occupation of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) 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 and Government guidance contained within Section 15 of the National Planning Policy Framework.

37. The development hereby permitted shall not be occupied until it has been provided with a system of electrical vehicle charging to serve the development. In addition, ducting should be in place to allow for the easy expansion of the EV charging system as demand increases towards the planned phase out of ICE vehicles (ideally ducting should be provided to every parking space to future proof the development).

Reason: To comply with policies SLE 4, ESD 1, ESD 3 and ESD 5 of the adopted Cherwell Local Plan 2011-2031 Part 1 and to maximise opportunities for sustainable transport modes in accordance with Government guidance within the National Planning Policy Framework.

38. Prior to the first occupation of any development within a phase, a car park management plan relating to that phase shall be submitted to and approved in writing by the Local Planning Authority. The car park management plan shall include measures to ensure that the car parking areas within the phase are made available solely for use in connection with the use of

the development hereby approved and for no other purpose whatsoever. Thereafter, the entirety of the development on Phase 1B shall operate in accordance with the approved car park management plan.

Reason - To ensure that car travel is not unduly encouraged as a means of accessing surrounding development and to comply with Policy SLE4 of the Cherwell Local Plan 2011-2031 Part 1 as well as Government guidance contained in the National Planning Policy Framework.

39. Details of 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 prior to the first occupation of the development and operated in accordance with the approved details at all times thereafter.

Reason: In order to safeguard the visual amenities of the area and to achieve a suitable lighting scheme which would minimise the impact to ecology and biodiversity in accordance with Policy ESD10 and ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government advice in The National Planning Policy Framework.

40. No development shall be occupied until a scheme for the commissioning and provision of public art to be accommodated within the site has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented in accordance with the approved details prior to the occupation of any B1a floorspace or 150 residential units whichever is sooner.

Reason - To create an attractive and distinctive development in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Policy C28 of the adopted Cherwell Local Plan and Government guidance within the National Planning Policy Framework.

41. The dwelling(s) hereby approved shall not be occupied until domestic bins for the purposes of refuse, food waste, recycling and green waste have been provided for each of the approved dwellings, in accordance with the Council's current bin specifications and requirements.

Reason - To provide appropriate and essential infrastructure for domestic waste management in accordance with the provisions of Policy INF1 of the Cherwell Local Plan 2011 - 2031.

42. The development shall be constructed so as to meet as a minimum the higher Building Regulation standard for water consumption limited to 110 litres per person per day.

Reason: The site is located in an area of water stress and therefore reaching a higher level of water efficiency is required to comply with Policy ESD3 of the Cherwell Local Plan 2011-2031.

- (2) It was further resolved that if the applicant did not agree to sign a Section 106 agreement to contain the matters set out above, or if the section 106 agreement/undertaking was not completed and the permission was not able to be issued by the statutory determination date which was currently 30 October 2020, and no extension of time had been agreed between the parties, authority be delegated to the Assistant Director Planning and Development to refuse application 20/0293/OUT, based upon the lack of a completed Section 106 agreement required to secure the necessary infrastructure to mitigate the impacts of the development (with reference to policy that required mitigation to be secured).

77

OS Parcel 9635 North East of HM Bullingdon Prison, Widnell Lane, Piddington

The Committee considered application 20/01122/F for a material change of use of land to use as a residential caravan site for 12no gypsy / traveller families, each with two caravans, including improvement of access, laying of hardstanding and installation of a package sewage treatment plant at OS Parcel 9635 North East of HM Bullingdon Prison, Widnell Lane, Piddington for Mr Patrick Foster.

In reaching its decision the Committee considered the officer's report and presentation, the written update and the supplementary written update.

Resolved

- (1) That application 20/01122/F be refused for the following reasons:
1. The proposed development, by virtue of its siting in the open countryside, overall scale and appearance, would have an urbanising effect on the open countryside, and would result in significant and demonstrable harm to the rural character and appearance of the area. The proposal is therefore contrary to Policies ESD13 and ESD15 of the Cherwell local Plan Part 1, saved Policies C8 and C28 of the Cherwell local Plan 1996 and Government guidance within the National Planning Policy Framework.
 2. The planning application has not been supported by adequate information to demonstrate the impact of the proposed development on protected species has been properly understood and the

requirement for mitigation to secure a net gain in biodiversity can be met. The proposal is therefore contrary to Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

3. A Flood Risk Assessment has not been submitted with this application. Therefore, an assessment has not been made of the flood risks arising from the proposed development and it has not been clearly demonstrated that the development and its future users will be safe over the lifetime of the development. The proposal is therefore contrary to Policy ESD6 of the Cherwell Local Plan Part 1 and Government guidance contained within the National Planning Policy Framework.

78 **Land South Side of Widnell Lane, Piddington**

The Committee considered application 20/01747/F for the change of use of land to a 6no pitch Gypsy and Traveller site to include 6no mobiles homes, 6no tourers and associated operational development including hardstanding and fencing at Land South Side of Widnell Lane, Piddington for J Sweeny.

In reaching its decision the Committee considered the officer's report and presentation, the written update and the supplementary written update.

Resolved

- (1) That application 20/01747/F be refused for the following reasons:
 1. The proposed development, by virtue of its siting in the open countryside, overall scale and appearance, would have an urbanising effect on the open countryside, and would result in significant and demonstrable harm to the rural character and appearance of the area. The proposal is therefore contrary to Policies ESD13 and ESD15 of the Cherwell local Plan Part 1, saved Policies C8 and C28 of the Cherwell local Plan 1996 and Government guidance within the National Planning Policy Framework.
 2. The planning application has not been supported by adequate information to demonstrate the impact of the proposed development on protected species has been properly understood and the requirement for mitigation to secure a net gain in biodiversity can be met. The proposal is therefore contrary to Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.
 3. A Flood Risk Assessment has not been submitted with this application. Therefore, an assessment has not been made of the flood risks arising from the proposed development and it has not been clearly demonstrated that the development and its future users will be safe over the lifetime of the development. The proposal is therefore

contrary to Policy ESD6 of the Cherwell Local Plan Part 1 and Government guidance contained within the National Planning Policy Framework.

79 **Land North and West of Bretch Hill Reservoir, Adj to Balmoral Avenue, Banbury**

The Committee considered application 20/01643/OUT for the erection of up to 49 homes, public open space and other infrastructure, with all matters reserved except access at Land North and West of Bretch Hill Reservoir, Adjacent to Balmoral Avenue, Banbury for Lone Star Land Limited. Application 20/01643/OUT was a re-submission of application 19/01811/OUT.

Councillor Kieron Mallon, local ward member, addressed the Committee.

Andy Fathers, local resident addressed the Committee in objection to the application.

Rebecca Bacon, Agent to the applicant, addressed the Committee in support of the application.

It was proposed by Councillor Colin Clarke and seconded by Councillor Chris Heath that application 20/01643/OUT be refused contrary to the officer recommendation on the grounds of the development of a greenfield site and the Council having sufficient housing land supply, the poor standard of amenity due to the water tower and communication mast, and impact on highway safety with particular regard to the very steep gradient of the road leading to the site and the unsuitability of the access.

In reaching its decision the Committee considered the officer's report and presentation, the addresses of the public speakers and the written updates.

Resolved

- (1) That application 20/01643/OUT be refused contrary to the officer's recommendation (with the exact wording of the reasons delegated to the Assistant Director Planning and Development).

80 **Magistrates Court, Warwick Road, Banbury, OX16 2AW**

The Committee considered application 20/01317/F for the conversion of an existing building from Magistrates Court (Use Class D1) to 23 No apartments incorporating extension and selective demolition at Magistrates Court, Warwick Road, Banbury, OX16 2AW for Mr Jamie Pyper.

Mr Jamie Pyper, the applicant addressed the Committee in support of the application.

In reaching its decision the Committee considered the officer's report and presentation, the address of the public speaker and the written updates.

Resolved

- (1) That authority be delegated to the Assistant Director Planning and Development to grant permission for application 20/01317/F subject to the following condition (and any amendments to those conditions as deemed necessary):

CONDITIONS:

Time Limit

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

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Compliance with Plans

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Protected Species Survey (prepared by 'Philip Irving', dated August 2019), Noise Impact Assessment (ref. AC108753-1r1, dated 16/04/2020), Energy Statement (ref. PA-ES-TH-BMC-20-01, dated April 2020), Flood Risk Assessment & Drainage Strategy (prepared by 'Waterco', dated August 2020), and drawings numbered: AA042/2.0/000-E, AA042/2.0/100-I, AA042/2.0/101-J, AA042/2.0/102-I, AA042/2.0/103-H, AA042/2.0/104-E, AA042/2.0/105-E, AA042/2.0/106-F, AA042/2.0/108-C, AA042/2.0/109-C, AA042/2.0/110-G, AA042/2.0/111-A, AA042/2.0/114-D and AA042/2.0/118-A.

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.

Contaminated land investigation

3. No part of the development hereby permitted shall take place until a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model has been carried out 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 has been 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 1996 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.

4. If a potential risk from contamination is identified as a result of the work carried out under condition 3, 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 any ground and water contamination is 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 1996 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.

5. If contamination is found by undertaking the work carried out under condition 4, 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 any ground and water contamination is 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 1996 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.

6. If remedial works have been identified in condition 5, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 5. 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 any ground and water contamination is 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 1996 and Section 15 of the National Planning Policy Framework.

Transport

7. No development shall commence unless and until full details of the means of access between the land and the highway, including, position, layout, construction, drainage and vision splays have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of access shall be constructed and retained in accordance with the approved details.

Reason: In order to provide safe and suitable access to the site in accordance with Policies SLE4 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

8. No development shall commence on site until a Construction Traffic Management Plan (CTMP) addressing all phases of the development has been submitted to and approved in writing by the local planning authority in consultation with the local highway authority. The CTMP shall be prepared in accordance with OCC guidelines. The approved Plan shall be implemented in full during the entire construction phase.

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

9. The proposed access and parking, turning areas shall be provided in accordance with the approved plans before first use of the development hereby permitted. The access parking, turning areas shall thereafter be retained for use in connection with the development for those purposes only.

Reason: In the interests of highway safety, to ensure the provision of adequate off-street car parking and turning areas to comply with Government guidance in the National Planning Policy Framework.

10. Prior to first occupation a Residential Travel Information Pack shall be submitted to and approved by the Local Planning Authority. Thereafter the Travel Information Pack shall be issued to all residents

on first occupation.

Reason: To encourage the use of sustainable transport options in accordance with Policies SLE4 and ESD1 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

Drainage

11. No development shall commence until a Detailed Design, Surface Water Management Strategy and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved Detailed Design prior to the use of the building commencing. The Detailed Design shall be based on the Outline Design as demonstrated in the Flood Risk Assessment reference;

- Flood Risk Assessment & Drainage Strategy, Revision 02 dated 26th August 2020.
- The detailed drainage design will discharge at a maximum 1l/s and attenuate up to and including the 1 in 100 year event plus climate change.
- Attenuation volumes to be described in Detailed Design.

No dwelling hereby permitted shall be occupied until the sustainable drainage scheme for this site has been completed in accordance with the approved details. The sustainable drainage scheme shall be managed and maintained thereafter in perpetuity in accordance with the agreed management and maintenance plan.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal in accordance with Policy ESD6 and ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

12. Prior to the first occupation of the development hereby approved, a record of the approved SuDS details shall be submitted to and approved in writing by the Local Planning Authority for deposit in the Lead Local Flood Authority Asset Register. The details shall include:

- As built plans in both .pdf and .shp file format;
- Photographs to document each key stage of the drainage system when installed on site;
- Photographs to document the completed installation of the drainage structures on site.

Reason: In accordance with section 21 of the Flood and Water Management Act

13. If piling is to take place, no piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and

the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure.

Construction and materials

14. Prior to any works above slab level, a Crime Prevention Design Strategy following the principles of Secured by Design shall be submitted and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details prior to its first occupation.

Reason: To reduce the opportunity for crime and anti-social behaviour in the development in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

15. No development shall commence unless and until details of all finished floor levels in relation to existing and proposed site levels and to the adjacent buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved levels.

Reason: In order to safeguard the visual amenities of the area and to protect the amenity of the neighbouring properties in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in 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.

16. Full detailed scale drawings of the dormer window include external facing materials to be used in the construction of the dormer windows hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The development shall not be carried out other than in accordance with the approved details.

Reason: To ensure that the materials are appropriate to the appearance of the locality and building and to ensure the satisfactory appearance of the completed development in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

17. Notwithstanding the details shown on the approved plans, no development shall commence above slab level unless and until further details (including scale plans) of the architectural detailing of the exterior of the buildings, including the windows and doors (and their surrounds and recesses), together with the eaves and verge treatment, the parapet roofs, coping, the blank window panels on the extensions, banding or any other decorative architectural features have been submitted to and approved in writing by the Local Planning Authority.

The development shall not be carried out other than in accordance with the approved details and shall be retained as such thereafter.

Reason: In order to safeguard the character and appearance of the conservation area and the significance of the heritage asset in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance in the National Planning Policy Framework.

18. Notwithstanding the details on the approved plans the roof tiles to the proposed pitched roof extensions shall be stone slates to match the tiles on the existing building. Samples of the tiles and ridge tiles to be used in the covering of the roof of the building(s) shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The development shall not be carried out other than in accordance with the samples so approved and shall be retained as such thereafter.

Reason: In order to safeguard the character and appearance of the conservation area and the significance of the heritage asset in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance in the National Planning Policy Framework.

19. The external walls of the development hereby approved shall be constructed in stone which shall be laid, dressed, coursed and pointed in accordance with a sample panel (minimum 1 metre squared in size) which shall be constructed on site to be inspected and approved in writing by the Local Planning Authority before the stonework is commenced. The sample panel shall be constructed in a position that is protected and readily accessible for viewing in good natural daylight. The panel shall be retained on site for the duration of the construction contract.

Reason: In order to safeguard the character and appearance of the conservation area and the significance of the heritage asset in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance in the National Planning Policy Framework.

20. Full details of the enclosures along all boundaries and within the site

shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of those works. This shall include details of the proposed railings to the front of the site and the screen fencing to the northern boundary with the properties in Arran Grove to ensure adequate screening from the ground floor windows in northern elevation. The development shall be carried out in strict accordance with the approved details prior to the first occupation of the development and shall be retained as such thereafter.

Reason: In order to safeguard the character and appearance of the Conservation Area and setting of the building and to safeguard the privacy of the occupants of the existing and proposed dwellings 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 and Government guidance contained within the National Planning Policy Framework.

21. Notwithstanding the details submitted, no development shall commence unless and until a detailed Method Statement for the protection of the dry-stone wall to the northern boundary has been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in strict accordance with the approved method statement.

Reason: In order to safeguard the character and appearance of the conservation area and the significance of the heritage asset in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance in the National Planning Policy Framework.

22. Notwithstanding the details submitted, full details of appearance and materials of the bin store hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The development shall not be carried out other than in accordance with the approved details.

Reason: In order to safeguard the character and appearance of the conservation area and the significance of the heritage asset in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance in the National Planning Policy Framework.

23. All rainwater gutters and downpipes, etc. shall be cast iron or aluminium manufacture and painted black unless alternative details are otherwise first approved in writing by the Local Planning Authority.

Reason: In order to safeguard the character and appearance of the conservation area and the significance of the heritage asset in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and

Government guidance in the National Planning Policy Framework.

24. All rooflights in the development shall be conservation grade and of a design which, when installed, fit flush with the plane of the roof and do not project forward of the general roof surface.

Reason: It is considered to be acceptable to provide daylight in the manner proposed provided the works do not detract from the character of the building in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

25. The first-floor window in the northern elevation serving the bathroom in unit 12 shall be obscure glazed, using manufactured obscure glass, before the dwelling is first occupied and shall be permanently retained as such thereafter.

Reason: To ensure that the amenities of the adjoining occupier(s) are not adversely affected by loss of privacy in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

26. Prior to the first occupation of any dwelling hereby permitted, the bin and cycle stores shall be provided on site and made available to use in strict accordance with the approved details. Thereafter they shall be retained for the occupants of the development and used for no other purpose whatsoever.

Reason: To ensure adequate bin and cycle parking provision for the residents of the development in accordance with the Cherwell Local Plan 2011-2031 Part1 and Government guidance contained within the National Planning Policy Framework.

Ecology and Biodiversity

27. No development shall commence above slab level unless and until a scheme for landscaping the site has been provided to and approved in writing by the Local Planning Authority which shall include:-

(a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas

(b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation, including written specifications (including cultivation and other operations associated with plant and grass establishment i.e. depth of topsoil, mulch etc),

(c) details of the hard landscaping including hard surface areas, pavements, pedestrian areas and steps,

(d) details of boundary treatments.

The development shall be carried out in strict accordance with the approved landscaping scheme and the hard landscape elements shall be carried out prior to the first occupation/use of the development and shall be retained as such thereafter.

Reason: In the interests of the character and appearance of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

28. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

Reason: In the interests of the character and appearance of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

29. All external works to the building should be timed so as to avoid the bird nesting season, this being during the months of March until August inclusive, unless the Local Planning Authority has confirmed in writing that such works can proceed, based on submission of a survey (no more than 48hrs before works commence) undertaken by a competent ecologist to assess the nesting bird activity on site, together with details of measures to protect the nesting bird interest on the site as required.

Reason: To ensure that the development will conserve and enhance the natural environment and will not cause significant harm to any protected species or its habitat in accordance with Government guidance contained within the National Planning Policy Framework.

30. Full details of a scheme for the location of at least 9 swift bricks shall

be submitted to and approved in writing by the Local Planning Authority. The approved swift provisions shall be installed on the site in accordance with the approved details prior to the occupation of any building and shall be retained as such thereafter.

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 the National Planning Policy Framework.

31. Where an offence under Regulation 43 of the Habitat and Species Regulations 2017 (as amended) is likely to occur in respect of the development hereby approved, no works of site clearance, demolition or construction shall take place which are likely to impact on bats until a licence to affect such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been submitted to the Local Planning Authority.

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.

Environment

32. Prior to the commencement of the development, a Construction Environment Management Plan (CEMP), which shall include details of the measures to be taken to ensure construction works do not adversely affect residential properties on, adjacent to or surrounding the site together with details of the consultation and communication to be carried out with local residents shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with approved CEMP.

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.

33. Prior to the first occupation of the development, a scheme for the provision of vehicular electric charging points to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The vehicular electric charging points shall be provided in accordance with the approved details prior to the first occupation of the dwelling they serve and shall be retained as such thereafter.

Reason: To comply with Policies SLE 4, ESD 1, ESD 3 and ESD 5 of the Cherwell Local Plan 2011-2031 Part 1 and to maximise opportunities for sustainable transport modes in accordance with

paragraph 110(e) of the National Planning Policy Framework.

34. No development shall commence above slab level unless and until full details of the proposed mitigation measures as outlined in the submitted Noise Impact Assessment (ref. AC108753-1r1) including their visual appearance and impact on the fabric of the building have been submitted and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.

Reason: To ensure that an acceptable internal noise environment is provided for all residents whilst protecting the significance of the heritage asset in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and advice in the National Planning Policy Framework.

35. Prior to the first occupation of the development hereby permitted, written confirmation that the development achieves a water efficiency limit of 110 litres/person/day under Part G of the Building Regulations shall be submitted to and approved in writing by the Local Planning Authority.

Reason: Cherwell District is in an area of water stress, to mitigate the impacts of climate change and in the interests of sustainability, to comply with Policies ESD1 and ESD3 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

81 **The Ley Community, Sandy Lane, Yarnton**

The Committee considered application 20/01561/F for the erection of 10no dwellings (C3 Use Class) and Care Home (C2 Use Class), new access, parking, landscaping, demolition and other ancillary works at The Ley Community, Sandy Lane, Yarnton for 376 Estates and The Ley Community.

Mr Darren Worthington of the Ley Community addressed the meeting in support of the application.

In reaching its decision the Committee considered the officer's report and presentation and the address of the public speaker.

Resolved

- (1) That authority be delegated to the Assistant Director for Planning and Development to grant permission for application 20/01561/F subject to:
- a) the completion of a planning obligation under Section 106 of the Town and Country Planning Act 1990, as substituted by the Planning and Compensation Act 1991, to secure the following (and any amendments as deemed necessary):

- Provision of and commuted sum for maintenance (or detailed arrangements and provision for a management company) of the proposed open space (including informal open space, mature trees, hedgerows etc) in accordance with the Policy BSC11 of the CLP
 - Commuted sum of £3,989.04 per dwelling for off-site play area enhancement in the locality as no local area of play is being provided on site in accordance with Policy BSC11.
 - Community hall contribution of £19,0067.60, outdoor sports provision contribution of £28,594.80 and indoor sports provision contribution of £11,836.80.
 - £106 per dwelling for bins in accordance with the SPD
 - a contribution of £37,730 towards primary care in the locality.
- b) The following conditions (an any amendments to those conditions as deemed necessary):

CONDITIONS

Time Limit

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

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Compliance with Plans

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents:

20012 L00013 (Location Plan)
20012 PE0010 Rev C (Contextual Plan)
20012 PP0012-Rev C (Proposed Site Plan)
20012 PP1030 Rev D (Plot 1 plans)
20012 PP2030 Rev C (Plot 2 plans)
20012 PP3030 Rev B (Plot 3 plans)
20012 PP4030 Rev C (Plot 4 plans)
20012 PP6030 (Plot 6 plans)
20012 PP7030 (Plots 7 and 8 plans)
20012 PP8030 (Plots 9 and 10 plans)
G4405-WRD-XX-00-DR-A-0200 P8 (Care home ground floor plan)
G4405-WRD-XX-00-DR-A-0201 P7 (Care home first floor plan)
G4405-WRD-XX-00-DR-A-0202 P8 (Care home second floor plan)
G4405-WRD-XX-XX-DR-A-0500 P4 (Care home site plan)

G4405-WRD-XX-ZZ-DR-A-0300 P3 (Care home elevation drawings)
948.1_03F Landscape Layout - Site A
10598-P500A (drainage plan)
10598-P501A (drainage plan)
Energy Statement
Flood Risk Assessment ('FRA')
FRA Appendix B Survey Sheet 1 of 2
FRA Appendix B Survey Sheet 2 of 2
FRA Appendix C
Transport Statement
Ecological Update (June 2020)
Amended Biodiversity Metric 2.0 Calculation Tool Beta Test –
December 2019 (received in an email from Hugh Shepherd dated
25.09.2020 at 1645 hours.
Ecological Impact Assessment (2018)
Yarnton Noise Assessment
Yarnton Odour Assessment
Appendix 4 Site Investigation Report
Surface Water Calculations
Yarnton Care Needs Assessment
Archaeological Desk-based Assessment

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.

Contaminated land investigation

3. No part of the development hereby permitted shall take place until a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model has been carried out 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 has been 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 1996 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.

4. If a potential risk from contamination is identified as a result of the work carried out under condition 3, 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 any ground and water contamination is 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 1996 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.

5. If contamination is found by undertaking the work carried out under condition 4, 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 any ground and water contamination is 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 1996 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.

6. If remedial works have been identified in condition 5, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 5. 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 any ground and water contamination is 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 1996 and Section 15 of the National Planning Policy Framework.

Highways / Construction

7. Prior to the commencement of the development hereby approved, full details of the means of access between the land and the highway, including, position, layout, construction, drainage and vision splays and tie in with existing footpaths shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of access shall be constructed and retained in accordance with the approved details.

Reason: In order to provide safe and suitable access to the site in accordance with Policies SLE4 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

8. No development shall commence on site until a Construction Traffic Management Plan (CTMP) addressing all phases of the development has been submitted to and approved in writing by the local planning authority in consultation with the local highway authority. The CTMP shall be prepared in accordance with OCC guidelines. The approved Plan shall be implemented in full during the entire construction phase.

Reason: In the interests of highway safety and traffic impacts and to accord with Cherwell Local Plan 2011-2031 Part 1 and in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

9. No development shall commence unless and until a Construction Environment and Traffic Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved CEMP.

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

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting or amending those Orders with or without modification), the garages hereby permitted to plots 7 and 10 must only be used for the parking of private cars and for no other use whatsoever and shall not be converted to habitable accommodation.

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

11. The car parking and any turning facilities within the development to serve the dwellings and care home hereby approved shall be provided hard surfaced and made available for use before the

respective dwelling and/or care home is first occupied and shall thereafter be permanently so maintained.

Reason: In the interests of highway safety, to ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area and to accord with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

12. Prior to first occupation a Residential Travel Information Pack shall be submitted to and approved by the Local Planning Authority. Thereafter the Travel Information Pack shall be issued to all residents on first occupation.

Reason: To encourage the use of sustainable transport options in accordance with Policies SLE4 and ESD1 of the Cherwell Local Plan Part 1 (2015) and Government guidance in the National Planning Policy Framework.

13. 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.

14. Prior to the first occupation of the care home hereby approved, a Travel Plan Statement, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans" and its subsequent amendments, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Travel Plan Statement shall be implemented and operated in accordance with the approved details.

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.

15. Prior to the first occupation of the development, a scheme for the provision of vehicular electric charging points to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The vehicular electric charging points shall be provided in accordance with the approved details prior to the first occupation of the dwelling they serve and shall be retained as such thereafter.

Reason: To comply with Policies SLE 4, ESD 1, ESD 3 and ESD 5 of the adopted Cherwell Local Plan 2011-2031 Part 1 and to maximise opportunities for sustainable transport modes in accordance with paragraph 110(e) of the National Planning Policy Framework.

Archaeology

16. Prior to any demolition and the commencement of the development a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.

Reason - To safeguard the recording of archaeological matters within the site in accordance with the Government guidance in the National Planning Policy Framework.

17. Following the approval of the Written Scheme of Investigation referred to in condition 16, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority.

Reason – To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the Government guidance in the National Planning Policy Framework.

Trees

18. The development shall be carried out in strict accordance with the details in the Arboricultural Impact Assessment (ref: MW.19.1203.AIA Rev C issued 14.09.2020) and associated drawings. Prior to the removal of any tree identified for relocation in drawing number MW.19.1203.TPP.RevB, full details of the proposed relocation and methodology for removal, relocation and establishment shall be submitted and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To mitigate for the loss of trees on the site and ensure that appropriate mitigation is provided in the interest of the character and appearance of the area and biodiversity.

Design

19. No development shall take place until details of all finished floor

levels in relation to existing and proposed site levels and to the adjacent buildings have been submitted to and approved in writing by the Local Planning Authority. This shall include details of any retaining walls or features. The development hereby permitted shall be constructed in accordance with the approved levels.

Reason: In order to safeguard the visual amenities of the area and to protect the amenity of the neighbouring properties in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in 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.

20. The first floor window in the western elevation of the care home (shown to serve the laundry room on drawing number 4405-WRD-XX-00-DR-A-0201 Rev P7) hereby permitted shall be glazed with obscure glass (at least Level 3) only, and fixed with a ventilation stay restricting the opening of the window to no more than 30 degrees from the elevation in question, prior to the first occupation of the care home and must be permanently maintained as such at all times thereafter.

Reason - To safeguard the living conditions of neighbouring residents and future occupiers of the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

21. The flat roof above the kitchen and plant roof at the western end of care home hereby permitted shall not be used as an outdoor seating or amenity area at any time whatsoever.

Reason - To safeguard the living conditions of neighbouring residents and future occupiers of the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

22. Full details of odour and ventilation in accordance with the Odour report and visual appearance.
23. Notwithstanding the details shown on the approved plans, further details (including scale plans) of the architectural detailing of the exterior of the buildings, including the windows and doors (and their surrounds and recesses), together with the eaves and verge treatment and parapet roofs, shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the building above slab level. The development shall not be carried out other than in accordance with the approved details and shall be retained as such thereafter

Reason: In order to safeguard the visual amenities of the local area in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance in the National Planning Policy Framework.

24. Prior to the installation of any external lighting a full lighting strategy to include illustration of proposed light spill and which adheres to best practice guidance, 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 document.

Reason – To safeguard residential amenity and 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 the National Planning Policy Framework.

25. No development shall commence above slab level unless and until a detailed schedule of materials and finishes for the external walls and roofs of the development hereby approved, including samples of such materials, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved schedule and shall be retained as such thereafter.

Reason: To ensure the satisfactory appearance of the completed development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

26. No development shall commence above slab level unless and until samples of the timber boarding to be used externally in the development have been submitted to and approved in writing by the Local Planning Authority. The roof shall not be covered other than in accordance with the samples so approved and shall be retained as such thereafter.

Reason: To ensure the satisfactory appearance of the completed development and to ensure that the completed development is in keeping with and conserves the special character of the historic environment, to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

27. No development shall commence above slab level unless and until a brick sample panel, to demonstrate brick type, colour, texture, face bond and pointing (minimum 1m² in size) has been constructed on site, inspected and approved in writing by the Local Planning Authority. The boundary wall of the development shall be constructed

in strict accordance with the approved brick sample panel and shall be retained as such thereafter.

Reason: To ensure the satisfactory appearance of the completed development and to ensure that the completed development is in keeping with and conserves the special character of the historic environment, to comply with Saved Policy C28 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

28. No development shall commence above slab level unless and until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-

- (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
- (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
- (c) details of the hard surface areas,
- (d) screen planting to Arran House
- (e) details of boundary treatments

The development shall be carried out in strict accordance with the approved landscaping scheme and the hard landscape elements shall be carried out prior to the first occupation/use of the development and shall be retained as such thereafter.

Reason: In the interests of the character and appearance of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

29. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

Reason: In the interests of the character and appearance of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

30. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting or amending those Orders with or without modification), no development within Parts 1 or 2 shall take place.

Reason - To safeguard the living conditions of neighbours to and future occupiers of the development, to protect the health and integrity of trees within the site and to safeguard the character and appearance of the area and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Ecology

31. Biodiversity enhancements scheme (bird and bat brick, hedgehog houses, log piles:

No development shall commence including any demolition and any works of site clearance unless and until a method statement and scheme for enhancing biodiversity on site such that an overall net gain for biodiversity is achieved, to include details of enhancement features and habitats both within green spaces and integrated within the built environment, has been submitted to and approved in writing by the Local Planning Authority. This shall also include a timetable for provision. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.

Reason: To ensure the development provides a net gain in biodiversity in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

NOTE TO APPLICANT/DEVELOPER: It is advised that this condition include a Biodiversity Impact Assessment metric to show how a clear net gain for biodiversity will be achieved.

32. No development shall commence unless and until a Landscape and Ecology Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved LEMP.

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 the National Planning Policy Framework.

Drainage

33. No development shall take place until a Detailed Design, Surface Water Management Strategy and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved Detailed Design prior to the use of the building commencing.

A detailed drainage strategy including calculations, ground levels and plans must be submitted for approval.

The Detailed Design shall be based upon the Outline Design principles set out in the following documents and drawings:

(19)20012 - PP0013 - PROPOSED SITE PLAN

948.1_02C Landscape Layout - Site C

Surface Water Calculations – Fully detailed calculation files to be provided.

948.1_03B Landscape Layout - Site A

948.1_04B Landscape Layout - Site B

10598- Flood Risk Assessment V1.0

10598-P502 drainage construction details

20012 - L00011 Location Plan TLC (1)

Appendix 1 SuDS LLFA pro-forma

Appendix 4 (i)12571 Site Investigation Report

Appendix 4 (ii)12571 Site Investigation Report

FRA-Appendix B survey-Sheet 1 of 2

FRA-Appendix B survey-Sheet 2 of 2

FRA-Appendix C (i) 10598-P500 residential development

FRA-Appendix C (ii)10598-P501care home development

A compliance Surface Water Management Strategy report to demonstrate how the scheme complies with the “Local Standards and Guidance for Surface Water

Drainage on Major Development in Oxfordshire”

Detailed design drainage layout drawings of the SuDS proposals including cross section details.

Detailed design clearly demonstrating how exceedance events will be managed.

Pre and Post development surface water flow paths to be identified on plan.

Evidence that WFD requirements have been addressed to improve water quality.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal

34. Completion and Maintenance of Sustainable Drainage – Shown on Approved Plans - No building or use hereby permitted shall be occupied or the use commenced until the sustainable drainage scheme for this site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in perpetuity in accordance with the agreed management and maintenance plan, (including contact details of any management company).
35. SuDS Features and Drainage Maintenance Plan (Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element, to be prepared and submitted as stand-alone document).

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and maintained thereafter.

36. Outline Design Infiltration: The development hereby permitted shall not commence until full Detailed Design details of the proposal, implementation, maintenance and management of a surface water drainage scheme have been submitted to and approved in writing by the local planning authority. Those details shall include:
- a) Information about the design storm period and intensity (1 in 30 & 1 in 100 (+40% allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters;
 - b) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
 - c) Flood water exceedance routes, both on and off site;
 - d) A timetable for implementation;
 - e) Site investigation and test results to confirm infiltrations rates; and

Reason: To ensure that the proposed development can be adequately drained. To ensure that there is no flood risk on or off the site resulting from the proposed development.

37. SuDS – Design Documentation Plans: Prior to occupation, a record of the approved SuDS details shall be submitted to and approved in writing by the Local Planning Authority for deposit in the Lead Local Flood Authority Asset Register. The details shall include:

As built plans in both .pdf and .shp file format;

Photographs to document each key stage of the drainage system when installed on site;
Photographs to document the completed installation of the drainage structures on site.

Reason:

In accordance with section 21 of the Flood and Water Management Act 2010.

38. Prior to the first occupation of the development hereby permitted written confirmation that the development achieves a water efficiency limit of 110 litres/person/day under Part G of the Building Regulations shall be submitted to and approved in writing by the Local Planning Authority.

Reason: Cherwell District is in an area of water stress, to mitigate the impacts of climate change and in the interests of sustainability, to comply with Policies ESD1 and ESD3 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

82

4 Drapers House, St Johns Road, Banbury, OX16 5BE

The Committee considered application 20/02123/DISC, the discharge of condition 3 (windows) of application 20/00693/LB at 4 Drapers House, St Johns Road, Banbury, OX16 5BE for Mr Stephen Reynolds.

In reaching its decision the Committee considered the officer's report and presentation.

Resolved

- (1) That, application 20/02123/DISC be approved subject to no new issues being raised by the end the completion of the consultation period. Planning Condition 3 of 20/00693/LB be discharged based upon the following:

Condition 3 – Window Details

In accordance with drawings entitled "Proposed replacement sash window ground floor East Elevation" and "Proposed Replacement Window South Elevation"

83

17 Fair Close, Bicester, OX26 4YW

The Committee considered application 20/01993/F for a first-floor extension above the garage to create an additional habitable room at 17 Fair Close, Bicester, OX26 4YW for Mr Paul Nicol.

In reaching its decision the Committee considered the officer's report and presentation.

Resolved

- (1) That authority be delegated to the Assistant Director Planning and Development to grant permission for application 20/01993/F subject to the following conditions:

Time Limit

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

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Compliance with Plans

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Drawing numbers SAS MCT 01 200 Rev PL; SAS MCT 01 201 Rev PL; SAS MCT 01 202 Rev PL; SAS MCT 01 250 Rev PL; SAS MCT 01 251 Rev PL; SAS FCB 01 Site Plan Rev P1; and SAS FCB 01 Location Plan Rev P0.

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.

84 **Land Adjacent to the Oxford Canal, Spiceball Park Road, Banbury - 01854**

The Committee considered application 20/01854/DISC for the discharge of conditions 23 (surface water & foul sewage drainage) & 31 (SUDS Drainage) of application 16/02366/OUT at Land Adjacent to the Oxford Canal, Spiceball Park Road, Banbury for Mr Ian Wallace.

In reaching its decision the Committee considered the officer's report and presentation.

Resolved

- (1) That the following details of conditions 23 and 31 of application 20/01854/DISC be approved:

Condition 23 – Surface Water and Foul Water Drainage

Drainage Strategy Report – Blocks A, B & C CQ2-CCE-A0-XX-RP-C-5002

Block A – Hotel Drainage G.A. CQ2-CCE-A0-00-DR-C-1500 Rev C2

Block B Drainage Overall Drainage Layout CQ2-CCE-B0-00-DR-C-1527 Rev C1

Block C Drainage Layout (Sheet 1) CQ2-CCE-C0-00-DR-C-1581 Rev C3
Block C Drainage Layout (Sheet 2) CQ2-CCE-C0-00-DR-C-1582 Rev C4
Block C Drainage Layout (Sheet 3) CQ2-CCE-C0-00-DR-C-1583 Rev C4
Block C Drainage Layout (Sheet 4) CQ2-CCE-C0-00-DR-C-1584 Rev C3

Condition 31 – SUDs Drainage

Drainage Strategy Report – Blocks A, B & C CQ2-CCE-A0-XX-RP-C-5002
Block A – Hotel Drainage G.A. CQ2-CCE-A0-00-DR-C-1500 Rev C2
Block B Drainage Overall Drainage Layout CQ2-CCE-B0-00-DR-C-1527 Rev C1
Block C Drainage Layout (Sheet 1) CQ2-CCE-C0-00-DR-C-1581 Rev C3
Block C Drainage Layout (Sheet 2) CQ2-CCE-C0-00-DR-C-1582 Rev C4
Block C Drainage Layout (Sheet 3) CQ2-CCE-C0-00-DR-C-1583 Rev C4
Block C Drainage Layout (Sheet 4) CQ2-CCE-C0-00-DR-C-1584 Rev C3

85 **Land Adjacent to the Oxford Canal, Spiceball Park Road, Banbury- 00125**

The Committee considered application 20/00125/DISC for the discharge of Condition 6 (Landscaping) of application 17/00284/REM at Land adjacent to the Oxford Canal, Spiceball Park Road, Banbury for Ian Wallace.

In reaching its decision the Committee considered the officer's report and presentation and the written update.

Resolved

- (1) That the following details of condition 6 application number 20/00125/DISC be approved:

Condition 6 – Landscaping

Softworks Plan 1 P11478-00-001-400 Rev 02
Softworks Plan 2 P11478-00-001-401 Rev 03
Softworks Plan 5 P11478-00-001-404 Rev 02
Plan 3 P11478-00-001-402 Rev 02
Softworks Plan 4 P11478-00-001-403 Rev 02
Zone A Hardworks and Furniture CQ2-LJA-G0-00-DR-A-04310
Zone A Kerbs, Edges and Walls CQ2-LJA-G0-00-DR-A-04311
Zone A Levels and Drainage CQ2-LJA-G0-00-DR-A-04312
Zone B Hardworks and Furniture CQ2-LJA-G0-00-DR-A-04320
Zone B Kerbs, Edges and Walls CQ20LJA-G0-00-DR-A-04321
Zone B Levels and Drainage CQ20LJA-G0-00-DR-A-04322

Zone C Hardworks and Furniture Sheet 1 of 2 CQ20LJA-G0-00-DR-A-04330

Zone C Hardworks and Furniture Sheet 2 of 2 CQ20LJA-G0-00-DR-A-04331

Zone C Kerbs, Edges and Walls Sheet 1 of 2 CQ20LJA-G0-00-DR-A-04332

Zone C Kerbs, Edges and Walls Sheet 2 of 2 CQ20LJA-G0-00-DR-A-04333

Zone C Levels and Drainage Sheet 1 of 2 CQ20LJA-G0-00-DR-A-04334

Zone C Levels and Drainage Sheet 2 of 2 CQ20LJA-G0-00-DR-A-04335

Zone D Hardworks and Furniture CQ20LJA-G0-00-DR-A-04340

Zone D Kerbs, Edges and Walls CQ20LJA-G0-00-DR-A-04341

Zone D Levels and Drainage CQ20LJA-G0-00-DR-A-04342

Step Details 1 CQ20LJA-G0-00-DR-A-24100

Walls and Balustrade Details CQ20LJA-G0-00-DR-A-24101

CQ2 Street Furniture

86 **Appeals Progress Report**

The Assistant Director Planning and Development submitted a report which informed Members on applications which had been determined by the Council, where new appeals have been lodged, public inquiries/hearings scheduled, or appeal results achieved.

Resolved

- (1) That the position statement be accepted.

87 **Enforcement Report**

The Assistant Director Planning and Development submitted a report to inform Members of planning enforcement cases at Cherwell District Council and update on the current position following the update in July regarding case numbers and how the team continues to operate during the restrictions of COVID19.

Resolved

- (1) That the contents of the report be noted.

The meeting ended at 8.40 pm

Chairman:

Date:

CHERWELL DISTRICT COUNCIL

Planning Committee - 5 November 2020

PLANNING APPLICATIONS INDEX

The Officer's recommendations are given at the end of the report on each application.

Members should get in touch with staff as soon as possible after receiving this agenda if they wish to have any further information on the applications.

Any responses to consultations, or information which has been received after the application report was finalised, will be reported at the meeting.

The individual reports normally only refer to the main topic policies in the Cherwell Local Plan that are appropriate to the proposal. However, there may be other policies in the Development Plan, or the Local Plan, or other national and local planning guidance that are material to the proposal but are not specifically referred to.

The reports also only include a summary of the planning issues received in consultee representations and statements submitted on an application. Full copies of the comments received are available for inspection by Members in advance of the meeting.

Legal, Health and Safety, Crime and Disorder, Sustainability and Equalities Implications

Any relevant matters pertaining to the specific applications are as set out in the individual reports.

Human Rights Implications

The recommendations in the reports may, if accepted, affect the human rights of individuals under Article 8 and Article 1 of the First Protocol of the European Convention on Human Rights. However, in all the circumstances relating to the development proposals, it is concluded that the recommendations are in accordance with the law and are necessary in a democratic society for the protection of the rights and freedom of others and are also necessary to control the use of property in the interest of the public.

Background Papers

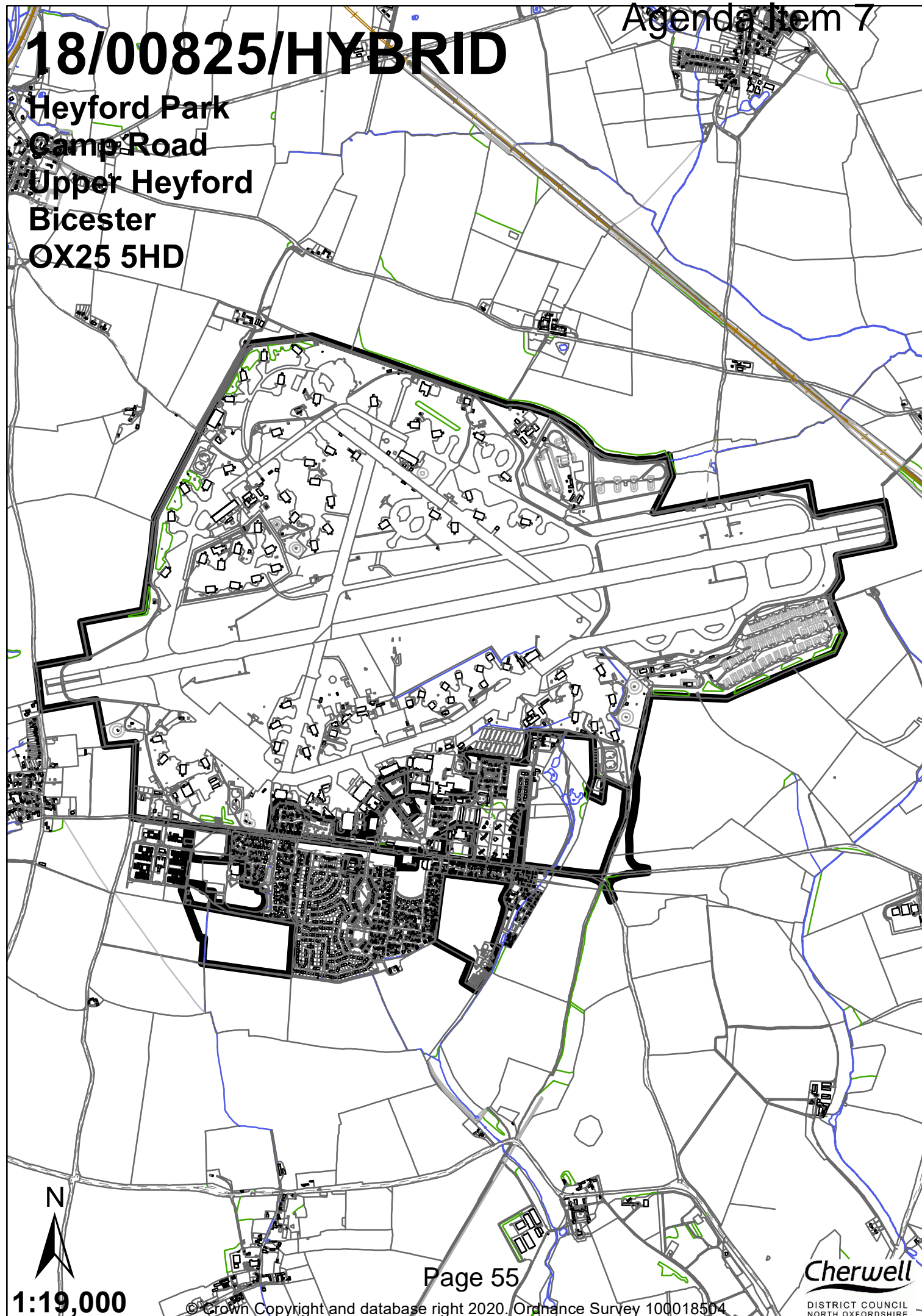
For each of the applications listed are: the application form; the accompanying certificates and plans and any other information provided by the applicant/agent; representations made by bodies or persons consulted on the application; any submissions supporting or objecting to the application; any decision notices or letters containing previous planning decisions relating to the application site

Item No.	Site	Application Number	Ward	Recommendation	Contact Officer
7	Heyford Park, Camp Road, Upper Heyford, OX25 5HD	18/00825/HYBRID	Fringford and Heyfords	*Approval	Andrew Lewis
8	Proposed Roundabout Access to Graven Hill and Wretchwick Green, London Road, Bicester	20/01830/F	Bicester South and Ambrosden	*Approval	Rebekah Morgan
9	63 Priory Road, Bicester, OX26 6BL	20/01115/OUT	Bicester South and Ambrosden	Refusal	Matthew Chadwick
10	The Beeches, Heyford Road, Steeple Aston, OX25 4SN	20/02227/OUT	Deddington	Refusal	Bob Neville

*Subject to conditions

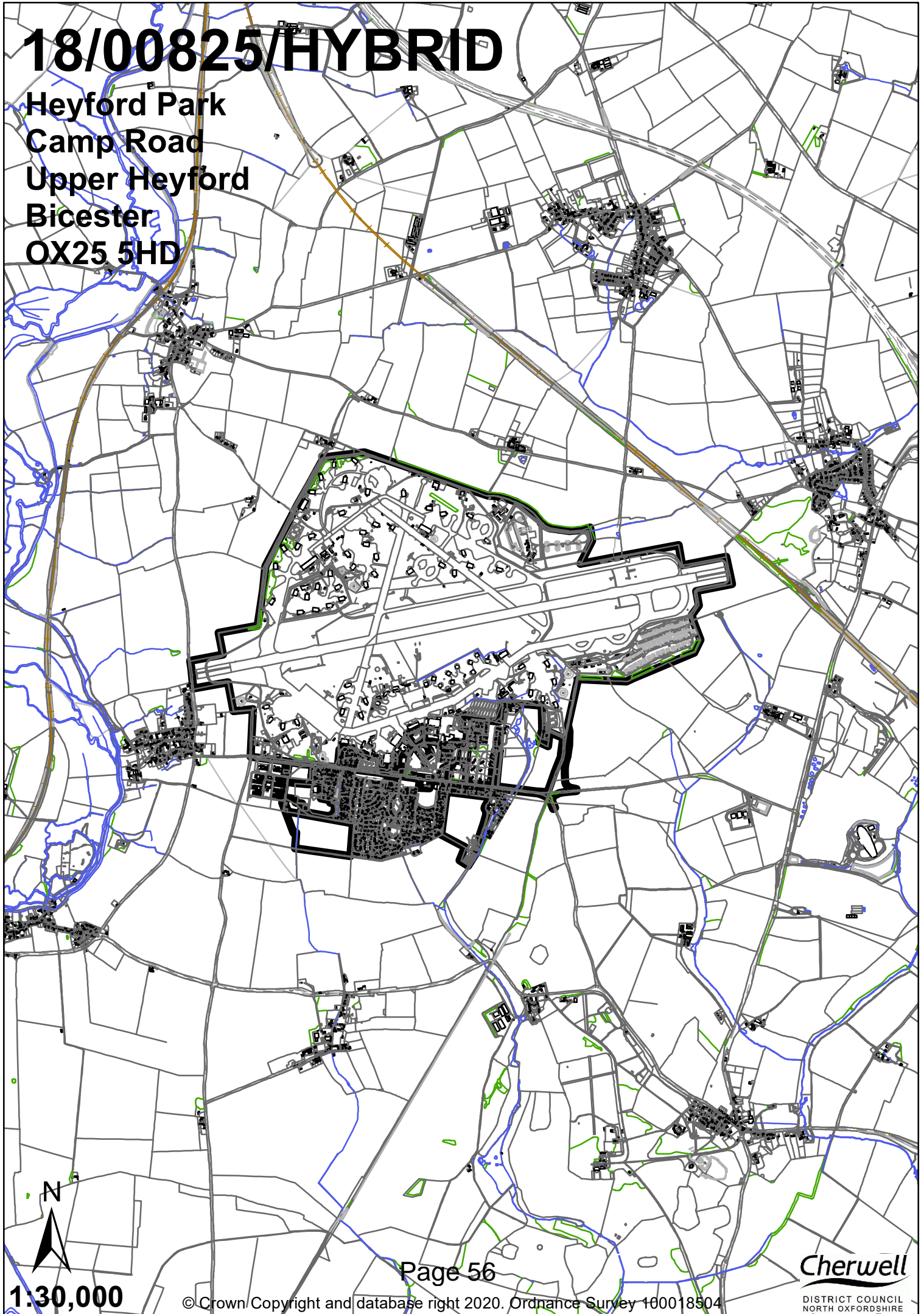
18/00825/HYBRID

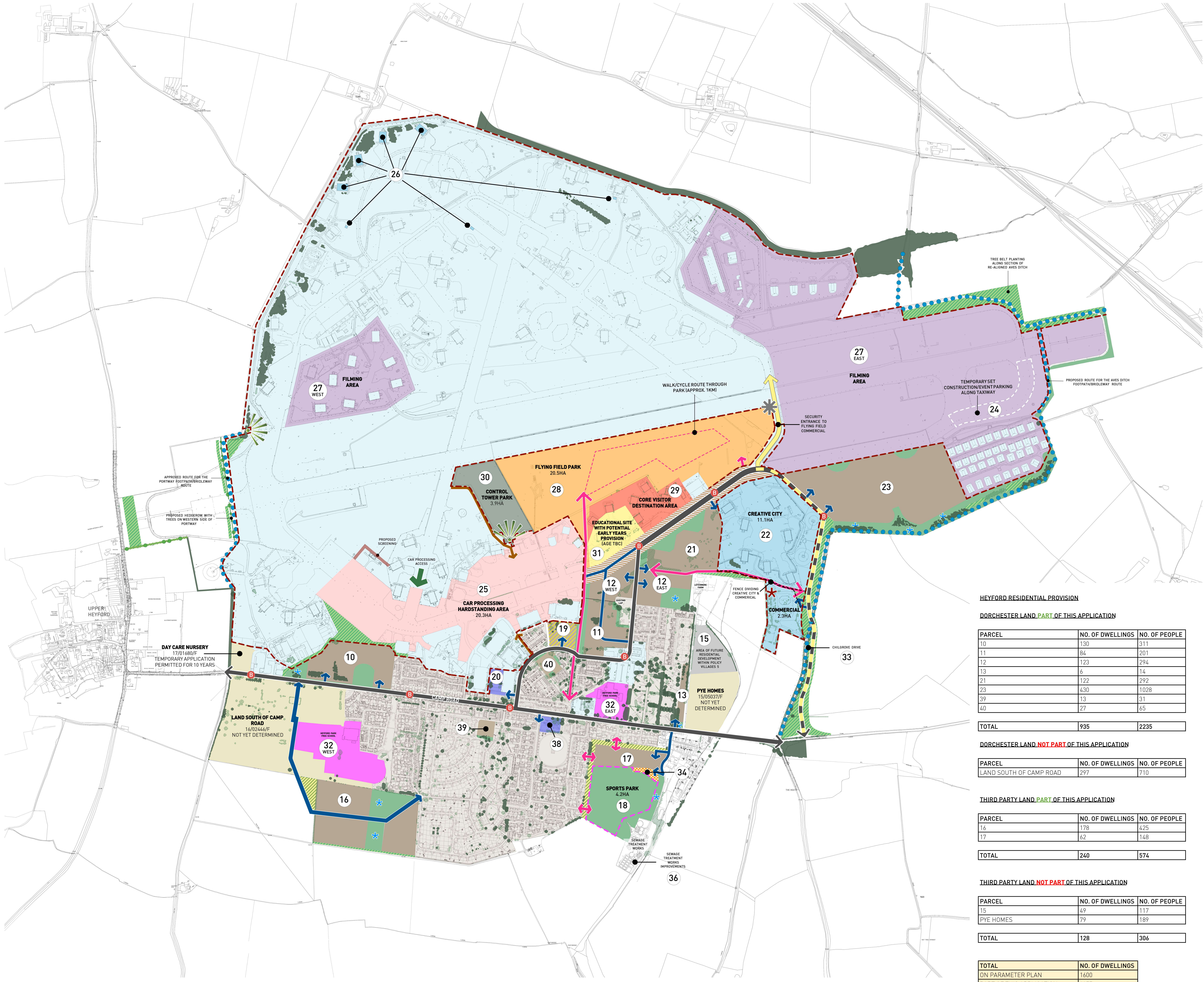
Heyford Park
Camp Road
Upper Heyford
Bicester
OX25 5HD



18/00825/HYBRID

Heyford Park
Camp Road
Upper Heyford
Bicester
OX25 5HD





PROPOSALS KEY

LAND USE

- EXISTING BUILT DEVELOPMENT/PROPOSALS
- EXISTING COMMERCIAL AREAS
- EXISTING APPLICATIONS WITHIN MASTERPLAN AREA
LAND SOUTH OF CAMP ROAD, VILLAGE CENTRE NORTH, DAY NURSERY & PYE HOMES
- RESIDENTIAL
- CREATIVE CITY / COMMERCIAL
- CAR PROCESSING
- MIXED USE
- FLYING FIELD PARK
- CORE VISITOR DESTINATION AREA
- EDUCATIONAL SITE WITH POTENTIAL EARLY YEARS PROVISION (AGE TBC) INCLUDING NEW BUILDING
- ANCILLARY OPEN ACTIVITY SUCH AS PARKING
- FILMING ACTIVITY AREA
- HEYFORD FREE SCHOOL SITES TO BE EXTENDED/EXPANDED
- UP TO 60 EXTRA CARE DWELLINGS (CLASS C2/C3) 0.9HA
- AREA FOR COMMUNITY USES
- CONTROL TOWER PARK
- GREEN INFRASTRUCTURE INCLUDING CHILDREN'S PLAY AREAS

GREEN INFRASTRUCTURE

- STRATEGIC LANDSCAPE BUFFER
- COMMUNITY ORCHARD / ALLOTMENTS
- SPORTS PARK
- APPROXIMATE LOCATION OF ATTENUATION AREAS
- PROPOSED SCREENING
- VIEWPOINT ACROSS SITE
- EXISTING VEGETATION SUBJECT TO DETAILED TREE SURVEY (CLASS 'C' HATCHED GREEN)

ACCESS & MOVEMENT

- BUS ROUTE, VEHICLE ACCESS & FOOTWAYS
- PRIMARY VEHICULAR ACCESS
- PRIMARY HGV ACCESS
- MAINTENANCE ACCESS
- PRIMARY PEDESTRIAN / CYCLE ROUTES WHERE NOT IN ASSOCIATION WITH VEHICLE ACCESS
- PRIMARY CAR PROCESSING ACCESS
- SECONDARY COMMERCIAL ACCESS
- POTENTIAL BUS STOP LOCATIONS
- FOOTPATH/BRIDLEWAY ROUTE

OTHER

- SECURITY FENCE
- PARCEL NUMBER
- OBSERVATION TOWER & ZIPWIRE
- APPROXIMATE LOCATION OF ENERGY INFRASTRUCTURE / FACILITY

HEYFORD RESIDENTIAL PROVISION

DORCHESTER LAND PART OF THIS APPLICATION

PARCEL	NO. OF DWELLINGS	NO. OF PEOPLE
10	130	311
11	84	201
12	123	294
13	6	14
21	122	292
23	430	1028
39	13	31
40	27	65
TOTAL	935	2235

DORCHESTER LAND NOT PART OF THIS APPLICATION

PARCEL	NO. OF DWELLINGS	NO. OF PEOPLE
LAND SOUTH OF CAMP ROAD	297	710

THIRD PARTY LAND PART OF THIS APPLICATION

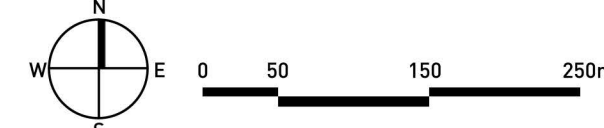
PARCEL	NO. OF DWELLINGS	NO. OF PEOPLE
16	178	425
17	62	148
TOTAL	240	574

THIRD PARTY LAND NOT PART OF THIS APPLICATION

PARCEL	NO. OF DWELLINGS	NO. OF PEOPLE
15	49	117
PYE HOMES	79	189
TOTAL	128	306

TOTAL	NO. OF DWELLINGS
ON PARAMETER PLAN	1600
PART OF THIS APPLICATION	1175
NOT PART OF THIS APPLICATION	425

NOTE: NO. OF PEOPLE IS BASED ON 2.39 PERSONS PER DWELLING



HEYFORD PARK - COMPOSITE PARAMETER PLAN



Case Officer: Andrew Lewis

Applicant: Dorchester Living Limited

- Proposal:** A hybrid planning application consisting of:
- Demolition of buildings and structures as listed in Schedule 1;
 - Outline planning permission for up to:
 - 1,175 new dwellings (Class C3);
 - 60 close care dwellings (Class C2/C3);
 - 929 m2 of retail (Class A1);
 - 670 m2 comprising a new medical centre (Class D1);
 - 35,175 m2 of new employment buildings, (comprising up to 6,330 m2 Class B1a, 13,635 m2 B1b/c, 9,250 m2 Class B2, and 5,960 m2 B8);
 - 2,415 m2 of new school building on 2.45 ha site for a new school (Class D1);
 - 925 m2 of community use buildings (Class D2); and 515 m2 of indoor sports, if provided on-site (Class D2);
 - 30m in height observation tower with zip-wire with ancillary visitor facilities of up to 100 m2 (Class D1/A1/A3);
 - 1,000 m2 energy facility/infrastructure (sui generis);
 - 2,520 m2 additional education facilities (buildings and associated external infrastructure) at Buildings 73, 74 and 583 for education use (Class D1);
 - creation of areas of Open Space, Sports Facilities, Public Park and other green infrastructure.
 - The change of use of the following buildings and areas:
 - Buildings 3036, 3037, 3038, 3039, 3040, 3041, and 3042 for employment use (Class B1b/c, B2, B8);
 - Buildings 217, 3052, 3053, 3054, 3055, 3102, and 3136 for employment use (Class B8);
 - Buildings 2010 and 3009 for filming and heritage activities (Sui Generis/Class D1);
 - Buildings 73 and 2004 (Class D1);
 - Buildings 391, 1368, 1443, 2005, 2006, 2007, 2008 and 2009 (Class D1/D2 with ancillary A1-A5 use);
 - Building 340 (Class D1, D2, A3);
 - 20.3ha of hardstanding for car processing (Sui Generis); and
 - 76.6ha for filming activities, including 2.1 ha for filming set construction and event parking (Sui Generis);
 - The continuation of use of areas, buildings and structures already benefiting from previous planning permissions, as specified in Sched.2.
 - Associated infrastructure works, including surface water attenuation provision and upgrading Chilgrove Drive and the junction with Camp Road.

Ward: Fringford and Heyfords

Councillors: Cllr Ian Corkin, Cllr James Macnamara; Cllr Barry Wood.

Reason for Referral: Major development

Expiry Date: 9 November 2020

Committee Date: 5 Nov 2020

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS AND A S106 LEGAL AGREEMENT (AND ANY CHANGES TO CONDITIONS)

Proposal

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.

A plan showing the Parcel numbers is appended to this report.

Consultations

The following consultees have raised **objections** to the application:

- Heyford Park, Middleton Stoney, Lower Heyford, Upper Heyford, Somerton, North Aston, Ardley with Fewcott, Chesterton, and Kirtlington Parish Councils
- Oxford Trust for Contemporary History,
- Network Rail,
- Historic England,
- NHS OCCG,
- BBOWT,

The following consultees have raised **no objections** to the application:

- CDC Planning Policy,
- CDC Ecology,
- Oxfordshire County Council (subject to conditions/s106)
- Highways England, (subject to conditions/s106)
- Sport England,
- Environment Agency,
- Thames Water,

- British Horse Society,
- Natural England,

61 letters of objection have been received and 7 letters of support have been received. (There is a separate group of objections specifically in response to Network Rail's request to close Somerton crossing, but this is not part of the application proposal.)

Planning Policy and Constraints

The site is covered by a specific policy in the Cherwell Local Plan - Villages 5. It is also within the Mid Cherwell Neighbourhood Plan area.

RAF Upper Heyford was designated a conservation area in 2006. In December 2006 the Council were informed that the Quick Reaction Alert Area (QRA) complex, Avionics building, northern bomb stores, battle command centre and hardened telephone exchange had been designated as scheduled ancient monuments. Following this, in April 2008, the council received confirmation that the control tower, nose docking sheds and squadron headquarters had been designated for statutory protection as listed buildings (These are identified later in the report).

The site lies adjacent the Rousham, Lower Heyford and Upper Heyford Conservation Areas.

The eastern part of the flying field is designated a wildlife site. Part of the site has been included in the Ardley and Upper Heyford Conservation Target Area (CTA).

The application has also been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance as listed in detail at Section 8 of the report.

Conclusion

The key issues arising from the application details are:

- Environmental Impact Assessment
- Planning Policy and Principle of Development;
- Housing
- Employment
- Design Layout, Density
- Traffic, Highways, Access and Transport
- Impact on Heritage
- Ecology Impact
- Landscape Impact;
- Flood Risk and Drainage;
- Other Issues including education, community facilities, healthcare, sport and recreation, tourism, amenity and cemetery
- Planning Obligations

The report looks into the key planning issues in detail, and officers conclude that the scheme meets the requirements of relevant CDC policies and the proposal is acceptable subject to conditions, legal agreement, and referral to the National Planning Casework Unit.

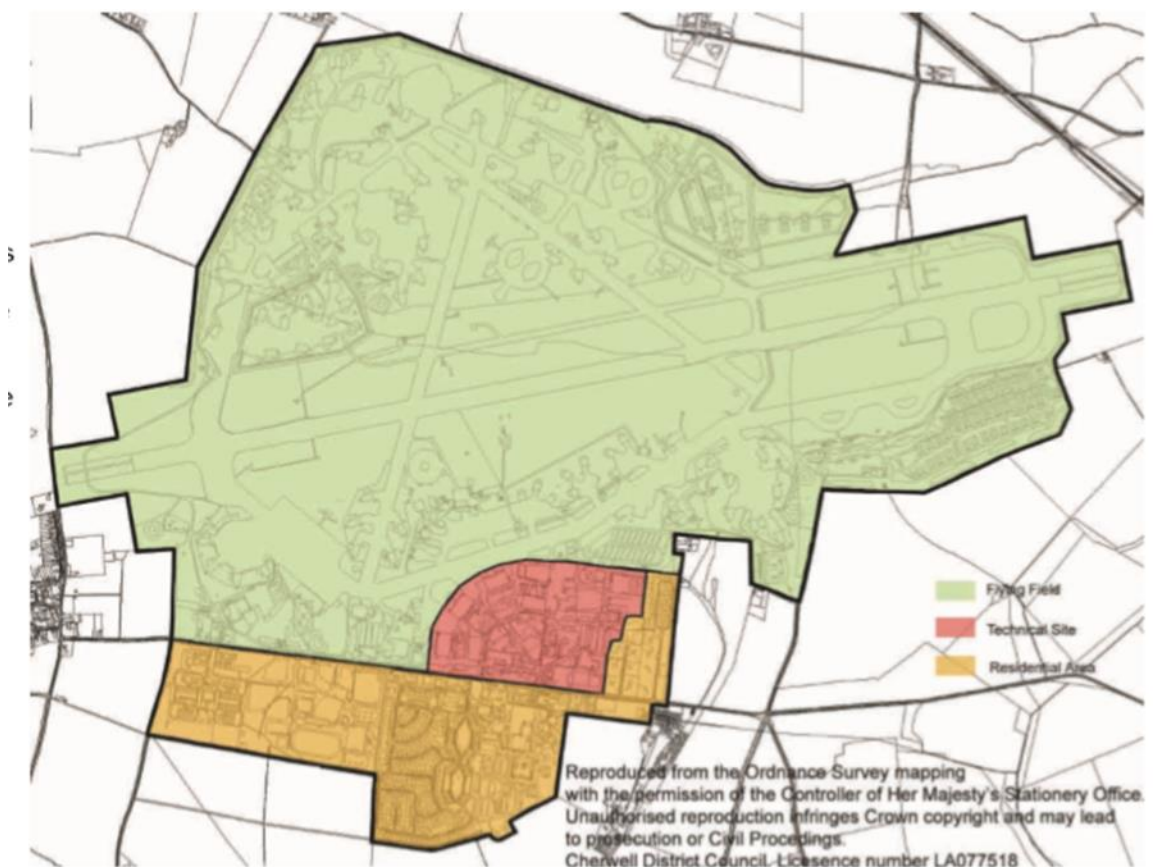
Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and

Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

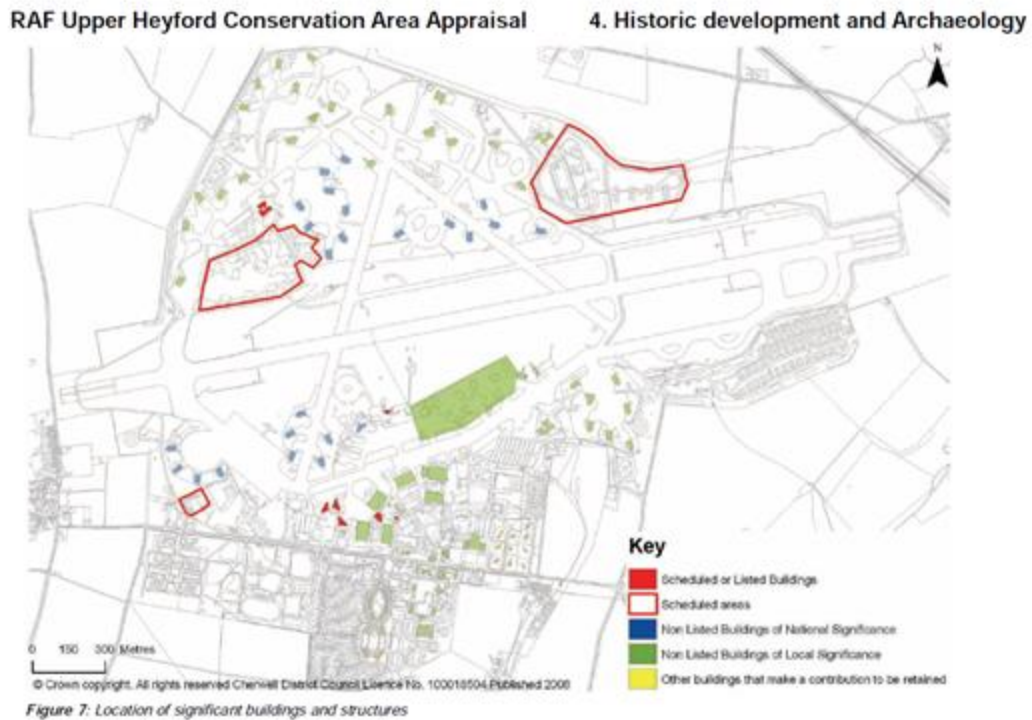
1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is largely the former RAF/USAF Upper Heyford base with an additional two parcels of land currently in agricultural use. It is approximately 457.4 hectares in total. Essentially, the airfield is on top of a plateau which slopes steeply to the west and into the Cherwell Valley and more gently in other directions. By virtue of its somewhat isolated rural location the local highway network largely circumvents it. The site is about 6 miles from Bicester with its services and transport and to junction 10 of the M40 motorway.
- 1.2. In terms of the uses on Upper Heyford, the military use ceased in 1994. Since 1998 the site accommodated a number of uses in existing buildings, first under temporary planning permissions and latterly under a permanent permission granted on appeal in 2010 and then by subsequent applications. The 2010 permission was for 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. This permission included the flying field and the uses and development permitted by the appeal decision have subsequently been implemented.
- 1.3. The nature of the site is defined by the historic landscape character of the distinct zones within the base which is was divided into three main functional character areas: Flying Field, Technical and Settlement. (see drawing below). The new settlement at Heyford which is partially built largely preserves the flying field.



2. CONSTRAINTS

2.1. The majority of the former airbase 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 (see plan below)



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2.2. The western boundary of the sites is adjacent to the Rousham, Lower Heyford and Upper Heyford Conservation Area and the Oxford Canal Conservation runs through the Cherwell Valley to the west.

2.3. A large part of the flying field is included in the recently designated Ardley & Upper Heyford Conservation Target Area and eastern part of the flying field is a County designated wildlife site important for its calcareous grassland, ground nesting birds and great crested newts.

2.4. Two ancient rights of way crossed the airfield, Portway and Aves Ditch. Portway is currently being reconnected roughly on its original alignment. Aves Ditch is proposed to be reconnected as a circular route around the flying field.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1. The application has been recently modified and the proposed description of development amended but it remains comprehensive. It consists of a number of disparate elements albeit it is, in concept, an outline masterplan application the purpose for which is to secure permission in compliance with the development allocated for this strategic development site in accordance with policy Villages 5.

3.2. Details have been submitted for some of the elements which will be discussed in the report. It is a hybrid application because it requests full planning permission for the uses of the retained buildings, mainly on the flying field. It should be noted that since the application was submitted the Government have undertaken revisions to the Use Classes Order. The effect of the changes will be referred to in the report

3.3. The main components of the application are:

- Residential: 1,175 dwellings are proposed in a mixed range of parcels shown on the main parameter plan. Of this total, 348 (30%) are proposed to be affordable in a mix to be agreed with the Council and 60 will be close care (Class C2)
- Employment: This will be provided by the retention of the majority of the buildings on the flying field in their existing commercial uses which is largely storage and distribution but with a mix of other employment uses including some high technology, police training and most significantly car processing although the area of operation changes. In addition, 11.1 hectares is set aside for the Creative City, an area of potential high tech 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 the Creative City is also allocated for employment use. In addition, other buildings proposed for employment include four Hardened Aircraft Shelters in the North West corner and three other structures (Parcel 26).
- At the heart of the flying field will be the creation of a park (parcels 28 and 30), 30m in height observation tower with zipwire with ancillary visitor facilities of up of 100 m², a visitor destination centre and an education site designed for primary and potentially early years provision.
- The Proposed Development includes 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 proposed in the south east corner of the site
- 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 proposed to be extended by the provision of a further mixed-use area comprising a variety of A1-A5, D1 and D2 uses on Parcel 38. This would include provision of up to 925 sq.m of community buildings (Class D2) located on Parcel 38 and Parcel 34 adjacent to the proposed Sports Park. (It should be pointed out that most of these uses will fall under a new use class, Class E, with the exception of Class A4 and A5 uses, pubs and hot food takeaways, that become sui generis.)

3.4. In March of this year the application was modified in a number of ways. The main changes were:

- Adjustments to the school site boundaries including the omission of parcel 37, for employment use, and its incorporation with the education site.

- Inclusion of the Chapel and Community Centre to the south of Camp Road (new Parcel 39) and the site of Buildings 132, 133 and 149 (new Parcel 40) within the Trident Area to the north of Camp Road within the application site and allocated for residential development
- Modifications to the density of some of the residential parcels
- Exclusion of the land for the A Frame hangar Building 315 which is now proposed to be retained rather than demolished and to retain its existing B8 permitted and lawful use.
- Removal of previous Sports Park area to the west of Parcel 16 and its relocation to Parcel 18 towards the south east of the overall masterplan site with a consequent modification in size to 4.2ha. This also allows the PROW 388/4 to remain open on its existing line.
- Modification to the car processing area boundary to increase the distance to the Grade II nose dock sheds.
- Increase in the area of Village Centre South to allow more community/commercial use.

3.5. Full details are to be found online in the applicant's Addendum Planning Statement

<https://planningregister.cherwell.gov.uk/Document/Download?module=PLA&recordNumber=66077&planId=1552501&imageId=451&isPlan=False&fileName=Planning%20Statement%20FINAL%2012.03.2020.pdf>

3.6. The Planning Statement also includes an Affordable Housing Statement, s106 Heads of Terms, an Economic Impact Report, and feasibility studies of the proposed Primary and Free School.

3.7. The application has been accompanied by the following documents which are all available online: Environmental Statement (with Arboricultural survey, Transport Assessment and Flood Risk Assessment); Design and Access Statement; Green Infrastructure Strategy; Updated Description of Development and accompanying Schedules; Updated Design and Access Statement; Updated Green Infrastructure Strategy; Updated Environmental Statement Addendum (with updated Transport Assessment and Flood Risk Assessment); Heritage Impact Assessment; Economic Impact Report; and Biodiversity Technical Note-15.07.2020.

3.8. There have also been subsequent submissions on Biodiversity, Drainage, Primary School Design with separate Heritage Assessment, Design Strategy for parcels 12 and 21, and several notes on Transport including a mitigation offer to the villages effected by traffic from the proposed development.

4. RELEVANT PLANNING HISTORY

4.1. The following planning history is considered relevant to the current proposal:

Application Ref. 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

Application Ref. 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.

Application Ref. 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. 15/01357/F

Erection of 79 dwellings, creation of new access from Camp Road, creation of new open space, hard and soft landscaping and ancillary works.

Decision – Permitted subject to S106

5. PRE-APPLICATION DISCUSSIONS

- 5.1. Extensive pre-application and post submission discussions, including meetings with other departments of CDC together with Oxfordshire County Council, Historic England and BBWOT have taken place leading to this proposal. .
- 5.2. A series of community and local stakeholder-based consultations were also held in October 2017. A more detailed summary of these pre-application discussions and the resultant evolution of the proposals can be found online in the Design and Access Statement and the Report on Community Engagement.

6. RESPONSE TO PUBLICITY

- 6.1. This application, as amended in March 2020, has been publicised by way of site notices displayed on and near the site, 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 (amend as appropriate). The final date for comments was **19 July 2020**, although comments received after this date and before finalising this report have also been taken into account. Comments set out below are based on the amended plans received in March 2020 unless otherwise stated.

6.2. The comments raised by third parties are summarised as follows:

Letters of support or no objection have been received from 4 properties and are summarised as follows:

- Development would provide new facilities for the community
- Proposal adheres to the policies for the MCNP Dacey Drive 30- Support-looking forward
- Other amendments to improve the development are suggested.

Letters of objection and expressing concern have come from 50-60 properties and are summarised as follows:

Highways, Transport and Traffic:

- Concerns regarding the increase of traffic and the impact on highway safety of the existing highways infrastructure with Heyford Park and the surrounding villages;
- There is a need to provide improvements to the existing highway network through traffic calming, HGV restrictions, the local Heyford Park area as well the surrounding villages;
- Disproportionate effect of traffic on Lower Heyford means need a proportionate access to s106 funds for essential traffic calming.
- Improvements to cycle paths and pedestrian crossing are required
- Improvements to and provision of a public transport service is required
- Pollution from traffic is a concern;
- Objection to the provision of the Middleton Stoney Bus Gate, due to the impacts of increased traffic levels within the surrounding villages;
- The application does not include a Health and Safety assessment from the traffic impact on cyclists and pedestrians;
- The traffic on the proposed perimeter road will cause disturbance and loss of sleep;
- Concern of the use and maintenance of the planned leisure routes;
- Due to the sports park location, there will be unacceptable parking on adjacent residential roads causing highway safety concerns

Neighbour and Amenity Issues

- Unacceptable harm to adjacent residential properties as a result of light pollution and noise pollution from the sports park
- Strategic, dense planting is required to screen the development-visually and for noise

Sewage Treatment Plant (STP)

- Object to loss of exclusion zone to sewage treatment plant
- Anglian water requires 250m distance of development
- No proposal to upgrade the STP

- Distance to housing should be recalculated on basis of increased housing
- Effect on air quality/Smells from STP

Heritage

- Damage to Rousham Bridge from HGV.
- Erosion of Lower Heyford as a conservation area
- The Heritage Impact Assessment does not sufficiently assess the heritage potential of the site or the impact of the development,

Ecology

- Effect on wildlife
- Effect on Heyford Leys wildlife pond

Filming

- Concerns with regard to the filming, i.e. Noise and light pollution and excessive traffic of the perimeter road not only during filming, but also during the set-up and taking down, heavy traffic, loud generators and bright lighting.
- Previous filming activity has already demonstrated enormous effect on the rural nature of the adjacent area. Limited on filming activities, so that set up times and filming outside of normal working hours is kept to a minimum.

Landscaping

- Strategic, dense planting is required to screen the development-visually and for noise

Zipwire and Tower

- A 30m high observation tower and zip wire is unnecessary, it seems to be making Heyford Park into a cold war theme park. Views of the former aerodrome from above can be viewed by other means without constructing an observation tower.

Community Centre/Use

- The provisions for a "building for community use" does not equal in square meters the current structures of the Community Centre and Chapel that are already inadequate to serve the community at its current size of 1000 homes.

School

- Capacity to expand the school to site of Innovation Centre without need for new building

Climate Change

- This application does not address the climate emergency declared by CDC/OCC as it does not provide for cycle paths links to public transportation(improved bus routes and links to the Lower Heyford train station) and it provides for a gas powered energy station instead of renewables like a solar panel farm.

S106 Obligations and Requests

- No provision in this application for land or buildings for that body to function publicly and perform community outreach.
- There are no standards for minimal Civil Parish grounds or buildings but the creation of a new parish is a rare event and I think it reasonable to have facilities that are of a local standard found in the surrounding Civil Parishes. Reading Rooms, sports fields, village halls and cemeteries are all held and managed by local parish councils. This application lacks many of these facilities and has no mention of parish involvement, ownership or management of the facilities it does include.
- Re route Troy Farm footpath
- Welcome traffic calming contribution

Somerton Crossing

- There have been many objection made to the Network Rail proposal to close this crossing as it would close a much used path for walkers and horse riders. It will also cut access to dwellings on the west side of the rail line

Cemetery

- Will be a future requirement to provide cemetery spaces

6.3. 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.

7.2. Comments are based on the amended plans and documents received in March 2020 unless otherwise stated.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

7.3. Heyford Park Parish Council (HPPC): Objects:

Energy Facility

- HPPC objects to the 24m height stack- it would be out of place, dominate the skyline and be disproportionately tall.

Indoor Sports Facility

- HPPC object to the relocated sports building on parcel 18 due to its proximity to the sewage plant. Request the complex is relocated to its original location, or onto the flying field.
- Concerned by the impact of floodlights on residents. Plans do not show all the homes at Heyford Leys which are occupied by elderly.

Current Deficiencies and Mitigations Requested

- Absence of a cemetery provision. Developer should provide 1.5 acres or a financial contribution.
- Sites possible for investigation include the formerly proposed sports field land adjacent to Pye Homes approved scheme on Camp Road

Community Use Building (Parcel 38)

- The proposed building is smaller than the existing. It should be at least the same size.

- Parking is inadequate as it will draw in the community from outside Heyford Park.
- The space needs to be multi-functional to be used for worshippers
- The existing buildings should be retained until the replacement facility is available for use.

Traffic, Transport and Highways

- Lack of sustainable Transport Links between Heyford Park and Lower Heyford Railway Station
- The focus on Bicester and Oxford disregards Banbury and other communities to the west.
- A pedestrian and cycle path should be installed between Lower Heyford and Heyford Park
- The cycle route to Bicester would be unsuitable for families. A segregated route should be created
- Request real-time display at bus stops; priority signs at chicanes; provision of an all weather court and recycling services designed to reflect growing development.
- The bus lane will provide no benefits to Heyford Park: traffic will be affected at Chilgrove Drive/Camp Road; new lights at B480 will cause congestion; more traffic using left turn at Middleton Stoney-dangerous; no benefit to cyclists
- Rerouting is Unsustainable: more pollution, increase journey times; likely to be more traffic along Camp Road
- More signage/road markings required from Middleton Stoney
- Lack of sustainable Transport Links between Heyford Park and Lower Heyford Railway Station
- HPPC requests the application be deferred for an independent study into traffic mitigation; Kirtlington Road be designated non HGV; a segregated cycle route to Bicester compliant with UK Cycling guidance

7.4. Lower Heyford Parish Council (LHPC), Objection

Traffic, Transport and Highways:

- £50k is insufficient to fund traffic calming for a predicted extra 4,000 vehicles per day. The village lacks visual clues to slow down traffic and has a mix of speed limits.
- Detrimental effect from increased traffic. Request s106 funding that is proportionate, targeted and based on evidence. Lower Heyford will suffer increase in traffic greater than any other village yet elsewhere is getting same level of funding for traffic calming.
- There needs to be a greater recognition of the impact from Heyford Park traffic on surrounding villages.
- Weight Restrictions are needed as Lower Heyford has experienced growing levels of HGV traffic (200% from 2017-2019). Routing agreements are flouted. Noise and vibration is unacceptable. Specifically, weight restriction should be applied to Rousham Bridge.
- Request Chilgrove Drive is a precondition before any further development.
- Request a cycle path to LH station.

- Both Portway and Aves Ditch public rights of way should be reinstated as soon as possible.
- Other Objections
- Filming should be conditioned to restrict night time use to avoid noise and light pollution.
 - Want screening to southern perimeter to Caulcott and around sports park.
 - Want a scheme for disposal of surface water to avoid flooding of Caulcott by Gallos Brook
 - A s106 contribution is requested for Caulcott's sewage plant.
 - Challenge the traffic figures in the remodel which appears to indicate a drop in traffic through Lower Heyford. Lower Heyford is the adjacent village, the main access route and the TA shows would have the greatest traffic impact.

7.5. Middleton Stoney Parish Council: Objection

Traffic, Transport and Highways

- Already severe congestion, harm to environment, pollution and effect on villager's safety.
- The current developer says the situation will be "no worse". This is not acceptable and the current situation needs to be improved.
- Existing peak traffic flows cause long queues. 35,000 vehicles per week.
- Heyford will add an extra 1000 vehicles and 25% increase.
- Add to pollution
- The weight restrictions on Bicester Road are welcome but consideration of further restrictions are needed.
- Proposed routing agreement on construction traffic, and associated monitoring/enforcement activities, to ensure it does not pass through the village.
- Welcome the suggestion of an improved bus service from Heyford to Bicester but are not convinced that it will encourage sufficient passenger numbers from Heyford and subsequently divert traffic from Middleton Stoney.
- We have not seen a convincing travel plan from the developers which would convince people to transfer from private cars to public transport,
- Even if the bus gate enforcement were to work, the likely outcome is simply to divert considerable extra car and HGV traffic down Ardley Road (B430). Many of the cars will then turn left into Bicester Road adding to the long traffic delays at peak times.

Cycle Lane

- this is welcome in principle but ignores the fact that cyclists will be forced to ride flanked closely by large HGVs as well as large numbers of cars through a very narrow and congested junction in Middleton Stoney. This is unlikely to encourage many new cyclists.

Traffic Calming

- Note that the developers are proposing s106 support for a number of neighbouring villages but not Middleton Stoney even though the traffic consequences here are likely to be amongst the most severe. Consider this

inequitable and were the proposal to be approved it should be on the basis that Middleton Stoney be allocated a comparable amount of s106 funds for further traffic calming measures.

Other Issues

- Implications of Covid19-We are living through an extraordinary pandemic which will have far reaching implications for many years to come.

7.6. Somerton Parish Council (SPC): do not object but request the following are secured by conditions and implementation within 6 months

Leisure Route:

- Fear health and safety conflict between the working (Troy) farm and the level of pedestrian flow generated by the extra resident population at and visitors to Heyford Park
- Port way: Conflict between the bridleway and traffic on the perimeter road. Barbed wire to be removed. Buffer planting required.
- Leisure route to Ardley: suggest an alternative route

Bus Service

- Request better connectivity for villages to west and north especially if a health hub is proposed.

Strategic Planting and Noise Management

- Request more strategic planting and now
- Request other measures be investigated to contain noise.

Traffic Mitigation

- The roads in Somerton have limited pavement and often high banks. Traffic has increased since development at Heyford Park. Most houses front and are close to the road. Traffic will increase, request for mitigation.

Other Objections:

- Filming is causing concern about noise, light and traffic during filming and setting up/dismantling sets. Restrictions should be placed on hours of operation, including set up times.
- Use of hangers for commercial use, request they are limited to working hours, Monday to Friday.
- Support a community health hub but due to potential traffic, request equitable funding for transport for all villages

7.7. Upper Heyford Parish Council (UHPC)

- Request to be part of any rural traffic calming scheme
- Concerned by the Energy Recovery facility and proposed 24m stack
- UHPC is concerned about light pollution
- There is no mention of a cemetery for Heyford Park and there is a need for this to be provided.
- Upper Heyford Parish Council object to the Bus Gates plan.
- Increase in traffic is a concern as it will burden the small villages and the impacts need to be mitigated.

7.8. Fritwell Parish Council

Traffic, Transport and Highways

- Fritwell is used as a rat run and this will exacerbate the problem
- Request a 7.5 tonne weight limit
- Concerns raised regarding the transport modelling work and proposed mitigation
- Require more detail on heritage trail but want the paths around Heyford Park to remain rural.
- Not clear how cycling and pedestrian routes usefully links and enhances access from outside the HP development.
- Want Aves Ditch to link to Raghouse Lane

Other Objections:

- Concerned with lighting impacts on residents and wildlife. Request appropriate mitigation and control.
- We request an additional service is provided to enable local villages to access facilities at HP and enable a link to bus routes taking people to Bicester, Oxford etc.
- Fritwell Parish Council would urge the Council to require that any new primary school is not opened until there are sufficient primary children resident at Heyford Park to justify this.
- Fritwell Parish Council would like to see a GP Surgery at Heyford Park as envisioned in the original outline plans, albeit part-time if necessary.

7.9. Kirtlington Parish Council (KPC)

- There would be an unacceptable increase in traffic through Kirtlington and no alleviation/mitigation is proposed
- Concerns with the accuracy of the traffic counts and modelling
- Concern with the apportionment of S106 monies related to traffic, transport and highways.
- The loss of the bus service (250), together with the recent closure of our village shop, will no longer make Kirtlington a sustainable village. The lack of a bus service to HP will reduce the accessibility of all facilities to be provided on the Park (schools, shops, public open space, etc).
- Supports the principle of development at Heyford Park but only if traffic issues are resolved and s106 funding made for place making.

7.10. Chesterton Parish Council (CPC)-objection

- There will be increased traffic through the village, no mitigation is proposed for Chesterton
- Concern regarding HGV movements within the local area surrounding Heyford Park.
- The Hale-has lengths with no footpath; well used by walkers, narrow; needs mitigations, 20mph, HGV prohibition.
- Footpath-required between Audley Gardens and Alchester Road
- Appropriate signage and restrictions to mitigate HGV and traffic impacts are required.

7.11. North Aston Meeting-

Traffic, Transport and Highways

- Congestion and traffic will move to alternate routes particularly to North Aston, Somerton and Ardley.
- An increase in traffic in surrounding villages will conflict with pedestrian safety
- Insufficient mitigation is proposed
- Concern regarding the Transport Assessment, traffic counts and modelling
- Fatalities have occurred at the Fox junction.
- Cycling encouraged at Heyford Park but traffic will have opposite effect on the villages. Inequitable.

7.12. Mid-Cherwell Neighbourhood Plan Forum (MCNPF)

- Pleased that a new medical centre remains in the masterplan
- There is a need for a site for a cemetery and this should be provided.
- Efforts to minimise light pollution from development at Heyford Park must continue to be made as detailed schemes are submitted for approval.
- There should be restrictions on operational hours in respect of the hangers in parcel 26 due to the proximity to residential properties.
- Restrictions on the hours of use and types of vehicles on the perimeter road should be imposed.
- Concerned about the impact of increased usage of existing footpaths and bridleways, which are to become “leisure routes”.
- There will be a harmful increase in traffic volume of traffic on surrounding villages
- Support the requests for HGV weight limits to be introduced
- Support the view that the proposed new community centre should have a capacity suitable for the final population size of the development.

CONSULTEES

7.13. CDC-Planning Policy: Support subject to appropriate justification being provided for potential adverse impacts and development proposed outside the policy development area:

- The majority of the development is located within the policy development area, but that there are still a number of exceptions where residential and other development is proposed outside. Proposals are therefore inconsistent with Policy Villages 5 in this regard.
- The community orchard and allotments, central area of open space and sports park have been relocated within the allocated development and area and in principle contribute towards an integrated settlement.
- The site provides an on-site healthcare facility, and is supported by Neighbourhood Plan Policy PC2.
- Neighbourhood Plan Policy PC1 encourages continued local employment or improvement within the local area. The application provides for employment opportunities consistent with the policy.
The development would make a significant contribution towards the Council being able to achieve a five-year housing land supply.

- The general distribution of housing on the site is considered acceptable, given its location to the south of the flying field and proximity to the proposed local centre
- There are significant concerns about how housing (470 dwellings) proposed to be developed on Parcel 23
- The proposed masterplan continues to propose a visitor destination area, located to the south of the flying field park. These attractions are consistent with Policy SLE3, which supports tourism development
- The revised proposals are in general conformity with Local Plan Policy Villages 5 and there is no in principle conflict with the Mid-Cherwell Neighbourhood Plan subject to the assessment of the proposals against planning policies. However, development remains proposed outside the policy development area and there remains potential for adverse impacts on the historic environment.

7.14. CDC-Housing Strategy & Development Team-From an affordable housing perspective, in principle supportive of this application, subject to more detailed matters being further discussed and agreed with the planning applicant as part of the S.106 Agreement.

- 30% affordable housing across the site (a total of 352 homes) is acceptable in principle
- The indicative split within the S.106 for this Hybrid application will need to be 70% social and/or affordable rent and 30% intermediate tenure housing in accordance with the Council's adopted affordable housing planning policy and NPPF.
- The planning application documents suggest that up to 60 'Close Care' homes will be provided on part of this application site (Parcel 19), and in the Affordable Housing Statement, it suggests that around 10 units will be Extra Care Housing/ older people apartments. Whilst accommodation that is suitable to provide some care and support needs is welcome, the applicant will need to be clear about how the accommodation is defined and how (if) this is to contribute to the overall 30% affordable housing provision. Such details should be agreed in the terms of the S.106 Agreement.

7.15. CDC Conservation Officer:

- The layout and stark, open character of the flying field is fundamental to the significance of heritage asset of RAF Upper Heyford. The flying field is of significance as a single entity and it is the functional relationship between the different aspects of the site that is of importance. The southern side of the airfield is of particular significance due to its close physical links with the Technical site and the Domestic Site.
- Any proposal to provide built development on the areas not identified by Cherwell Local Plan 2011-2031 Policy Villages 5 will cause a high level of harm to the character and appearance of the RAF Upper Heyford Conservation Area and the setting of all listed buildings, Scheduled Monuments and non-designated heritage assets in the area.
- There remains a fundamental objection to the principle of development on the flying field, but it is acknowledged that compromises have been made and that a degree of harm will need to be accepted, but it is important that this harm is minimised and mitigated. The harm caused will need to be balanced by the public benefits to come out of the scheme.
- The proposed changes to the red line are generally welcome.
- The proposed change in density around parcel 23 the Southern Bomb Stores is welcome due to the particular sensitivities of this heritage assets in the area.

- The proposal is welcome in relation to the sports park itself and will have less of an impact on the setting of the conservation area than the previously proposed site.
- In general terms the proposed Heritage Offer, with its central intention of making the site, its significance and its understanding of the Cold War period accessible to a wider audience is positive. This is welcome and forms one of the public benefits of the proposal.
- There are no objections to the re-location of the Heritage Centre to a more central area of the site, provided the existing provision remains until the building is ready.
- The additional, less specialist heritage tours are welcome.
- There is considered to be a public benefit to allowing greater informal public access to the heritage asset.
- There are concerns with the proposed 'Observation Tower' which it is noted will be up to 30m in height. This will potentially have an impact on surrounding heritage assets (including Rousham Park) as well as the airfield itself
- The proposal to use the Control Tower for public access is welcome subject to details.
- The proposal to provide further public access to the site within the Core Destination Area is generally welcome and seen as a public benefit.
- The open sided aircraft hangars are by their nature large, open spaces and are eminently convertible without losing their core significance. Potential uses for the buildings may include Heritage Centre, Exhibition Space, Science and Technology Hub (including code breaking escape room) and Adrenaline Park to include skate park, climbing wall and public seating area. There would be no objections to these uses.
- A key consideration will be the impact of any proposed development on the relationship between the buildings including parking, lighting, landscaping etc. Overdevelopment of the areas around the buildings could cause harm to their setting and the character and appearance of the conservation area.
- There are longstanding significant concerns with the proposal to site the school in this proposed location. There are particular concerns with its relationship to the taxiway, the runway and the aircraft hangars; as well as its relationship with the wider development.
- Additional design work has been undertaken on the proposed school in this location and on the whole, this has demonstrated the unsuitability of the site. The required educational needs on the school site cause high levels of harm to the setting and surrounding context of the airfield.
- The indicative designs for the proposed school site is considered to cause a high level of harm to the character and appearance of the conservation area. It would be preferable for an alternative site to be found for the school.
- The proposed health/medical centre is located between two A-frame hangars. The previous proposal involved the demolition of hangar 315 for this use and it is welcome that the hangar will now be retained.
- The proposal to provide domestic dwellings on the former flying field will cause a high level of harm to the character and appearance of the conservation area and the setting of scheduled monuments, listed buildings and non-designated heritage assets.
- In addition to concerns about the principle of housing development in this location and the design of any such housing there are significant concerns about the proposal to demolish a substantial number of the southern bomb stores. This will cause substantial harm to the character and appearance of the conservation area.
- In Creative City it is appreciated that the buildings will remain and that in the proposed arrangement the central space would be retained. The proposed footprint and massing of the proposed extensions are still considered excessive and will have a detrimental impact on the original buildings and the setting of the

flying field. It should be noted that the principle of conversion and extension is potentially acceptable subject to amended and further detailed plans.

- The proposal for filming on the airfield in the two separate areas identified on the masterplan is welcome.
- A form of management agreement will be required to ensure that filming activity on site does not damage historic fabric and this should be conditioned as part of the application.
- There are no objections to the conversion of existing buildings to alternative uses. This is considered to be a benefit of the application to find sustainable new uses for the former RAF buildings.
- The setting of designated heritage assets will need to be comprehensively considered in the forthcoming reserved matters applications for the individual parcels of land.
- The physical requirements for signage, road markings, boundary treatments and highways requirements could have a significantly detrimental impact on the character and appearance of the RAF Heyford conservation area and the setting of heritage assets. This could potentially amount to substantial harm. Further details are required in order to be able to assess these impacts.
- A boundary treatment strategy will need to be agreed at an early stage of development and should be done as a comprehensive package.
- The Heyford Masterplan has the potential to impact on heritage assets at some distance from the site. There are two particular concerns the visual impact and associated settings issues and the impact of the additional traffic associated with the development.
- The key heritage asset of concern in this location is Rousham Park, which in addition to its grade I listed building and Registered Park and Garden is designated as a conservation area due to its designed landscape associated with William Kent. The Rousham Park landscape is of international significance as a largely unaltered example of the first phase of the English Landscape Design in the Picturesque tradition.
- There is a significant concern about the impact of additional traffic on Heyford Bridge, a grade II* listed structure which is of medieval origin, but was also associated with the designed landscape surrounding Rousham.

7.16. CDC Ecology

- Does not comply with policy to comply with local wildlife site
- Be better for compensatory grassland to be on the eastern side of the site. Would also relate to the new Conservation Target Area.
- Lack of information about filming and disturbance and harm to ecology and biodiversity. Could be a permanent adverse effect on habitat. Could be significant at whatever time of year from pyrotechnics and water
- Visitors need to stay on paths. Concerned by dogs
- Grassland creation is ambitious, 10 years. There should be an expectation of further net gains in habitat, either on or off site.
- Happy with the plans to increase the overall net gain for biodiversity on site by aiming for a better quality habitat in the area of created grassland.
- The Green Infrastructure Strategy is generally acceptable

7.17. CDC Economic Growth Service:

- The proposed Masterplan has great potential to support both the balanced economic growth of Heyford Park and employment opportunities for residents, including those from nearby villages.

- The 'Creative City' is proposed as a cluster of commercial occupiers of six refurbished buildings to provide the basis for new, highly skilled jobs. This would be supportive of the Oxfordshire Local Industrial Strategy. The site's unique combination of location, history and atmosphere has proven to be popular and the identification of filming zones recognises the real value of high quality, built heritage to business and the economy.
- The creation of permanent facilities in support of filming and creative activity would be likely to support a range of additional employment on site and in the vicinity.
- Visitor destination - The profile gained through the media of film can itself enhance its attraction to visitors and the potential jobs and income to an area.
- Employers and Skills - The new employment sites and premises indicated could provide the source of valuable new job opportunities at Heyford Park
- The enhanced educational provision is also supportive of the future local economy. Skills provision could be enhanced further through the presence of, or at least relationship with, the Further and Higher Education sectors.

7.18. CDC- Health Protection, Compliance & Business Support: No objection/comment

7.19. CDC- Legal Services Rights Of Way Officer; No objection

7.20. Oxfordshire County Council (OCC)

Strategic Comments

- OCC support the principle of this masterplan application and the delivery of Local Plan Policy Villages 5: Former RAF Upper Heyford.
- Funding from the Oxfordshire Housing & Growth Deal has been released to design and help to deliver the major works required at Junction 10. However, further work is required to overcome the technical transport, lead local flood authority, education and ecology objections detailed in the officer responses below.

Transport:

No objection for the following reasons:

- Public rights of way – welcome the revised parameter plan showing Aves Ditch inside the existing fence around the southern bomb store
- Camp Road Works – A continuous footway linking the existing provision with the new signalised junction at Chilgrove Drive. This is acceptable in principle subject to technical approval.
- Trident works to enable secondary HGV access – appropriate arrangement suitable for HGV access and accommodating a parallel crossing of the primary cycle route over the spine road. This is acceptable subject to a technical approval .
- S106 obligations and highways works have been updated to reflect the ongoing discussions.

Lead Local Flood Authority-

Recommendation: No objection subject to conditions

- Recommends the applicant places the attenuation for the school site outside of the immediate school boundary, in the form of a surface attenuation basin.

Education

Recommendation: Object to the basic unsubstantiated design scheme for the school, proposed by the developer, sits outside of the proposed restricted 'building area' thus demonstrating that the school could not successfully be located on the proposed site.

If, despite OCC's objection, permission is proposed to be granted, then OCC requires prior to the issuing of planning permission a S106 agreement to mitigate the impact of the development as previously advised. OCC cannot agree to funding and the transfer of land for delivery of the primary school, but will require direct delivery of the primary school and necessary, associated infrastructure as detailed in the responses.

OCC-Archaeology:

- The proposals outlined would not appear to have an invasive impact upon any known archaeological sites or features. As such there are no archaeological constraints to this scheme.

7.21. Historic England

Recommendation: Object concerns raised

- Upper Heyford is of national importance as the best preserved Cold War airbase in the UK. While we were supportive of your Council's aspiration, as set out in Policy Villages 5 of the Cherwell Local Plan, of securing a comprehensive and lasting future for the site we considered that the proposals would entail a high level of harm, were not convinced that this level of harm was justified, or that some of the heritage benefits proposed would be sustainable or capable of being secured.

Housing

- Our main concern about development remains the likely incongruity with the site's characteristically bleak and open character. This is a particular risk of new housing, especially where its grain, scale, massing and domestic appearance would be starkly and unhappily juxtaposed against the existing distinctly military character.

Employment

- New employment uses are proposed principally in a group of HASs located towards the south east corner of the site. Previously expressed concern that the new structures associated with commercial use subsumed the HASs. While the parameter plans have pulled the area of additional development away from the southern taxiway, which is a positive move, the parameters plan still shows these structures potentially entirely surrounded by new buildings up to 18 metres high (the HASs are only 8.3 metres high internally). Our concerns about this group being subsumed by new development therefore still stand.

The new school site

- Whilst previously HE accepted that school use could be an imaginative solution for reusing some of the open-sided sheds in the Victoria Alert Area. Subsequent design development has revealed just how difficult placing a school on this site would be. While a more sensitive way of arranging the fence-line to minimise its visual impact has been arrived at the proposal now only involves the reuse of one Victoria Alert shelter. The school would be housed in a new building which would detract from the military character of the area and major alterations to the hardstanding that links the shelters and gives them context would be necessary to provide the necessary play space for the school. Conclude that placing a school here would, as currently proposed, entail a high level of harm to the significance of

this part of the conservation area and that this harm is not outweighed by the heritage benefits of finding a use of a single shelter.

Demolitions

- The proposals still involve the demolition of an A-type hanger in the Trident. These are highlighted as positive contributors to the conservation area in the Council's character appraisal of 2006, and are part of the largest collection of such hangars in the country. They contribute to the sense of scale and planned character of the former RAF base. The harm associated with their replacement with an extra care facility does not appear to be justified anywhere in the application.
- In our letter of 9 June 2018 we stated that efforts to minimise the loss of bomb store igloos from parcel 23 should be made and that it may be possible to do this whilst still securing the housing numbers allocated in Policy Villages 5 by increasing densities in other parcels. As design work on this parcel is still underway it remains unclear whether the demolition of bomb stores proposed is justified.
- It is also now proposed to demolish building 370. It is identified as being a positive contributor to the character of the conservation area and of local significance in the Council's character appraisal of 2006 and of national significance in the 2005 conservation plan. Demolition of this structure will therefore need a clear and convincing justification as yet no such justification has been supplied.

The cumulative impact of the proposals on the significance of the conservation area

- Remain of the view that the proposals would entail a high level of harm to the significance of the conservation area.
- Our view contrasts with the Supplementary Environmental Information supplied with the revised application, which considers the impact the proposals on the conservation area and concludes that they would have a slight to moderate adverse effect, while the impact on historic buildings and landscape of the former RAF Upper Heyford Conservation Area would be Neutral to slight adverse. Interestingly the impact on the Historic Landscape of buildings and landscape of the Rousham Conservation Area is considered to be a moderate adverse effect (more likely slight adverse).
- One of the reasons for the SEI reaching such a surprising conclusion is that archaeological recording and the heritage strategy are held to be mitigate the impact of the proposed changes and ensure that the residual effects are only slight to moderate adverse. While the heritage offer may include welcome provisions for public access it does not lessen the harm in itself. In this respect it is essential to avoid the possibility of double counting public access as both a way of reducing harm and then as a public benefit to be weighed against that harm.

The heritage offer and heritage potential

- Only minor changes have been made to the heritage offer when compared with the original application. The concerns and questions raised in our letter of 9 July 2018 remain.
- Historic England remains of the view that the current masterplan has the potential to fulfil your Council's policy object of a 'comprehensive integrated solution' for Upper Heyford. However, as currently proposed it would result in a much higher level of harm to heritage significance than is necessary to deliver that solution. We therefore must conclude that this harm is unjustified.
- Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be

addressed in order for the application to meet the requirements of paragraphs 189, 190, 192, 193, 194 and 196 of the NPPF. We think this application is capable of being amended to address our concerns, but were this application to be recommended for approval in its current form please treat this letter as a formal objection.

7.22. Thames Water

Waste: no objection
Water

- Some capacity (for an additional 49 units) and working with developer to increase it. Recommend condition to limit development until water network is upgraded
- There is a strategic main drain and a condition is recommended no development shall be permitted within 5m of it and no piling within 15m unless a piling statement is agreed.
- No construction with 3m of any water mains.
- General informative required in any pp.

7.23. Environment Agency (as 2018): No objection subject to conditions

7.24. National Rail

- Request the closure of Somerton Crossing and diversion of the bridleway at the developer's expense.
- Previously requested (in 2018) a contribution to expand Bicester Railway Station.

7.25. Thames Valley Police

- Given the scale and significance of the proposal Thames Valley Police consider it appropriate that the developer should contribute towards the provision of infrastructure to mitigate the impact of the development.
- In order to mitigate against the impact of growth TVP have calculated that the "cost" of policing new growth in the area equates to £76,946 to fund the future purchase of infrastructure to serve the development.
- A police office is also required under the 2010 appeal decision.

7.26. NHS Oxfordshire Clinical Commissioning Group (OCCG) objects:

- primary medical care for this area, situated in Deddington and Bicester, is at capacity. In mitigation OCCG seeks a confirmed developer contribution set at a minimum of £1,067,040.
- OCCG notes references to a medical centre in the application; in previous discussions with OCCG proposed one option of a "satellite" health provision ancillary to another community facility such as a pharmacy. This could facilitate part time primary medical care provision appropriate to the population. OCCG's policy from 2015 does not envisage stand-alone primary medical facilities for a new population of less than 8,000
- A satellite health provision, by sharing some facilities and perhaps staffing with a pharmacy or other complementary provision, could provide an efficient way to provide some primary medical care in Heyford Park itself.

- The calculation of desired developer contribution is based on OCCG's published policy, ratified in July 2017 (see Appendix 1 Section 5)
 - 1,175 dwellings + 60 close care dwellings = 1,235 dwellings in total
 - 1,235 dwellings x average occupancy 2.4 x £360 = £1,067,040.
- It is important to retain flexibility in deploying resources to increase primary medical infrastructure as the context has changed significantly since OCCG first developed the satellite medical provision proposal with local GP practices in 2017 in response to discussions with the developers and local community

7.27. Sport England: no objections to the granting of planning permission subject to a suitable section 106 which will provide a sporting offer to the new residents.

- welcome the relocation of the sports pitches to the south east
- disappointing we are not as far with the identifying the sporting offer and that the residents survey had not taken place before lockdown. It would be good bottom out some of the sporting offer before the end of the summer this year.

7.28. Oxford Trust for Contemporary History

- Development should only be allowed to conserve site of international historic interest
- objections raised in previous representations (22 May 2018 and 14 July 2018) still apply (see below)
- submitted masterplan implies that the 'comprehensive integrated approach' required by policy V5 would cause substantial harm to the Conservation Area and to the setting of listed buildings/SAMs.
- substantial doubt that the heritage experience will be proportionate to the international importance of the site.
- Heritage Impact Assessments explains the substantial harm that would be caused by the recreational open space (primarily supported by local dog walkers) adjacent to the main runway and separating this from the proposed heritage facilities. This would cause a fundamental change to the defining character of the Cold War landscape that is stark and foreboding.
- The substantial harm to heritage assets of international importance (e.g. the setting of the Battle Command Centre confirmed by the submitted Heritage Assessment), in particular to the ability to appreciate and experience the site 'as a whole', would conflict with the development plan, statutory provisions for listed buildings, scheduled monuments and conservation areas, and the relevant advice in the 2019 NPPF.
- The revised Heritage Report (attributed to Dorchester Living) does not include the background to Cold War heritage that is necessary to consider the merits of these or any other proposals.
- Upper Heyford not only benefits from the best preserved physical remains from the Cold War in the UK, but is also well located in transport terms. However, the possible tourism/visitor traffic has not been included in the transport assessments despite the applicants claiming that this is to be promoted.
- Visitor transport clearly needs to be properly assessed to satisfy the 'comprehensive integrated approach' required by the Local Plan.
- The Heritage Management Plan will be fundamental to the success of Upper Heyford as a pre-eminent monument to the Cold War.

- Given that the conservation and heritage use of the physical remains are the justification for all the re-development that has occurred, it is incomprehensible that the heritage use of the land and buildings has not been formally approved (other than Building 103). Nor have the runways been formally protected. These omissions should be made good when permission is granted.

7.29. The British Horse Society (BHS)-Director of Access (comments dated 12.2.2020 still apply)

- No objection subject to conditions including full bridleway reinstatement (although this is requested within 6 months)
- No objection in principle to specification for Portway.
- There is no specification for Aves Ditch. Needs to be 3m wide of a useable surface, so 4m(?), surfaced as Portway (Coxwell gravel). Avoid tarmac.
- Concerned at crossing of Chilgrove Drive and possibly conflict with HGVs. Need to see details of screening. Pegasus crossings should be installed. Warning signs are required.

BHS 29.07.20

- Welcome the proposed Pegasus crossing
- Opposed to Network Rails request to close Somerton Crossing

7.30. Oxfordshire Area Ramblers: A few additions needed:

- (1) extension of 109/29 (Ardley BR29) to meet new Chilgrove Drive bridleway;
- (2) sorting out alignment of 349/13 (Somerton FP13) along northern perimeter and
- (3) shouldn't a Cold War Museum be included?

7.31. Berkshire, Buckinghamshire, Oxfordshire Wildlife Trust (BBOWT):

Do not consider that the amendments have satisfied the concerns we raised in our July 2018 response. We therefore maintain our objection.

Net gain in biodiversity (objection still stands but amended as follows)

- We welcome the change to what is described in the update to the ecology strategy as a more realistic and achievable condition score for the unimproved calcareous grassland creation – from Good to Moderate.
- However even with the point made in the update to ecology strategy document in relation to the habitat actually having 15 years to be created rather than the 10 indicated in the metric we are still concerned with respect to Time to Target Condition (TtTC). For the creation of unimproved lowland calcareous grassland even of moderate condition the DEFRA metric 2.0, if we have interpreted it correctly, suggests 20 years. So we would suggest either a change in this figure or further details on why the creation to moderate condition can be achieved in 15 years.
- We also welcome the additional habitat creation proposed. The metric in its current state shows a net gain of about 11 units. However this is in the context of a site with over 1900 units baseline. So this would appear to be a net gain of just over 0.5%. We understand that Cherwell DC are now seeking 10% net gain in biodiversity (<https://www.cherwell.gov.uk/news/article/624/council-ramps-up-biodiversity-target>) and the national trend (e.g. via the Environment Bill) proposes

a national system with 10% minimum as far as we understand. So at least a 10% net gain would seem to be a minimum aspiration. But perhaps more importantly than that still this is a site with very high wildlife value and the development will involve very significant impact. The Oxfordshire Cotswolds Garden Village Area Action Plan Preferred Options Paper

(<https://www.westoxon.gov.uk/media/nazn42gz/garden-village-app-preferred-option-paper-july-2019.pdf>) proposes a 25% net gain. Bearing all the above in mind a net gain of at least 10%, and we would suggest more in the region of towards 20%, would seem more appropriate and it is currently not achieving that.

- We also just want to mention that the net gain issue, although a significant one, is not our most serious concern in relation to this development. Those more serious concerns were set out in our July 2018 response and relate to a number of aspects including loss of part of a LWS/loss of priority habitat, potential impact on breeding birds, particularly curlew, and more general recreational and other impacts on existing habitats and species.

7.32. Heyford Park Residents and Community Development Association

- Generally supportive of the masterplan but issues of delivery. Want facilities and infrastructure and services provided in an agreed timetable.
- Want Chilgrove Drive provided in a timeline e.g. before 40% of new houses have been occupied
- Not all parks and road connections have been completed in existing development. New development needs to have targets agreed.
- Accept there has been a conflict with local farmers so would like to upgrade footpaths and bridleways using s106 money including access for pwd and prams.
- The community building needs a large hall with a variety of sized rooms. Some groups need standalone buildings and storage. Pricing should be comparable to other local facilities. Access to them should be planned
- Want a replacement dog park.

7.33. Highways England: On 26th June 2020 their objection was replaced by a recommendation that conditions (s106) be added to any planning permission

7.34. Natural England: No Objection

- Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

7.35. Canal & River Trust (comments of 2018 stand):

- the main issue relevant to the Trust is the connectivity to and impact on the canal corridor, from increased use, as part of the Green Infrastructure network.
- The towpath at this location is not in a condition that it could support this additional footfall and the Trust would therefore seek enhancements as part of any submission. The Trust therefore ask the local planning authority to seek agreement from the developer, prior to determination, that a contribution towards improvement of the towpath and access points from Bridge 204 'Allens Bridge' to Bridge 206a 'Station Road bridge' are included within any S106 agreement.

Further detailed calculations, costings and a specification for the access and towpath surfacing works could then be provided.

7.36. The Gardens Trust (GT) (and Oxfordshire Gardens Trust (OGT))

- The Grade I Rousham landscape is of national and international significance and is regarded as the most complete surviving example of an early 18th century landscape designed by William Kent. Within the Rousham landscape and its setting, the house itself is listed Grade I and there are in excess of 70 other buildings, statues, walls, structures etc which are listed. The significance of the combined designated heritage assets is amplified by the almost unparalleled amount of them, and should, in our opinion, be considered as a single entity as far as significance is concerned. A negative impact on any one of these assets, correspondingly affects the significance of the whole, as well as individually.
- A key aspect of Kent's design was using the countryside beyond the site to provide extensive picturesque views including north and north-east across the water meadows and Heyford Bridge to nearby villages, focal points such as the church towers at Steeple Aston, Lower & Upper Heyford and to eyecatchers or tree clumps which he created. The tranquillity of the rural setting and timeless quality of the Rousham landscape, complete with its pleasure grounds, temples, statues and riverside walks are a fragile resource and of the highest significance in terms of the evolution of the naturalistic garden and English landscape design.
- The GT/OGT wish to lodge a holding objection to the amended proposals, including re-location of sports development and 30m high observation tower with zip-wire, pending further details and clarification of the impacts on views and the setting of the Grade I Rousham landscape.
- The LVIA should be revised and expanded to identify, assess and illustrate impacts from key viewpoints identified in the Rousham Conservation Area Appraisal, Para 9.2 (September 2018), and photomontages provided without tree leaf cover, of development over 10.5m (to comply with NPPF Para 189). Such view-points include from the Horse & Lion statue on the north of the Bowling Green, the Dying Gladiator above Praeneste, as well as from Townsend's Temple and various view points along the riverside walk.
- Causewayed Heyford Bridge, a Grade II* structure of medieval origin, prominent on the main B4030 east/west route within the setting, and contributing to key views from Rousham, is potentially impacted by the increase in traffic. OGT seeks clarification of the safeguarding of this structure in the provision of a structural survey/repair schedule of Heyford Bridge.
- In addition, the GT/OGT seeks clarification of details to minimise harm to the Rousham landscape and its setting from traffic, noise and light pollution (sky glow, glare and light intrusion) in the provision of a Traffic Infrastructure Appraisal and Management Plan, Lighting Report and Tree/Woodland Planting Plan.
- The GT/OGT has also considered the potential impacts of proposals on Middleton Park. We consider that due to the siting of the development and the intervening wood, there will be no impact upon the RPG.

7.37. CEM7 Business Support (Explosives Inspectorate), Health and Safety Executive (HSE):

- would need to review license in Southern and Northern Bomb Stores area and suitability for storage of explosives

7.38. Oxford Bus Company (from 2018)

- Brownfield site but not necessarily sustainable due to its rural location and poor transport network.
- At the Local Plan EIP the Inspector regarded a substantial investment in public transport as key for the quantum of development proposed.
- New service to Bicester from Heyford will require 5 additional buses.
- S106 agreement required to pump prime bus service before it becomes financially viable, possibly 10 years

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 on 20th July 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)

- Policy Villages 5: Former RAF Upper Heyford
- Policy PSD1: Presumption in Favour of Sustainable Development
- Policy SLE 1: Employment Development
- Policy SLE 3: Supporting Tourism Growth
- Policy SLE 4: Improved Transport and Connections
- Policy BSC 1: District Wide Housing Distribution
- Policy BSC 2: The Effective and Efficient Use of Land - Brownfield land and Housing Density
- Policy BSC 3: Affordable Housing
- Policy BSC 4: Housing Mix
- Policy BSC 7: Meeting Education Needs
- Policy BSC 8: Securing Health and Well-Being
- Policy BSC 9: Public Services and Utilities
- Policy BSC 10: Open Space, Outdoor Sport and Recreation Provision
- Policy BSC 11: Local Standards of Provision - Outdoor Recreation
- Policy BSC12: Indoor Sport, Recreation and Community Facilities
- Policy ESD 1: Mitigating and Adapting to Climate Change
- Policy ESD 2: Energy Hierarchy and Allowable Solutions
- Policy ESD 3: Sustainable Construction
- Policy ESD 4: Decentralised Energy Systems
- Policy ESD 5: Renewable Energy
- Policy ESD 6: Sustainable Flood Risk Management
- Policy ESD 7: Sustainable Drainage Systems (SuDS)
- Policy ESD 8: Water Resources

- Policy ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment
- Policy ESD 11: Conservation Target Areas
- Policy ESD 13: Local Landscape Protection and Enhancement
- Policy ESD 15: The Character of the Built and Historic Environment
- Policy ESD 17: Green Infrastructure
- Policy INF 1: Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- Policy C11 Protection of the vista and setting of Rousham Park
- Policy C18: Development proposals affecting a listed building
- Policy C21: Proposals for re-use of a listed building
- Policy C23: Retention of features contributing to character or appearance of a conservation area
- Policy C25: Development affecting the site or setting of a schedule ancient monument
- Policy C28 – Layout, design and external appearance of new development
- Policy C30: Design Control
- Policy C31: Compatibility of proposals in residential areas
- Policy ENV12: Development on contaminated land
- Policy S26: Proposals for small scale retail units
- Policy TR1: Transportation funding
- Policy TR7: Development attracting traffic on minor roads

8.3. Under Section 38 of the Planning and Compulsory Purchase Act 2004, a Neighbourhood Plan that has been approved at referendum also forms part of the statutory development plan for the area. In this case, the application site falls within the Mid Cherwell Neighbourhood Plan and the following Policies of the Neighbourhood Plan are considered relevant:

- Policy PD4: Protection of Views and Vistas
- Policy PD6: Control of light pollution
- Policy PC1: Local Employment Sites
- Policy PC2: Health Facility
- Policy PC3: New Cemetery
- Policy PH3: Adaptable Housing
- Policy PH4: Extra-care and new planning policy Housing

8.4. Other Material Planning Considerations

- RAF Upper Heyford Conservation Appraisal 2006 (UHCA)
- CDC-Developer Contributions Supplementary Planning Document-February 2018
- Oxfordshire Local Transport Plan: Connecting Oxfordshire (2015- 2031)
- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)
- Human Rights Act 1998 (“HRA”)

- Equalities Act 2010 (“EA”)
- Oxfordshire Local Industrial Strategy (July 2019)

9. APPRAISAL

Relevant Background

- 9.1. Section 4 of this report sets out the planning history and shows that outline planning permission for 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 was granted planning permission at appeal in 2010 (ref 08/00716/OUT). The permission was implemented for the flying field and following the second application (ref 10/01642/OUT). some 700 dwellings have been built.
- 9.2. The Local Plan CLP identifies development of former RAF Upper Heyford as the major single location for growth in the District away from Banbury and Bicester. Furthermore, in the CLP 2031 Part 1 under Policy Villages 5, additional sites were allocated for development in and around Heyford including some contained within this application
- 9.3. Two applications have already been considered for development since adoption of the Local Plan. The first such site to be considered was submitted by J A Pye for 79 dwellings (Ref 15/01357/F) at the far eastern side of Heyford Park and considered by Committee in August 2017. The second was from the current applicant for 296 units at the eastern end of the site which was approved by Committee on 20th September 2018.
- 9.4. Since then much work has been undertaken by the applicants to create a masterplan for Heyford Park in line with Policy Villages 5 of the CLP 2031 and this application has now been submitted to achieve that.

Environmental Impact Assessment

- 9.5. The application is supported by an Environmental Statement (ES). The scope of the ES considers in detail the following topics: Socio-Economic, Transport and Access, Landscape and Visual Impact, Ecology, Archaeology and Cultural Heritage, Hydrology and Flood Risk, Ground Conditions, Air Quality, and Noise and Vibration.. Following receipt of revised plans and additional information, there was included an Addendum to the original Environmental Statement (ES) submitted with the application. This Addendum will constitute ‘Further Information’ for the purposes of Regulation 25 of the EIA Regulations 2017.
- 9.6. Having regard to the site’s allocation as a strategic development site including residential, employment and a range of other uses, the nature and likely impacts of the proposed uses, and the site constraints, Officers are satisfied with the scope of the submitted ES. On this basis it is considered that sufficient information is before the Local Planning Authority in order to consider the environmental effects of the development and any mitigation required to make the development acceptable.
- 9.7. Regulation 26 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 requires that Local Authorities must examine the environmental information, reach a reasoned conclusion on the significant effects of the proposed development on the environment and integrate that conclusion into the decision as to whether to grant planning permission.

- 9.8. The PPG advises 'The Local Planning Authority should take into account the information in the Environmental Statement, the responses to consultation and any other relevant information when determining a planning application'. Proper consideration of these matters is integrated into the assessment of the application under the relevant sections below.

Planning Policy and Principle of Development

- 9.9. The Development Plan for Cherwell District comprises the saved policies in the adopted Cherwell Local Plan 1996 and the adopted Cherwell Local Plan 2011-2031. 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.
- 9.10. 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. There remains a need to undertake a balancing exercise to examine any adverse impacts of a development that would significantly and demonstrably outweigh the benefits of it and also the harm that would be caused by a particular scheme in order to see whether it can be justified. In carrying out the balancing exercise it is, therefore, necessary to take into account policies in the development plan as well as those in the Framework. It is also necessary to recognise that Section 38 of the Act continues to require decisions to be made in accordance with the development plan and the Framework highlights the importance of the plan led system as a whole.
- 9.11. The key policy, Policy Villages 5 (PV5), identifies the former military base as a strategic site in the rural area for a new settlement in which approximately 1,600 dwellings are proposed, in addition to the 761(net) already permitted and approximately 1500 jobs. 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. An inset map in the CLP Pt1 identifies an area at Heyford with potential for additional development.
- 9.12. The policy boundary area extends the brownfield development area to include greenfield land in order to meet the full objectively assessed housing needs of the District. The CLP Pt1 requires a comprehensive integrated approach to the development of Heyford in order to achieve a lasting arrangement where a new settlement will be provided but at the same time conserving the heritage interests of the site associated with its Cold War history.
- 9.13. Following the adoption of the CLP Pt1 in July 2015 work began on a Framework Plan jointly commissioned by CDC and the owners (DG) of the site but this was subsequently not progressed. It was subsequently agreed with DG that they would undertake a masterplan exercise and this hybrid application is the culmination of

that work. Since submission negotiations have carried on reaching agreement on some key areas of the proposal, namely highways and traffic issues, education, health care, heritage and ecology

- 9.14. Policy Villages 5 contains some 55 sub elements but the main requirements are to secure 1600 dwellings and 1500 jobs together with the supporting infrastructure whilst conserving the main heritage interests of the site. In terms of process, this was to be achieved through a comprehensive approach integrating what is proposed with what already exists and is approved.
- 9.15. Supporting documentation has been submitted to show how this comprehensive, integrated approach will be achieved. It also demonstrates how the 1,175 dwellings proposed in this application relate to the other 425 units that are either approved, proposed or are likely to come forward to meet our housing allocation on this strategic site.
- 9.16. Employment analysis shows that 1500 new jobs should be achieved by creating employment uses on two parcels of land of just over 13 hectares in total. One will be known as the Creative City and aimed at high tech companies in the film, computer and gaming industry, the other will be more general industrial. This should complement the existing uses that already exist on the flying field with large scale storage and distribution operations together with British Car Auctions who now run the site's car processing business, the police training centre plus numerous high tech but modestly scaled businesses operating in some of the former hangers and other preserved buildings. It is considered that the new and retained employment buildings will make a positive contribution to the area that should integrate into the structure of the new settlement. Furthermore, a range of high quality employment opportunities, that are also capable of being integrated into the fabric of the settlement would be provided. Further assessment of this matter is provided later in this appraisal.
- 9.17. Infrastructure proportionate to the scale of development and also in line with Policy Villages 5 will be provided. A new road to the flying field will be created that not only improves the business efficiency of the site but will also stop large vehicles driving along Camp Road to the detriment of the residential environment. The developer is also committed to improving the local transport network by investing in improvements to public transport, cycling, as well as measures to mitigate the impact of traffic on the local community. On site social infrastructure will be provided in the form of a new primary school, sports pitches, sports pavilion, play areas, indoor sport provision, nursery, community hall, local centre, a neighbourhood police facility as well as investing in utilities.
- 9.18. The major issues of heritage, ecology, access, movement, transport and traffic, and design are covered in more depth below but Officers conclude that the plans and supporting documentation demonstrate the application's broad conformity with the main development plan policy, Policy Villages 5, and other relevant development plan policies.

Housing

Policy Context

- 9.19. The CLP 2031 Part 1 allocates the former RAF Upper Heyford as a strategic development site and away from the District's two towns, the major single location for growth in Cherwell.

- 9.20. Policy BSC 1 of the CLP 2031 Part 1 sets out the target of 22,840 homes for the District with 5,392 in the rural area and Heyford is seen as previously developed land which gives its development higher importance. Policy BSC 2 requires housing development in Cherwell to make effective and efficient use of land and encourages the re-use of previously developed land in sustainable locations. New housing should be provided on net developable areas at a density of at least 30 dwellings per hectare unless there are justifiable planning reasons for lower density development.
- 9.21. New residential development will be expected to provide a mix of homes under Policy BSC 4: Housing Mix to meet housing need and creating socially mixed and inclusive communities. It also requires on sites of least 400 dwellings to provide a minimum of 45 self-contained extra care dwellings.
- 9.22. 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.
- 9.1. 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.

Assessment

- 9.23. The Secretary of State for Ministry of Housing, Communities and Local Government issued a written statement on 12 September 2018 containing a 'temporary change to housing land supply policies as they apply in Oxfordshire'. It sets out that the Oxfordshire authorities will only need to demonstrate a 3 year housing land supply and not 5 years so that the authorities can focus their efforts on the Joint Statutory Spatial Plan.
- 9.24. The 2019 AMR demonstrates that the District presently has a 4.4 year housing land supply for the period 2020-2025, which is significantly over the three year ministerial flexibility provided as a result of the Growth Deal. Heyford Park is an important contributor to the housing land supply figure.
- 9.25. Policy Villages 5 proposes approximately 1600 dwellings at Heyford Park of which 1175 are proposed as part of this application. Already approved are 296 units for Dorchester at Phase 9 and 79 units consented for Pye Homes on land east of Larsen Road. There is one parcel adjacent to Pye that is not part of this application and so far, does not benefit from planning permission.
- 9.26. The application proposes that 30% (352) of the total number of dwellings proposed will be affordable housing, provided in a series of clusters. These will include affordable rented, shared ownership and low cost/reduced cost market housing, details of the precise tenure arrangements will be submitted at Reserved Matters Stage through consultation with the Planning Authority and will be informed by the affordable housing provisions contained within the Section 106 Agreement. The application also proposes to provide up to 60 close care dwellings to the north of the existing Trident (Parcel 19).

- 9.27. Section 3 of the Planning Addendum also sets out an indicative affordable housing mix by bedroom size, which reflects the comments previously provided by the Strategic Housing team in June 2018. The indicative affordable housing property mix may need to change and so officers reserve the position to continue these discussions with a view to agreeing an indicative mix and the key affordable housing provisions to be included in the S.106 Agreement. As this is an outline application where development will take a number of years to complete, the Applicant's proposal to agree a detailed affordable housing scheme for each parcel as part of a Reserved Matters planning application is supported.
- 9.28. The planning application documents suggest that up to 60 'Close Care' homes will be provided on part of this application site (Parcel 19), and in the Affordable Housing Statement, it suggests that around 10 units will be Extra Care Housing/ older people apartments. Another document refers to the proposed development making provision for 60 extra care dwellings on parcel 19, close to facilities of the Heyford Park centre and with level and good pedestrian access to the proposed new medical centre and public amenities. The proposal suggests some flexibility through a mixed-use Class C2/C3. Extra Care Housing has traditionally been provided in Cherwell District as C3 Class Use. Whilst accommodation that is suitable to provide some care and support needs is welcome, the applicant will need to be clear about how the accommodation is defined and how (if) this is to contribute to the overall 30% affordable housing provision. Such details should be agreed in the terms of the S.106 Agreement.

Conclusion

- 9.29. The proposal would deliver 1,175 dwellings of the 1,600 allocated in Policy Villages 5 which is over 5% of Cherwell's overall housing requirement in the plan period. Officers are satisfied the remaining 425 dwellings proposed in the Policy Villages 5 allocation will be brought forward in the plan period on adjacent sites. Of these 1,175 dwellings, the 30% affordable housing would be secured by a s106 agreement for which the applicant has submitted a draft housing mix as part of the application.
- 9.30. 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.

Employment

Policy Context

- 9.31. In terms of economic development, the NPFF advises "Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development." In rural areas "...decisions should enable:
- a) the sustainable growth and expansion of all types of business in rural areas,
both through conversion of existing buildings and well-designed new buildings;
 - b) the development and diversification of agricultural and other land-based rural businesses;
 - c) sustainable rural tourism and leisure developments which respect the character of the countryside; and
 - d) the retention and development of accessible local services and community

facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.

- 9.32. It goes on: “Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.”
- 9.33. The Local Plan seeks to ensure that there is a supply of employment land to meet the needs of the District for the plan period. Policy SLE 1: ‘Employment Development’ also seeks, as a general principle, to protect existing employment land and buildings. The Local Plan identifies nine strategic employment areas to meet employment needs over the plan period. These include Heyford making it the major single location for growth in Cherwell away from Banbury and Bicester, and in the rural area.
- 9.34. In Policy Villages 5 approximately 120,000 sqm (12ha) are sought for employment use with the aim of creating approximately 1500 jobs primarily in B1, B2 or B8 use. Any additional employment opportunities further to existing consents are to be accommodated primarily within existing buildings within the overall site where appropriate or on limited greenfield land to the south of Camp Road. Under the place shaping principles, it goes on to state:
- “Provision of a range of high quality employment opportunities are sought, capable of being integrated into the fabric of the settlement, and providing that the use would not adversely affect residents or other businesses and would not have an unacceptable impact on the surrounding landscape, historic interest of the site, or on nearby villages.
 - New and retained employment buildings should make a positive contribution to the character and appearance of the area and should be located and laid out to integrate into the structure of the settlement.”
- 9.35. Policy PC1 of the MCNP gives support for local employment and small shops.

Assessment

- 9.36. Employment plays a vital role in creating a new sustainable community at Heyford Park and in preserving much of the heritage of the former military base. The site has played an important role in providing jobs since the base was vacated by the military in 1994. The existing buildings on the flying field and some within the technical area were granted temporary commercial use pending a “lasting arrangement” being secured. Although the local plan still refers to “securing the delivery of a lasting arrangement”, in effect this came about when approval was given in the 2010 appeal for a new settlement. Nearly all the temporary uses, together with the existing car operations, were granted planning permission securing at that time some 1,000 jobs. It is understood there are currently about 1,148 jobs at Heyford.
- 9.37. The first significant element of employment in the current masterplan is therefore the rolling forward of the existing employment uses on the flying field. Currently these existing buildings are occupied by a wide range of businesses although storage predominates.

- 9.38. In addition to the current operations, there are four hardened aircraft shelters in the NE corner of the site which are intended to be brought into a storage use (parcel 26). Previously they were left empty and part of an area designated as a Cold War Park where it was hoped the public could access. This never came to fruition and is now being replaced by the Flying Field Park, so the buildings are available for commercial use. There is no planning reason to object to this change of use although some residents of nearby farms have expressed concern at potential noise and disturbance. This objection is based on experience from other storage units that sometimes have night-time visits and generators that can cause disturbance. As no formal complaint has been made the matter has not been previously investigated by the Council so cannot be substantiated. What officers would advise in this case is that some use is better than no use as it will make use of a building and it will help to preserve a historic asset. Storage is potentially the least impactful use for neighbours. If the applicant wanted to use generators here, they would need planning permission and the Council would then have an opportunity to impose noise limit controls.
- 9.39. The second commercial activity the Council needs to consider is the car processing of BCA (Parcel 25). This is defined as the inspection, valeting, washing, repairing, tyre replacement, processing and delivery of cars and other car processing activities as may be required from time to time. It was one of the first businesses brought to the site and it quickly became the dominant use with cars awaiting preparation being stored over a huge portion of the flying field including the main runway albeit without authority or on temporary permissions.
- 9.40. The appeal decision in 2010 seemed to resolve the matter as part of the “lasting arrangement” and gave the business planning permission but at a much-reduced scale. In fact, the decision regarding car processing was seen at the time as somewhat perverse at both the Planning Inspector and the Secretary of State (SoS) in their report and decision seemed to speak largely against permitting the use. The SoS in fact agreed with the Inspector that harm would be caused by car processing to the Conservation Area and would not achieve environmental improvements. However, it was outside the core historic area, in the least significant part of the site overall and largely concealed from public views. A balance had to be struck between preservation and enhancement and the exceptional circumstances argument put forward by the appellant. In the end, it was resolved to accept the reduced area of 17 hectares and alter the entrance to the site to lessen the visual impact of car storage.
- 9.41. To facilitate the wider master plan and in particular the new access into the site, the current proposal seeks to relocate the car storage area to the west of its current position whilst maintaining their operations base in buildings 122, 345 and 350 that house their main offices, logistics operations and a state of the art repair/paint shop. This brings them more into areas of National Historic Significance on the Flying Field and closer to designated heritage assets i.e. the GII listed nose dock hangers. This was considered in the Environmental Statement and Heritage Impact Assessment to have a moderate to large, and large, adverse effects resulting from the relocation of the car processing area to an area of National Significance comprising the setting of the Avionics building and the HAS structures to the north. At the same time, the relocation of the operation from the Victoria Alert Area and adjacent taxiway will have a minor beneficial effect in an area of national significance from a heritage perspective. In response to concerns expressed by the Planning Officer, the parking area has been pulled back from those listed buildings to reduce the impact on their setting. And a scheme to screen the cars will be agreed as part of a condition to be imposed if permission is granted. A similar treatment was agreed at the eastern end of the runway some years ago and has been found to be successful in reducing the visual impact of the car storage.

- 9.42. The car processing operations provide a stable economic base to the site with over 500 employees, which is half the workforce at Heyford, and making it possibly the third largest employer in Cherwell. The Company are responsible for significant levels of direct and indirect employment in the local economy; provide a wide range of employment opportunities including with a high level of skills; it is a recognised centre of excellence in the automotive industry and in IT; it provides considerable training and career development opportunities; and it creates social and economic spin-offs in the local community. The long-term retention of BCA on the base was permitted through the appeal to be part of the so called “lasting arrangement” and the principle of the use is not considered to be an issue with this application. It is therefore considered the continued car processing operation in the proposed location should be supported.
- 9.43. The main new employment creation scheme within the masterplan is Creative City (parcel 22). This focuses on a group of Hardened Aircraft Shelters (HAS) to the eastern side of Heyford Park to be retained and converted into uses associated with filming, gaming and creative industries. They front Chilgrove Drive so will have a prominent location in the masterplan. The design and heritage issues have already been discussed above.
- 9.44. In addition, it is believed that with the grant of planning permission, there is a genuine possibility of a large part of the new film and gaming industry in this country using Heyford as a base. The NPPF encourages sustainable economic growth and says Planning should not act as an impediment to it. Significant weight should be given to proposals for economic growth. This is taken even further with the rural economy where growth and expansion of all types of businesses and enterprises are encouraged.
- 9.45. Associated with the Creative City are proposals to use some 76 hectares of Heyford Park for filming. The potential for outdoor filming has been recognised and is proposed in areas of principal filming interest centred on the QRA to the west (Parcel 27 west) and the Northern Bomb Stores to the east (Parcel 27 east). In addition, areas of hardstanding to the east of the Application Site have been shown as having potential for outdoor filming activities. Taken together, this represents a positive response to ensuring a mix of employment opportunities and the ability to generate an exciting ‘Creative City’ which will bring together various creative industries in a cohesive and secure environment.
- 9.46. This use already takes place here and has done for many years under “permitted development” regulations. Filming has taken place in some of the most sensitive parts of the site including the scheduled Northern Bombstores and the Quick Reaction Alert Area. Although planning permission may not have been required Scheduled Monument Consent was and it is understood that Historic England have never refused a consent application and have, in general, welcomed the buildings being put to use as historic buildings with viable uses are more likely to have a viable future.
- 9.47. The total area of Creative City is 11.1ha, a slight reduction in total from the original submission due to the introduction of a primary pedestrian/cycle route across the site. To the south an area of 2.3ha is also proposed for employment use. This gives a total gross area of 13.4 ha, which is in excess of the approximately 12ha employment land area allocated in Policy Villages 5. The developer has pointed out by retaining the existing heritage assets means that a less efficient layout and density will be achieved. “This is due to a large part of the central area, and now also the northern entrance area of the hardstanding in the amended submission in response to heritage constraints, being left open (as indicated on the revised

Building Height parameter plan), such that the net land area proposed in Creative City for new build is nearer to 5.95 ha. Therefore, adding the additional 2.3ha of the employment area to the south to the net Creative City area results in 8.3ha, which is well within the Policy Villages 5 indicative employment area.”

- 9.48. The applicants also advise that the mix of employment land uses proposed in the planning application, comprising of the combination of change of use of built structures, and the new build associated with the Creative City proposal are expected to yield 1,500 jobs, assuming full occupancy, in line with Policy Villages 5.
- 9.49. The application proposes a range of employment uses within Class B1, B2 and B8 In line with Policy Villages 5. This mix of Class B employment uses has been strongly reflected in the Proposed Development through a mix of changes of use of existing buildings together with up to 35,175m² of new build employment in the proposed Creative City area.

Conclusion

- 9.50. This hybrid application seeks to refresh the existing planning permission granted at appeal in 2010 for all the existing uses as indicated on the drawing N.0111_22-1L Change of Use Plan (as amended by the Secretary of State’s decision letter) and therefore in line with the policy to accommodate employment uses in existing buildings.
- 9.51. The proposal complies with Policy Villages 5 requirement to develop approximately 12ha for employment and to create 1,500 jobs. The Environmental Statement actually predicts between 1,244 and 1,728 jobs in the operational development. This will increase at times when filming takes place. It also predicts 200 jobs will be created on the 8 year construction programme together with another 223 jobs indirectly. Construction costs are in fact estimated to be a minimum of £240m.
- 9.52. The proposed uses reflect Local Plan policy and the Creative City concept the requirement for high quality employment opportunities. The CCC also makes use of existing buildings, again in line with Policy Villages 5.
- 9.53. In addition to the Creative City a number of other employment uses are proposed including:
- the car processing operation with 20.3ha plus all the other building associated with the use. This is a longstanding use that was formally consented at appeal albeit in a substantially modified form and on a restricted area. It is now relocated further to the west. Should it be resisted there would be a substantial loss of employment.
 - Filming on the flying field which would be on an occasional and non-permanent basis. In addition, a management plan is proposed which will control the use and limit impact on heritage, ecology and residential amenity.
 - Quasi-employment uses such as health, education, community use, core visitor destination, control tower, etc. have not been taken into account in the employment figures but are likely to be in the region of 50 jobs.
- 9.54. An Economic Impact Report accompanied the original submission. Amongst its findings and predictions were:
- “Direct construction-related employment: The proposed development could support around 518 temporary jobs per annum during the 9-year build timeframe, on-site and in the wider supply chain.

- Permanent employment: Overall, once it is built and fully occupied, the proposed development will support around 1,450 full-time equivalent (FTE) jobs on site.
- Contribution to economic output: The overall contribution to economic output (gross value added) is estimated to be around £92.9 million per annum once the additional floorspace is built, or £800 million over the next ten years (present value).
- Growing labour force: Around 1,619 economically active and employed residents are estimated to live in the new dwellings once the site is fully built and occupied. If residents show a similar employment profile to the existing working age population of Cherwell, over 50% could be working in higher value occupations.
- Household spend: Once fully built and occupied, the households are estimated to generate expenditure in the region of £38.6 million per annum.
- Increased Council Tax income: The construction of the new homes could generate around £2.0 million per annum in additional Council Tax revenue.
- New Homes Bonus revenue: The proposed development also has the potential to generate in the region of £6.0 million in New Homes Bonus revenue for Cherwell District Council and £1.5 million for Oxfordshire County Council.”

9.55. The proposal is considered to be a valuable addition to and enhancement of the local economy. The projected employment levels are modest but this is justified as most of the buildings being retained and converted would have lower levels of occupation. It is therefore considered the proposed employment proposals comply with the thrust of policies SLE1 and Villages 5.

Design Layout Appearance

Policy Context

9.56. Policy BSC 2 of the CLP 222031 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 scheduled ancient monument Policy C25; Layout, design and external appearance of new development Policy C28; and Design Control-Policy C30:

9.57. 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 areas proposed for development adjacent to the flying field will need special consideration to respect the historic significance and character of the taxiway and entrance to the flying field, with development being kept back from the northern edge of the indicative development areas
- 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
- 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
- Management of the flying field should preserve the Cold War character of this part of the site, and allow for public access. New built development on the flying field will be resisted to preserve the character of the area
- 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

Assessment

- 9.58. Submitted with the application is a Design and Access Statement (DAS) that sets out the rationale behind the current application. Rehearsing the sites historic and topographical character overlain by recent development it identifies its constraints and opportunities that lead on to a series of options. This is reinforced by a Green Infrastructure Strategy and a building heights parameter plan. This limits buildings on the residential parcels to 10.5m at the more sensitive edge of settlement locations and 13metres in the more developed areas with taller buildings are proposed namely around the Creative City, possibly up to 18m in height.
- 9.59. Limited details are provided but the DAS sets out certain principles: that the residential development is based on the principle of perimeter blocks with a strong frontage to the public realm promoting an active street. Although a density of 35dph is proposed across the site, this will allow some parcels around the edge to be lower density with a more open, landscaped rural feel. Higher densities will be expected around the centre and to reflect the scale of some of the bigger buildings on site.

- 9.60. To achieve a density of around 30 units per hectare as required by Policy BSC 2, the development would need to encroach on to the flying field but this would be around the southern edge as indicated in the policy. A plan was drawn up that used the southern taxiway to form a barrier to development but at the same time use it as an opportunity for traffic to circulate. And so a main arterial route was created taking advantage of existing roads and linking the Trident area at the heart of the settlement through to Chilgrove Drive at the eastern end of the settlement. This becomes the main vehicular route through the site facilitating a new bus service, and off which most, but not all, the housing parcels are served.
- 9.61. The other main feature in the movements plan are the strong lines cutting through the site on a west-east and north south axis to increase permeability for pedestrians and cyclists in line with our policy to maximise the potential for walkable neighbourhoods with a legible hierarchy of routes. A main north south path for cyclists and pedestrians will provide access to the flying field park from the village centre via Trident on a predominantly segregated route through some of the sites most interesting history
- 9.62. The majority of the housing parcels are self-contained design islands. The ones of most concern are 12 and 21 because of their impact on their setting and prominence within the conservation area as they front the flying field. And parcel 23 for similar reasons plus its isolation from the main settlement and separation by Creative City.
- 9.63. Attempts have been made to review the housing on Parcel 23 including swapping the use with parcel 22, the Creative City. However, that would have resulted in the demolition of all the HASs on Parcel 22, which was considered to be of significant harm in heritage terms. So the western end of the Southern Bombstores will be utilised for residential development where harm will be less than substantial.
- 9.64. Historic England and the Council's Conservation Officer have expressed reservations about the type of housing design on these parcels. There is a desire to avoid the arts and crafts style that predominates in the main settlement. In order to allay their fears, the applicant organised a charette in which different architects proposed schemes more fitting with the character and appearance of this part of the Conservation Area. The winning design has now been submitted to demonstrate the theme for housing along the taxi way. The main features are a green bund running along the frontage with pitched green roofs. The effect is to echo many of the buildings on the flying field such as the bomb stores and petrol/oil/lubricant stores that appear as grassed covered mounds in the landscape. The housing will take their cues from the existing buildings on sites with a more functional appearance with limited ornamentation and using materials and colours already evident on site. Their layout will be clustered as per the squadron groupings dotted around the flying field but within it a more regimented layout to reflect military precedents. Cars will be tucked away in the design and an emphasis on cycling and walking.
- 9.65. Although the concept has been welcomed by the Heritage Officers, concern is still expressed to ensure this will be the design pursued by the developer, so it is recommended appropriate conditions are imposed to secure this type of design.

Conclusion

- 9.66. The developer has faced a difficult task to retain and respect the heritage of the site whilst overlaying a new settlement. The main part of the flying field is left untouched with its stark and foreboding atmosphere. The layout of the new settlement integrates into the new settlement on the south side of the flying field whilst largely respecting the historic environment. It is therefore considered the proposals accord with the requirements of Policies Villages 5 in CLP 2031 Part 1 as well as the saved

design policies from the CLP 1996 together with relevant national policy set out within the NPPF.

Traffic and Transport

Policy Context

- 9.67. 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.
- 9.68. 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.
- 9.69. 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 INF 1 requires development proposals to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.
- 9.70. MCNP contains objectives that seek:
- T1 To work with Oxfordshire County Council, Thames Valley Police and other 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.

- 9.71. The NPPF advises in para 108, that where sites may be allocated for development in plans, or specific applications for development, it should be ensured that:
- Appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - Safe and suitable access to the site can be achieved for all users; and
 - 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’.

The Main Transport and Traffic Elements of the Proposed Scheme

- 9.72. When Heyford was being considered to be designated as a strategic development site an initial assessment of the local highway network was undertaken for the Local Plan Examination which showed there was capacity to take the anticipated traffic flows but some re-engineering may be required in some form at major junctions and mitigation in local villages, and that improvements were required to public transport. These details were to be further assessed when any planning application was submitted and that has been undertaken as part of an Environmental Statement and Transport Assessment. These were produced after extensive discussions between the developer, their agents and the Highway Authority, both Highways England and the County Council. These discussions carried on for almost 2 years through the application process as it became clear that there was no clear, single answer to the problems generated by the development proposal. Extensive modelling and remodelling was undertaken before what is now seen as the best solution was produced. These elements will be considered in this report in their constituent parts for ease of explanation but must be taken holistically as no one part will work in isolation

M40 Junction 10.

- 9.73. Highways England is responsible for the Strategic Road Network and in this area that is mainly with regard to the M40 Motorway and the A43. For some 2 years they have objected to the application proposals. However, following submission of technical notes and further design work to the roundabouts of the M40 junction, and to the A43 Baynards roundabout, that objection has been withdrawn subject to any permission being granted being subject to conditions and a legal agreement to secure a significant financial contribution improvements to Baynards Green and Padbury Roundabout (where the M40 southbound offslip joins the A43). This would be triggered when traffic generated by the development, both residential and commercial, reaches a certain level calculated by a formula agreed by all parties which will be inserted in to the s106 agreement. No development at Heyford Park will be allowed above that threshold until the mitigation work is undertaken.

- 9.74. The main work identified will consist of:

M40 J10 Padbury Roundabout:

Introduction of traffic signals on both entry nodes to the dumb-bell shaped roundabout and widening on the M40 SB offslip to create a wider and longer flare on approach to the junction. Ancillary works will also include lining, signing, drainage and soft landscaping

A43 Baynards Roundabout:

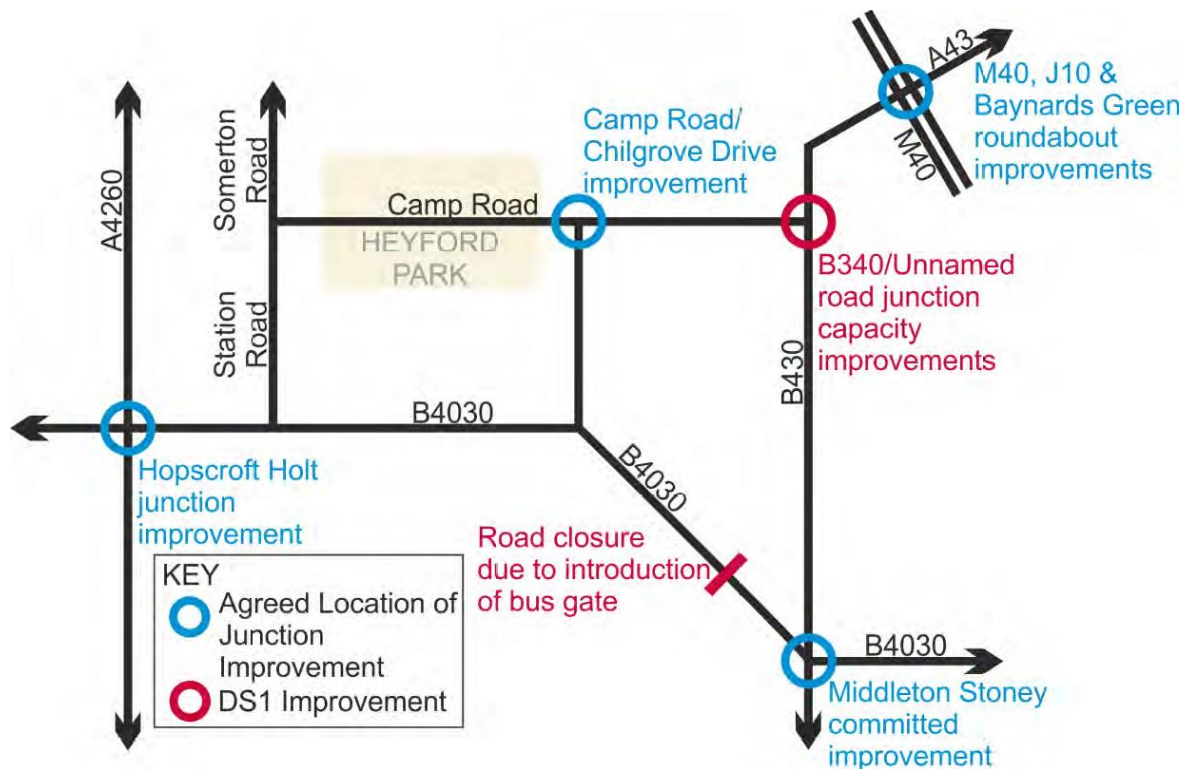
Reshape and extension of the existing roundabout to the west, upgrade of the A43 in both directions, and minor capacity improvements for local approaches. Fully signalised junction using MOVA (Microprocessor Optimised Vehicle Actuation) signal control

These have been costed with the developer's contribution to be capped at £4million.

- 9.75. The County Council also opposed the proposed development, as Highway Authority, not lifting their objection until 5th October although this is still subject to securing a wide-ranging package of mitigation costed at almost £7million (including the M40 J10 costs) through a s106 agreement together with several conditions. In terms of their position on the M40 J10 alterations, the County had previously resisted some of the changes requested by Highways England as it would adversely affect traffic flows on the local (Oxfordshire) highway network causing driver delays on the Bicester and Souldern arms of the Baynards Green roundabout, and potentially back to Ardley. However not only has agreement been reached between the highways engineers, the County Council have allocated funding from the Local Growth deal to Baynards Green to help facilitate development.

The Local Highway Network

- 9.76. In assessing the impact of this development on the local highway network, the capacity of every junction within the vicinity of this site has been calculated and the flow of traffic through them modelled on the basis of the full Policy Villages 5 allocation in 2031. This has occurred more than once for all junctions and for the most significant ones like Middleton Stoney, several times. This followed a rejection of the initial methodology by OCC which resulted in the use of an updated strategic model. The starting position of a "do nothing" strategy was assessed and concluded there would be a significant adverse impact with some junctions suffering excessive driver delays and other subsequent potential environmental consequences to some of the villages to pedestrian and cycle movements, and to safety from increased traffic flows.
- 9.77. As a result, and after over 2 years of negotiation, the following measures have been agreed with the County as Highway Authority and are shown graphically in the following diagram:



The significant elements are:

- The introduction of a two way bus-only restriction on the B4030 Heyford Road west of Middleton Stoney village, at the junction of the B4030 and the unnamed road leading to Camp Road. Its proposed position means there would be access to the Middleton Stoney junction for Middleton Stoney residents but through movements associated with both Heyford Park and the wider area would be banned. In this scenario the Middleton Stoney junction will operate with a reduced number of signal stages with the B4030 Heyford Road arm operating on demand to serve buses and local residential traffic and therefore extra capacity can be created at the junction.
- Traffic signals for the B430 Ardley Road / Unnamed Road junction to the north of Middleton Stoney to accommodate the extra traffic using this junction as a consequence of local re-routing.
- Realignment and reprioritisation of the junctions at Camp Road/Chilgrove Drive and B4030/Heyford Road. And remodelling and introduction of traffic light controls at the B430 Ardley Rd/Bucknell Rd junction
- The introduction of an HGV restriction on the B4030 Bicester Road east of Middleton Stoney.
- HGV traffic from Heyford Park is already required by routing agreements to exit the site and turn east to M40 J10 and this obligation will be rolled forward.

One other junction has subsequently been considered for review following later phases of modelling and this is the A4260/North Aston junction where the County Council have agreed, in principle, a contribution of £80,000 towards safety improvements to include speed limit reduction, signage, road markings and/or upgrade of safety camera

Junction improvement work has also been agreed at Hopcroft Holt under a previous development proposal at Heyford Park (ref 16/02446/F).

9.78. In addition to these physical and engineering works, following representations by the County and District Councils, the applicant has also submitted a number of technical notes which has culminated in an offer to contribute towards traffic calming schemes in the following villages:

- Fritwell (£50,000 contribution)
- Ardley (£50,000 contribution)
- Bucknell (cost shared with future development at NW Bicester, as per OCC recommendation, so £25,000 contribution)
- Middleton Stoney (£50,000 contribution)
- North Aston (£50,000 contribution)
- Somerton (£50,000 contribution)
- Chesterton (£50,000 contribution)
- Lower Heyford (£50,000 contribution)
- Kirtlington (£50,000 contribution)

9.79. Following receipt of the latest traffic technical note and the further offer to contribute towards traffic calming in the villages, the applicant, conscious of the strength of feeling against the bus gate in particular, has suggested a further “monitor and manage” option to be considered. In essence the developer would contribute the equivalent of the proposed package of specific transport and highways improvements, already agreed with the County Council, comprising of a two-way bus gate at Middleton Stoney and associated package of village traffic calming, and junction-specific works at North Aston associated with the re-routing of traffic around the local road network. It would also include an additional sum for traffic monitoring

9.80. This traffic monitoring will then be carried out by Oxfordshire County Council in the intervening period before the need for a bus gate is required. This period is likely to be several years dependant on the rate of development at Heyford Park for which a formula to calculate the trigger has been agreed with the developer by the County. Knowing that monies are available to deliver the Middleton Stoney Mitigation Package, if it is still shown to as necessary, or an alternative solution of equivalent benefit (‘the Revised Middleton Stoney Mitigation Package’) can then be delivered by the Highways Authority within the amount of the financial contribution as specified.

9.81. It is also proposed that a transport working group is set up to commence in January 2021. This will meet on a quarterly basis firstly, to agree the scope specifications and locations for traffic monitoring surveys and then to, review traffic monitoring results, raise and review potential alternative transport solutions to inform a process of whether an alternative solution of equivalent benefit to the Middleton Stoney Mitigation Package can be achieved and delivered.

9.82. Following a meeting between the applicant and the MCNPF on this draft strategy, the MCNPF have made a further, late submission which in essence requests the bus gate be dropped though they do not want the application to fail and for further money to be invested on traffic calming in the villages. In effect they request Committee to support the application but to impose conditions that:

- The developer to engage with the Community on measures to control traffic through the surrounding villages
- For MCNPF to obtain data on traffic flows
- A weight restriction on Rousham Bridge as well as at Middleton Stoney
- A framework and timetable for the above to be agreed with priority for the TRO
- For Caulcott to be traffic calmed
- For increased funding to be provided on individual, not arbitrary, schemes

- For the outstanding s106 contribution to be used on a demonstration project and
- for Committee to be kept informed of progress.

9.83. As it will be some time before the requirement for a bus gate is triggered, it seems the alternative strategy should be welcomed and incorporated into the s106 agreement assuming Committee are minded to grant planning permission. Furthermore, when it is secured, through a s106 agreement, the requests of the MCNPF can be taken into account albeit that if no suitable alternative mitigation package is deemed appropriate, the bus gate goes ahead.

Public Transport Measures

9.84. Heyford Park is an isolated rural location where one of the fundamental aims of planning policy has been to make it more accessible and sustainable. A key element in Policy Villages 5 has been to secure improvements to public transport in line with Strategic Objective 13. So, from the outset the existing bus service to Heyford was reviewed and it was agreed that the focus would be on separating the existing service into two and improving the service to Bicester. This will be done with a contribution of £2,189,170 from the developer the developer.

9.85. It is proposed to operate a frequent daytime service to Bicester Village Station on Monday to Saturday with operating hours that facilitate commuting to and from London and also Oxford by rail. It is also proposed to operate a lower frequency Sunday service. The Monday to Saturday daytime frequency of the service is likely to start with a half hourly service that is increased to a 20 minute, and potentially 15-minute service as the development is built out and patronage increases. The service to Oxford will be a Monday to Friday hourly service.

9.86. Bus stops will be provided through the new development in strategic locations and a bus turning facility created at the western end of Camp Road. £115,398 has been secured to fund shelters, seating and timetable information.

9.87. It should be added that an essential part of the public transport strategy is the Middleton Stoney bus gate. This will improve bus journey times and service reliability between Heyford Park and Bicester when compared to a scenario without the bus gate.

Walking and Cycling

9.88. Policy Villages 5 states 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.

9.89. As part of the consented development at the Former RAF Upper Heyford the following key pedestrian and cycle measures are to be provided:

- An off-road foot / cycleway along Camp Road through the development;
- The Portway PRoW that was severed by the construction of the airfield will be reinstated around the perimeter of the site
- The Aves Ditch PRoW that was severed by the construction of the airfield will be reinstated around the perimeter of the site
- Improvements to connections between the Application Site and existing PRoW will be made; and

- The consented housing will be connected by a network of walk and cycle links between and within the residential areas, providing a permeable site which facilitates and encourages walking and cycling within the local area.
- 9.90. The provision of new cycle connections is proposed through the development including an off-road foot / cycleway along Chilgrove Drive and between Camp Road and the proposed park to the north of the new development area.
- 9.91. It is also proposed as part of the sites Travel Plan that a Bicycle User Group and a cycle repair scheme will be established by the Travel Plan Co-ordinator which can encourage the uptake of cycling by allowing cyclists to find support to improving their cycling skills and somewhere to fix and service their bikes. The provision of a bike-hire, or bike-pool, scheme will be considered to encourage those that live and work within the site to potentially borrow a bike and cycle to their work place, then return the bike to the pool at the end of the day, where the resident can then continue on to their homes by foot. The cycle-hire scheme will be mainly geared toward commuters arriving by public transport, but it will also be available to residents living and on site if they do not own their own bike. This scheme will ultimately help enhance cycling as a means for moving about the consented and proposed development and will encourage travel around the development by sustainable means. • Cycle parking will be provided throughout the development. All cycle parking will be secured, covered, convenient and visible and the minimum level of cycle parking provision will be in line with OCC standards as relevant at the time of reserved matters planning applications.
- 9.92. Offsite it is considered there is potential to improve cycle connectivity to Bicester. Two schemes were considered. Firstly, a more off road, indirect leisure route. And secondly, of more benefit was thought to be a direct route using advisory cycle lanes between Camp Road and Middleton Stoney village. An off carriageway, shared use cycle facility is also proposed along the B4030 between Middleton Stoney and the Himley Village development on the outskirts of Bicester to connect with the Himley Village cycle proposals. This route has the potential to be backed up with a HGV restriction on this section of road. In addition, the bus gate will also provide a relatively low traffic environment for people wishing to cycle between Heyford Park and Bicester along the B4030 as far as Middleton Stoney and it is therefore considered that this could form part of a strategic cycle route into Bicester. It is also considered that this scheme represents a scenario that could be delivered by the applicant and County without a requirement for third-party land. This would be secured by legal agreement.

Access

- 9.93. Camp Road forms the arterial route through former base and connects the site to Upper Heyford village, and Somerton Road / Station Road to the west and to the B430 in the east. Currently, Camp Road is approximately 6m wide where it passes through the existing development, with one lane in either direction for the majority of the carriageway, and reduction to single-lane operation at a number of locations which provides traffic calming features i.e. kerb extensions. Camp Road is restricted to a 30mph speed limit along its length. Street lighting is provided, and pedestrian footpaths are present along its length, although not all of the footways have been formally adopted and are therefore not maintained at public expense by the local authority. Camp Road is in the process of being improved as part of work associated with the consented development. These improvements include a shared surface area in close proximity to the existing main gate, which will be adjacent to the proposed village centre location.

- 9.94. The proposed development parcels will be accessed via a number of access points along Camp Road, some of which are existing, and some will be constructed to provide access into the allocation site. Of these new access points Chilgrove Drive is the most notable
- 9.95. Chilgrove Drive historically formed a connection between Camp Road and Somerton Road to the north of the airfield but was cut off when the airfield was developed, creating a no through road and forming an access to the airfield. In recent times the access to the airfield has been temporarily blocked up. The current Chilgrove Drive is a narrow rural road approximately 3.6m wide up to 70m north of its junction with Camp Road and is approximately 2.5m wide thereafter. There is a consented scheme to upgrade Chilgrove Drive however it is proposed that the new application will supersede this scheme and Chilgrove Drive will be upgraded and a new 6m wide access road to the site provided and a new junction created with Camp Road.
- 9.96. Gate 7, which forms the existing access to the flying field, will be closed. Closing Gate 7 and opening access to the flying field via Chilgrove Drive should ensure that the majority of large HGVs will no longer need to use Camp Road through the development where there are the greatest pedestrian and cycle movements and is more residential in nature. As part of the delivery of the Application Site, HGV access to the Flying Field will be re-routed away from Camp Road and instead HGVs will travel along Chilgrove Drive. The alternative route is considered to improve safety and amenity for residents within Heyford Park.
- 9.97. As part of the appeal scheme, approved for 1,075 dwellings, a roundabout was consented at the Camp Road / Chilgrove Drive junction. In addition, an HGV access was to be located where the school is now situated. However, due to the ongoing development, local plan allocation and emerging masterplan, these consented schemes are no longer appropriate, and alternatives are proposed to support the current Local Plan allocation.
- 9.98. There are 1,700 jobs currently consented at the development; the majority of these are located on the Flying Field located to the north of the site and accessed via Gate 7 at the western edge of the development area. Some of the jobs are located in the development area to the north of the Village Centre. It is proposed to provide a further 1,500 jobs across the Heyford Park site, the majority of which will be located in the Creative City and Commercial Areas to the west of Chilgrove Drive. As stated above, part of the proposed development it is proposed to relocate access to the Flying Field from Gate 7 to Chilgrove Drive at the eastern edge of the development area. The Chilgrove Drive access route will then cross the main runway and sweep round on an inner perimeter taxi way serving the various existing commercial units before crossing the runway again giving access from the north to the car processing area.
- 9.99. Access to the proposed residential element of the development will be provided via a series of junctions from Camp Road which will form a permeable network of roads throughout the site and connect with existing infrastructure. The majority of these junctions will be simple priority junctions with Camp Road forming the major carriageway. The exception to this is the access point at Chilgrove Drive which is proposed to take the form of a signalised staggered crossroad arrangement.
- 9.100. There will be a single main route through the new settlement area north of Camp Road linking Chilgrove Drive with Camp Road west of the village centre via Trident. As well as serving access to the main residential parcels, the new school site and core destination centre, it will also provide secondary access to some commercial units on the flying field but whose access is cut off by being south of the car operation area. This route will also provide a bus route through the settlement area.

9.101. Site access proposals for priority junctions on Camp Road serving the main residential and social and community infrastructure are predicted to operate within capacity in future years with full development of the Local Plan Allocation. Site access proposals also include improvements to the existing Chilgrove Drive junction with Camp Road which will provide for a new signalised arrangement to serve the main commercial areas of the development at Heyford and a gateway to the wider residential community accessed from Camp Road. Testing for the proposed junction indicates that the signalised arrangement will operate within capacity with full development of the Local Plan Allocation.

Assessment-Off site works

9.102. Considering off site works first, and starting with the motorway and junction 10, it appears this part of the strategic network has been under review for some time because of the pressure from existing traffic and the predicted increase from development elsewhere including HS2 and Bicester.

9.103. Modelling by Highways England of a preferred scheme indicated there could be potential delays and congestion tailing back on the Oxfordshire network which was unacceptable to the County Council. A solution was found by a redesign of the Baynards Green and Padbury roundabouts. The Ardley and Cherwell roundabouts which were proposed to be altered will now remain as existing.

9.104. Highways England withdrew their objection but subject to a legal agreement that restricted the quantum of development at Heyford Park before the highway works were complete. The formula allows for both residential and commercial development to be undertaken, which will obviously be affected by market conditions, but that there is a ceiling which is calculated by a formula agreed between the main parties. The developer is has agreed to make a contribution towards the cost of the works of £4million.

9.105. Because this scheme is seen as a high priority, detailed design work has already been commissioned by the County Council who will also fund the initial phases of construction as part of the growth deal for Oxfordshire, claiming the money back when development at Heyford Park is undertaken..

9.106. In respect of the local highway network considerable work has been undertaken to assess mitigation solutions but in simple terms the Middleton Stoney junction is not capable of taking the predicted flow of traffic unless certain measures are proposed.

9.107. The main thrust of the Council's policy is to achieve a shift away from the car to public and other forms of sustainable transport. Policy Villages 5 requires "Development will provide for good accessibility to public transport services and a plan for public transport provision will accompany any planning application. A sum of £2,189,170 has therefore been negotiated towards the provision of a high frequency bus service to Bicester from Heyford Park. This has been calculated on the basis of four buses required to provide the service, with the net cost declining to zero after year 8 because of increasing fare revenue. The amount requested from this application has been calculated pro rata per dwelling from the amount previously secured for Phase 9-296 dwellings (ref 16/02446/F), a previous Policy Villages 5 scheme. This service will facilitate access to Bicester which is clearly a main transport hub and growth point for our District where major local services and employment are provided.

9.108. However, one fundamental concern, ensuring the service would be regular and reliable for users, is the Middleton Stoney junction. To assist, a bus gate was built

into the system, the details of which were described above. Essentially this will result in vehicles, other than buses and cycles, to be rerouted arriving at Middleton Stoney from Bicester, north to the B430, and then east at the junction by the Energy Waste Plant on to the road to Heyford Park but turning south to re-join the B4030 before heading west to Lower Heyford. It has been assessed by many in the local communities that this relatively short detour will provide a significant hinderance to east west traffic flows, and to some extent it will create a diversionary route, but it is primarily design to create accessibility to the new settlement through sustainable means.

9.109. It will also be complemented by a proposal to introduce a traffic order restricting HGVs along the B4030. This again will free up road space to allow buses to move more freely and to create cycle routes between Bicester and Heyford Park.

9.110. There are a number of implications which were highlighted in a technical note produced by traffic consultants for the applicant and on which the Council consulted the local Parishes. The resultant response is with the exception of Lower Heyford, opposition from all the other Parish Councils to the bus gate challenging the premise of it, the increase in traffic through certain villages above what was previously considered, and the potential for HGV traffic to divert from Bicester through villages such as Chesterton and Kirtlington. As well as objections from the Parish Councils many residents have also written to express their concerns on the subject particularly at the wider displacement of traffic and the harm caused by HGVs using the A4095. In this respect county council officers advise that the proposed mitigation at Middleton Stoney is acceptable and necessary to enable the required sustainable transport links between Heyford and Bicester. In this respect the County Council are resolute that the priority should be to encourage public transport and cycling

9.111. In recognition of the impact from changes in the direction of traffic flow, it has been negotiated with the applicant that contributions will be made towards mitigation measures in each of the villages. These are set out above. Again, there has been criticism from the local communities' that the sums are not enough, that it should not be such an equal distribution as some areas are more adversely affected than others, and that there should be no change to the network in the manner proposed.

9.112. Some of the comments are understandable but the grand total towards mitigation is not far short of £ ½ m which is a significant figure and should be able to fund modest schemes in each village incorporating measures such as build outs, raised tables, vehicle activated signs, signage and other appropriate level schemes. It is accepted it will not cover the cost of more elaborate place making schemes unless additional funding is found from other sources.

9.113. Turning to the cycling measures, there is a direct route through Middleton Stoney to link up with the cycle paths already emanating from Bicester albeit that it will for a large part be on the carriageway. Nevertheless, the cycle track can be demarcated in line with local and national guidance and even be physically separated where possible. Although a fully segregated route would be preferable this is not possible and what is proposed seems to a good balance that at the end of the day should see an extra facility for cyclist in the area but the on-carriageway section is only considered acceptable in the context of the reduction of traffic arising from the bus-only restriction

9.114. Paragraph 109 of the NPPF 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.' It has been assessed by the Highway Authority that what is proposed will certainly not

have an adverse effect on highway safety nor would the impact of the development on the road network be severe with the mitigation measures set out supported by the opportunity for further calming measures in the villages. Officers are therefore supportive of the offsite transport and traffic measures being proposed as part of this application.

Assessment-Heyford Park and environs

- 9.115. The development so far of Heyford Park has not been without criticism and the main concern by local residents has been from commercial traffic using Camp Road. The present application will resolve that by closing the existing entrance (Gate 7) at the western end of Camp Road and creating a new access to the flying field, where most of the employment uses are, along a route based on Chilgrove Drive at the eastern end of Camp Road. This should prove satisfactory as most HGV traffic arrives at the site from the M40 Junction 10, approximately 3km away. A new signalised staggered crossroad junction will be created off Camp Road which has been redesigned to also provide a suitable bridleway to connect to the Aves Ditch route.
- 9.116. The Chilgrove route not only provides a more direct entrance to the employment area but also to the core destination zone, the new school, residential parcels and on to Camp Road. It does so along existing roads and taxiways preserving the historic layout of the site. This route also provides an opportunity for the bus service to run through the new settlement area servicing not just the new community but by linking to Bicester Village Railway Station affords an opportunity for people to come from elsewhere to visit and tour the historic site.
- 9.117. The employment uses on the flying field currently enjoy a relatively high level of security with a single controlled point of entry at Gate 7. An equivalent entrance will be created on the new Chilgrove entrance road from which access will then permeate through to the individual units. For the car processing plant this will be via an inner taxiway away from the perimeter fence and accessing the site from the north.
- 9.118. There will also be a new road to link some of the new and proposed development parcels on land to the south of Camp Road. It is an extension of the main spine road through parcel 9 (approved previously for 296 dwellings), provides the new main spine road through proposed parcel 16 before connecting to the existing road system at the junction of Tait and Gibson Drives. The road partly steps outside the designated development area for policy Villages 5 but is not considered to be a serious conflict with the policy. It also creates a small area inside the road line which the developers propose to create a community orchard and allotment.
- 9.119. A driving principle behind Heyford Park is that “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....” This has started with the earlier phases of development and is shown to continue with the current proposal. A plan has been produced as part of the Design and Access Statement to show routes within and through the development site, around it, and connecting to the surrounding paths and bridleways. This works on the basis of the undertaking previously given in 2010 so much of the surrounding and connecting network is not new and the commitment to provide these routes should seek their completion in early phases of the development process e.g. the circular “Heritage Trail” around the boundary.
- 9.120. The applicant has made changes to some of the routes in response to comments from the wider public, the BHS and OCC’s Countryside Officer. So, for example, the

Chilgrove bridleway has been amended and now includes a Pegasus crossing. This will connect to Aves Ditch on an alignment agreed with the Countryside Officer. Paths have been extended to Chilgrove Drive and provision made on Camp Road for cyclists.

9.121. Within the site, details will be drawn up at the reserved matters stage but the fundamental primary and secondary routes, including off road provision, are clearly shown on a Pedestrian Routes Plan. One route of note will run from the village centre through Trident to the Flying Field Park. Segregated, it has one crossing point over a (Primary) road, cyclists will have priority in accordance with updated national guidance on cycling infrastructure.

9.122. A third-party has raised concerns increasing access to the flying field by the wider public. This principle was lost in the 2010 appeal when the Secretary of State allowed the new settlement but without free access to the flying field other than by permission of the owner, organised groups and/or tours. The Council have still requested the developer increase the level of public access above the 2010 threshold in order to appreciate the site's heritage. In response, the applicant has sought to achieve this in three main ways: the circular heritage trail around the former base boundary, access to a viewing tower on the flying field and to provide access to a park in the centre of the flying field.

Conclusion

9.123. There have been a number of detailed objections raised on highway grounds by several Parish Councils and third party representations as set out earlier in the report. These have been considered by the applicant and OCC, as local highway authority, and revisions have been made to the Transport Assessment and to the mitigation package. Whilst their concerns are understood and have been taken into account, it is considered they have been satisfactorily addressed. Public transport will be improved both in terms of investment in the local service and infrastructure. Improvements will be made to public footpaths and a new cycleway created. The Highway Authority does not believe there will be adverse risks to highway safety. Nor will there be severe congestion as a result of the development and if the measures proposed are put in place at the appropriate times. In addition, almost £500,000 will be made available to the Parishes to fund further traffic calming.

9.124. The application site is part of the allocation under Policy Villages 5 for a settlement of approximately 1,600 dwellings (in addition to the 761 dwellings (net) already permitted) and necessary supporting infrastructure, including primary and secondary education provision and appropriate community, recreational and employment opportunities including creation of approximately 1500 jobs. To achieve this level of provision, considerable attention has been paid to accord with the relevant place making elements of the policy with regard to transport and traffic. In particular the following:

- The development will provide for good accessibility to public transport services and a plan for public transport provision accompanies the planning application
- Measures to minimise the impact of traffic generated by the development on the surrounding road network have been agreed with the Highway Authority including funding and/or physical works, to 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
- Access to public transport will be Improved

- The settlement has been 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.
- Development accords with Policy ESD 15 in keeping the layout of the road and taxiways of the former base and includes layouts that maximise the potential for walkable neighbourhoods with a legible hierarchy of routes
- Layouts enable a high degree of integration with development areas within the 'Policy Villages 5' allocation, with connectivity between new and existing communities
- Existing Public Rights of Way have been retained, and provision of links from the development to the wider Public Rights of Way network created, 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
- 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
- A Travel Plan report accompanies the development proposals and the final travel plan will be agreed and then secured in the s106 agreement.

9.125. 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.

Heritage

Legislative and policy context

9.126. The majority of the site is situated within 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. These are shown on the plan in the previous section on constraints

9.127. 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.

9.128. Likewise Section 66 of the same Act states that: In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Therefore, significant weight must be given to these matters in the assessment of this planning application.

9.129. Conservation Areas, Listed Buildings and Scheduled Ancient Monuments are designated heritage assets, and Paragraph 193 of the NPPF states 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.* Policy ESD15 of the CLP 2031 Part 1 echoes 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.

9.130. 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 areas proposed for development adjacent to the flying field will need special consideration to respect the historic significance and character of the taxiway and entrance to the flying field, with development being kept back from the northern edge of the indicative development areas
- 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
- 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
- Management of the flying field should preserve the Cold War character of this part of the site and allow for public access. New built development on the flying field will be resisted to preserve the character of the area
- 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

Assessment of Significance

9.131. A large portion of the site includes the RAF Heyford flying field. The character of this area of the conservation area is outlined within the adopted conservation area appraisal and identifies:

'the general character of the flying field is one of open grassland bisected by runways, taxiways and hardstand. Around the periphery of this open area are strategically located Hardened Aircraft Shelters (HAS's) s and areas with specific function, some self-contained within their own security fencing' and 'the present day character of the flying field has thus been largely determined by the requirements of the strategy of Flexible Response and the F111s ability to threaten the Warsaw Pact's key military installations'.

9.132. The layout, open and functional character of the flying field is fundamental to the significance of the conservation area in its own right as well as the functional relationship seen across the wider RAF Heyford site. In particular, the southern side of the airfield contributes greatly to the significance as a result of the physical links with the Technical Site and Domestic Site.

9.133. In the original submission a strategy for heritage at Heyford was set out together with an offer of a package of heritage improvements. It was intended to build on what was achieved by the initial phase of development, although an objector to this application does challenge the level of success. Currently, the applicant proposes to increase public access and to provide for a greater appreciation of heritage on site.

9.134. In interpreting what constituted the most valuable assets on site, how best to utilise them and how to assess the impact of the development upon them, in addition to the more generic heritage assessment, a series of detailed heritage impact assessments (HIA) were produced for nine of the main development parcels and assets, and tenth was later added when one was produced for the proposed school site.

Assessment of the Proposal

9.135. The application seeks to provide development on the flying field. It is acknowledged that Policy Villages 5 seeks to resist new development here but in order to achieve the allocation, development will have to be provided within the flying field. Policy Villages 5 suggests that where new development is required, this should be focussed on the south of the flying field. Officers consider that any development within the Flying Field will result in some harm to the designated heritage assets. However, any such harm must be considered in the context of the level of significance of the asset and balancing this against any public gain. The advice in the latest NPPF states:

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use'.

9.136. As such, consideration must be given to the sensitivity of these locations and development proposed, in order to assess the level of harm caused to the heritage assets and any public benefits arising from the proposal. Set out below is an assessment of each of the key individual parts of the development which impact upon the heritage assets as well as the cumulative impact of development and provision of public benefit.

9.137. Parcel 31 on the flying field, - a school site is proposed. The main reasons this site was chosen for a school was to utilise a design that retained and converted the

hangers in this area, an act of preservation and reuse in line with NPPF advice. The OCC Education officers however objected to this proposal. A review of other potential sites found them to be unsuitable for various reasons such as proximity to sewage plant or that it would lose sites already allocated for housing. So, whilst it was previously envisaged that the hangers in this location could be used more formally by the school, this has not been possible. Instead a new build school can be provided within proximity to the Hangars. One hangar can be accommodated within the school site, providing a covered area for play, the other hangars will be retained outside of the school. The concrete apron which forms the setting of the hangars would largely be removed to facilitate this and provide an area for play and parking.

- 9.138. Historic England have advised that the loss of a large part of the apron would result in a high level of harm to the significance of this part of the conservation area. However, Historic England understand the need to resurface the concrete with tarmac to meet the County Council's requirements and are 'content with this as it would still preserve the functional relationship between the hangars'. However, concern still remains with regards to the provision of a fenced car park on the apron and extensive areas of concrete that separates one of the hangars from the apron.
- 9.139. It is acknowledged that the provision of a primary school within the site, which satisfies the requirements of the County Council in terms of education provision and which preserves and enhances the heritage assets is hard to achieve. Notwithstanding this, revisions have been made which retain the hangars and provide sufficient space for a primary school to be provided. A heritage impact assessment has been submitted and seeks to demonstrate the public benefits of what is proposed outweigh the harm.
- 9.140. Officers consider that the proposal would result in less than substantial harm of a moderate to high level, due to the loss of legibility between the Hangars within the Victoria Alert Area. Where less than substantial harm would be caused to a designated heritage asset, great weight must be given to its preservation and enhancement, but also consideration of whether any public benefits arising would outweigh the harm caused.
- 9.141. A new primary school is required to cumulatively serve the existing and proposed development at Heyford Park. The provision of a new primary school is of significant public benefit. The proposal includes the preservation of key buildings within Victoria Alert Area which helps to preserve the significance of this part of the Conservation Area. The retention of the hangars is considered to be an important part of this.
- 9.142. Overall, it is considered, that the public benefit of providing a new school combined with the measures to help preserve the significance of the heritage asset outweighs the harm caused.

Parcel 21 – Residential Area

- 9.143. Parcel 21 is one of a number of residential parcels proposed on the flying field but location wise the most sensitive. Extensive discussions have been had with regards to its design code, relationship to the taxi way it fronts and whether to retain any of the buildings on site, in particular a squadron HQ. To help resolve matters the applicant held a design charette in which several architects put forward a scheme they considered would reflect the importance of the site and amongst the assessors were Historic England and the Council's Conservation Officer. The successful candidate has produced a document which the applicant submitted to support the application.

9.144. The proposal now being considered includes the demolition of the Squadron HQ Building (Building 370). It is acknowledged that Historic England and the Conservation team have raised concerns regarding its loss although its demolition was previously not considered to be substantially harmful and no objection raised to its loss when first proposed. The significance of the Squadron HQ building is its functional relationship with the surroundings HAS' and was specifically designed to include 'hard' and 'soft' areas. Whilst the Squadron building is not listed, it is identified within the Conservation Areas appraisal as a non-listed building of local significance with the submitted Heritage Impact Assessment identifying the building of 'high' significance. It is in fact one of four near identical buildings that operated as Squadron HQs. One of them, Squadron Headquarters (OA 1127) north of Application Parcel 27; was considered to be the best example and was listed Grade II. Whilst the loss of the Squadron Building is regrettable, its removal provides sufficient space to provide residential development to meet the requirements of Villages 5 which is of significant public benefit.

9.145. Full details were not been provided to show how housing in this area will be designed and laid out and concerns that the housing may have a semi-suburban quality, causing harm to the setting of the heritage assets led to the design charette. As above, the applicant has submitted information to demonstrate how development could be accommodated in this area in a way that could be acceptable. However, this is not proposed to be approved and therefore should planning permission be granted these details would be required as part of the Design Code. Officers are satisfied that on the basis of the information seen to date, that an appropriate design and layout can be secured for this parcel, in order to limit any harm caused to the setting of the heritage assets.

Parcel 22 – Creative City

9.146. Parcel 22 is proposed as the Creative City, a potential location for the British Film Industry and high tech partners. It is located somewhat remotely on the eastern side of Heyford Park and covers the area of a group of HAS structures commonly referred to as the Christmas tree. These structures will be retained and converted into uses associated with filming, gaming and creative industries. The cluster of hardened aircraft shelters (HAS) are orientated towards the main runway. The DAS states the "retention of the arrangement of the buildings and central space will represent the palimpsest of the former air base history. Each HAS entrance door is visible from the taxiway to retain the existing layout and form of this area. It is proposed that the southern HAS could be used as a covered entrance way for the main security gate. This will be an opportunity to play up the aviation history and create an atmospheric experience when entering the studio lot."

9.147. However, the HAS would be accompanied by new buildings that potentially have a height of up to 18m, not dissimilar to some of the largest storage buildings in Bicester. Little detail has been provided on the type of buildings proposed but the indicative layout in the Design Statement shows the HASs retained as a group around the central open, taxiway. The new buildings would be aligned to the HASs to retain the character of the layout. Also, the northern entrance to the Creative City has been amended so as to remove new building heights in views from the north from the Flying Field. Also, the extent of higher new build development has been limited to be no more than 10.5m in the southern employment area near to Chilgrove Drive, and also limited to be no more than 10.5m in height on the common boundary to the west with Parcel 21.

9.148. Even after amendments and submission of HIAs this has understandably still raised concerns by Historic England and the Council's Conservation Officer. But in researching the history of the site, Officers are aware this part of the base was

thought to be of low historic and landscape value. In a Landscape and Visual Impact and Masterplan Report produced for the Council in 2004 following an earlier Public Inquiry (and part of the evidence base for the CLP Part 1), this group of buildings were assessed as having “various degrees of visual impact with the four outer shelters giving rise to severity of impact requiring demolition based on the Inspector’s test. LDA (the consultants) considered that both of these groups would be sufficiently close to the new settlement to warrant demolition based on the desire to create an attractive and appropriate setting for the new settlement.”

9.149. Furthermore, this cluster although attractive as a grouping of HASs, are not listed or otherwise designated and somewhat remotely located in the wider military landscape. Historic England have had an opportunity to designate them in the last few years knowing they were under threat but have chosen not to. And of course, there are 50 other HASs on the base and in their original settings so whilst some harm is caused to this group (which relates to buildings within their setting rather than their loss) Officers query whether the harm is so significant to the character and appearance of the Conservation Area and to the settings of these unlisted buildings to justify refusal of planning permission and have concluded it is less substantial harm albeit of a moderate level.

9.150. As required, consideration must be given to whether the harm caused is outweighed by the public benefits of the proposal. The Creative City is proposed as a cluster of six commercial building, to provide a base for new high skilled employment. The ability of site to provide a high skilled employment area is a result of its unique location, history and heritage with the use of filming zones utilising this. The creation of permanent facilities to support the filming and creative industries would support a range of additional employment opportunities within the site and local area. This would be of significant benefit to the local economy and wider economy beyond the district’s boundary. It is considered that the proposal would provide significant public benefits through improvements to the local economy through the provision of unique, new high skilled employment opportunities, leading to other employment opportunities within the local area. Officers have applied the balance and consider the public benefits arising from this part of the proposal would outweigh the moderate, less than substantial harm caused to the heritage assets.

Building 151

9.151. Building 151 is believed to have been erected in 1926. It is an A framed hanger which were the first permanent end-opening aeroplane sheds for RAF stations in the interwar period. A total of 34 were built at 17 sites between 1925 and 1940. Upper Heyford is unique in having six, the largest collection of Type ‘A’ hangers in the country and believed to be part of RAF Upper Heyford being designed as a “model aerodrome”. The hangers are located in the technical area with four forming an arc on the northern boundary with the flying field, with a further two (315 and 151) on their inside. All six are identified in the conservation appraisal as non-listed of local significance.

9.152. It was intended to demolish 2 hangers, Buildings 151 and 315, but the latter is now to be retained in its authorised B8 use. Building 151 would therefore be demolished and for the purpose of siting an extra care home facility here. There is some logic to this as it will have good access to the village centre along a primary pedestrian route where primary service and retail facilities will be.

9.153. In the HIA demolition is justified for a number of reasons:

- The building(s) are not listed or scheduled and not an asset of the highest significance
- Its loss will not have an effect on any asset that is listed or scheduled

- 5 A Frame hangers will be retained and in particular the four that form the boundary arc
- Demolition will have less than substantial harm
- Harm can be minimised by a building recording
- Whilst the building contributes to the character of the conservation area it crucially is not part of the cold war landscape

9.154. Officers agree that the loss of Building 151 will amount to less than substantial harm and the extra care homes will be of real public benefit. Conditions should be imposed on timing of demolition and recording.

Parcel 23 including part of the Southern Bombstores (SBS)

9.155. The SBS are located in the south east corner of the base. They are organised into four rows aligned roughly southwest to northeast, and surrounded by a wire fence, with a front main entrance gate. They are evenly spaced to eliminate damage in case of explosion and are of the 'igloo' form and covered in earth. They were intended to store conventional bombs and appear to have been constructed in two main phases dating from the 1950's and then the 1980's.

9.156. It is understood Historic England have considered listing them, most recently in 2017, but they remain unlisted in an area of low significance. The conservation appraisal describes the area as ". dominated by the igloos of the bomb stores and is visually isolated from the rest of the site, with the exception of Area 3. There are some views in and out of the area across the farmland to the south and east."

9.157. The intention is to retain the majority of the igloos (45) on the eastern half of the site but remove seven and some ancillary buildings on the western side. The loss of the individual buildings is rated in the HIA as negligible and the impact on the conservation area as being slight/moderately adverse. There will be no impact on any listed or scheduled buildings. Harm will be minimalised by a recording programme. The HIA concludes less than substantial harm will be caused to the character and appearance of the conservation area and that the harm is outweighed by the public benefits gained from the development. Officers concur with this view.

9.158. However, Officers also have planning reasons to be concerned by the development of the SBS. It is in effect the area of last resort for housing as it is somewhat isolated from the main development parcels and services. The developer has sought to improve accessibility to the parcel with a new pedestrian cycle route but in effect this site only needs to be developed if the 1600 dwellings proposed by Policy Villages 5 cannot be achieved. Officers are therefore considering inserting a clause in the s106 agreement permitting its development only if the developer can demonstrate at the time an inability to meet the target figure on the development parcels otherwise approved.

The Observation Tower

9.159. There is a proposal to construct a new build Observation Tower (up to 30m in height) that will have the potential to also contain a zip line. This is proposed at the edge of the runway at the apex of the Flying Field Park. The applicants state it will "provide an opportunity to experience views west across the main runway and core of the Flying Field from above, but the zip line is a fun interpretation of how it would have felt to land on the runway at Heyford Park. The intention is to locate this adjacent to the north east end of the runway on the edge of the flying field park. Design cues will be taken from the former parachute training tower ... and the radio mast (Building 355)."

- 9.160. This has generated several comments from the possible intrusion into the open countryside to making a sombre and austere military base into a Disneyesque attraction. Officers are concerned by the proposal but the LVIA seems to demonstrate it will have limited impact on views outside of the site. But within the site it is clearly likely to have an adverse impact. Tall features are anathema on airfields and this is alongside the main runway, in an area of international significance.
- 9.161. The original ES, the ES Addendum heritage assessment, and the Heritage Impact Assessment have variously considered the impact of the Observation Tower on the character and appearance of those parts of the Former RAF Upper Heyford Conservation Area. They conclude that the Observation Tower would result in a slight adverse impact during construction and a moderate/slight beneficial impact during operation given the provision of a new aerial vantage point to appreciate the Cold War landscape;
- 9.162. But to make the site more open and accessible to a wider, younger, group of people it needs to attract them through other means and this concept has come forward as the main one. There will also be potentially other features in the core destination zone. IT is therefore a balancing act between the harm that will be caused and the public benefit that will result and officers are persuaded that this is such an exceptional case that is unlikely to be repeated elsewhere and should be supported.

Effect on Historic Assets outside Heyford Park

- 9.163. In proximity to Heyford Park are a number of designated heritage assets including the Rousham, Lower Heyford and Upper Heyford Conservation Area, the Oxford Canal Conservation Area(OCCA), Rousham House, Park and Gardens (Grade I), Middleton Park, Park and Gardens (Grade II) and Heyford Bridge (Grade II*), together with a number of individually listed buildings. The proposal is not considered to have any direct impact upon or cause harm to either Middleton Park or the OCCA.
- 9.164. The key heritage asset of concern in this location is Rousham Park, which in addition to its grade I listed building and Registered Park and Garden is designated as a conservation area due to its designed landscape associated with William Kent. The Rousham Park landscape is of international significance as a largely unaltered example of the first phase of the English Landscape Design in the Picturesque tradition. Viewpoint 16 (in the LVIA) deals with Rousham Park (from the Dying Gladiator statue) and concludes that whilst the sensitivity is high the overall magnitude of change is negligible.
- 9.165. The Rousham Conservation Area has been re-appraised since the application was submitted and this identifies 10 key views which are considered to be of core significance. Given the significance of the heritage asset and the sensitivity of the visual receptor it would have been useful for the Landscape and Visual Appraisal (LVIA) exercise to be conducted on the 10 identified views to include a consideration of seasonal variation and night-time views with particular reference to light pollution. The ones that have been undertaken from this direction conclude that whilst the sensitivity is high the overall magnitude of change is negligible.
- 9.166. The application boundary has been modified and in particular the sports park relocated from its previous location on the western boundary to the eastern side of the site. It was feared that the paraphernalia associated with sports facilities could have had an adverse impact on Rousham Park. As a result, there is no longer any physical development proposed by this application in a line drawn from Portway, the

western boundary of the site, for almost 300 metres. (This does not include the previous application for 296 dwellings (ref 16/02446/F) which fronts Portway/Kirtlington Road, and that was previously approved and considered not to cause harm to Rousham.) It should be added that there is a proposal to reduce the impact of the airfield and its forthcoming development by tree planting mitigation strategy contained in the GIS.

9.167. As a result, the ES considers that during construction cranes may be seen from two limited points in Rousham Park but this would be temporary and of negligible impact. Permanent development is also considered to have a negligible effect. It may be possible to see the roofs of houses on parcel 10 from one possible viewpoint in Rousham Garden but at a distance of 2km would be barely discernible. Elsewhere landform and vegetation screens or restricts views with the majority of the park free from views towards the Proposed Development. The tallest element on site, the observation tower, is unlikely to be seen (certainly from the dying gladiator) because of the distance, its position on site and the intervening vegetation. The effects are therefore assessed as negligible and not significant in landscape and visual terms. With regard to the potential impacts on views from Rousham Park of light pollution, this would be minimised by design of lighting units and their planned layout which will include perimeter planting along the southern and western boundary. A lighting strategy for Heyford Park is proposed.

9.168. There are also concerns about the potential impact from increased traffic created by the new development on heritage assets in the surrounding area. This relates to the physical impact on historic buildings lining routeways from changes in the environment (additional pollution, water penetration, salt run off etc) as well as the visual impact of any proposed traffic calming measures (signage, traffic management, bollards, traffic islands etc) on conservation areas and the setting of heritage assets. In general, this has been difficult to quantify and the ES is largely silent on the matter but given that the site is allocated, these impacts are unlikely to be significant.

9.169. There is a significant concern about the impact of additional traffic on Heyford Bridge, a grade II* listed structure which is of medieval origin, but which was also associated with the designed landscape surrounding Rousham. The bridge is currently vulnerable to modern traffic and is managed by a traffic light system allowing one-way traffic only. It has suffered from traffic accidents along the bridge and there have been a range of modifications and patch repairs over time. A comprehensive repair and ongoing maintenance programme is required and consideration needs to be given to imposing a weight limit to reduce physical impact on the bridge

Conclusion

9.170. The NPFF advises “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). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.” It goes on to say “Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.” Substantial harm to Grade II building should be exceptional and to scheduled monuments and Grade I Parks, wholly exceptional.

9.171. The submitted documentation shows the proposed development will cause harm in several instances but that it is less than substantial. The possible exception is the Observation Tower which may cause substantial harm. However, Officers believe

that the harm from what is proposed will be outweighed by a substantial public benefit.

- 9.172. The one scheduled monument Officers are most concerned about is the potential impact caused by the health centre proposal within the setting of the Command Centre, Building 126. This is discussed below. Otherwise there appears to no direct harm. In fact, the use of the QRA and NBS for filming has been supported by Historic England in the past.
- 9.173. Direct impact on listed buildings is also limited. The Control Tower will be brought into a sympathetic use (subject to LBC). And car processing encroached into the setting of the nose dock sheds but that use is a non-invasive one in that no physical work is planned and the extent of the parked vehicles has been peeled back to open the setting up a bit more
- 9.174. 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.
- 9.175. The Original Application had proposed a Sports Park towards the south west of the masterplan area which had the potential for some light pollution impact on the Rousham Conservation Area. This Sports Park has now been relocated in the Revised Application to the south east of the masterplan area and, as such, will no longer have any impact on Rousham Park. There is now full compliance with saved Local Plan Policy C11 on Rousham Park whereby new buildings and structures will be strictly controlled to ensure that they are not visually prominent from the Park, and that the visual integrity of the Park has been given careful consideration where there is a change of use of agricultural land.

Ecology Impact

Legislative context

- 9.176. The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose European Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.
- 9.177. Under the Regulations, competent authorities i.e. any Minister, government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive.
- 9.178. The Regulations provide for the control of potentially damaging operations, whereby consent from the country agency may only be granted once it has been shown through appropriate assessment that the proposed operation will not adversely affect the integrity of the site. In instances where damage could occur, the appropriate Minister may, if necessary, make special nature conservation orders, prohibiting any person from carrying out the operation. However, an operation may proceed where it is or forms part of a plan or project with no alternative solutions, which must be carried out for reasons of overriding public interest.

9.179. The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of the 3 strict legal derogation tests:

- (1) Is the development needed to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment?
- (2) That there is no satisfactory alternative.
- (3) That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

9.180. The Regulations require competent authorities to consider or review planning permission, applied for or granted, affecting a European site, and, subject to certain exceptions, restrict or revoke permission where the integrity of the site would be adversely affected. Equivalent consideration and review provisions are made with respects to highways and roads, electricity, pipe-lines, transport and works, and environmental controls (including discharge consents under water pollution legislation).

Policy Context

9.181. Paragraph 170 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.

9.182. Paragraph 175 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.

9.183. Paragraph 180 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.

9.184. 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.

9.185. 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.

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

9.187. 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.

Assessment

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

- 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:

- 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
- 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')

9.189. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site has a large area of calcareous grassland and contains buildings of unusual construction suitable for nesting and roosting, is close to streams and river 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 some of which are known to reside in the area.

9.190. 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.

9.191. 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.

9.192. The application is supported by a detailed protected species survey which was supplemented in July 2020 by submission of a further technical note following recalculation of the Biodiversity Net Gain Calculator based on the whole site and just

the area subject of physical development. As a result, more ambitious habitat condition targets were set but with the consequence they would take longer to achieve. The main proposal is to convert an agricultural field on the Cherwell Valley to the west of the flying field to calcareous grassland. This will take 25 years to achieve but with a 5-year head start so 20 years in reality. Other areas to be semi improved will now take 15 years to achieve. A justification has been set out in the technical note setting out principle base on getting the soil right, using locally sourced seed and having a long-term management plan. There will also be wildlife installations in new buildings for house sparrows, starlings, swifts and crevice dwelling bats.

- 9.193. The Technical Note also dealt with the fact that since the application was submitted, part of the site has been declared part of Ardley and Heyford Conservation Target Area (CTA). To comply with the CTA objectives there will be a net gain of 16.38 ha of unimproved calcareous grassland. New hedges will be planted to align the reinstated ancient footways of Portway and Aves Ditch. The grassland will be managed to protect ground nesting birds and increase their habitat by 27.35ha. Some great crested newt habitat including 4 ponds will be lost, 8 new ponds will be created positioned to increase GCN connectivity. There will also be terrestrial habitat enhancement. None of the nearby geological conservation designated areas will be affected.
- 9.194. The note has been assessed by the Council's ecology officer who is generally happy with the plans to increase the overall net gain for biodiversity on site by aiming for a better quality habitat in the area of created grassland. With little scope for additional land this seems the best option ecologically and will secure a long-term increase in good quality calcareous grassland thus also according with the aims of the CTA. The new Technical Note also commits to an equivalent of one wildlife installation per dwelling which fits with CDC aims and should be included in a LEMP (or a separate Biodiversity Enhancement Scheme) and where necessary on architects plans for buildings.
- 9.195. A full LEMP will be needed for the site and should be conditioned. The LEMP should be in place at the early stages and reviewed as necessary at each phase of the development with a submission and approval from the LPA. The LEMP should integrate with the current Flying Field Ecological Management Plan or replace it with a new long-term specific plan for this area. Surveys may need to be updated prior to each phase of the development as required, particularly bats, badgers and great crested newts. This will therefore require a condition.
- 9.196. The Green Infrastructure Strategy is generally acceptable however it is still unclear how negative impacts to breeding birds through visitor access and dog walking would be avoided in the Flying Field Park (Parcel 28), Core Visitor Destination Area (Parcel 29) and Control Tower Park (Parcel 30). The negative impacts on these birds would conflict with Policy Villages 5 and this aspect would need to be considered further in access and recreation plans. These issues can be conditioned as will the need for a management plan when the flying field is used for filming. The filming management plan proposes a risk assessment of each proposed filming session to be submitted two weeks before the start of any filming to the LPA for agreement.
- 9.197. In conclusion, 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.

Landscape Impact

Policy Context

9.198. Cherwell's countryside, landscape and green spaces are important natural resources. They form the setting of our towns and villages, contribute to their identity and the well-being of Cherwell's communities, and provide recreation opportunities. The countryside's intrinsic character and beauty is important to the quality of life in Cherwell and remains an economically important agricultural resource.

9.199. The Council has a strategic objective in the CLP Part 1: To focus development in Cherwell's sustainable locations, making efficient and effective use of land, conserving and enhancing the countryside and landscape and the setting of its towns and villages.

9.200. Policy ESD 13: Local Landscape Protection and Enhancement states "Opportunities will be sought to secure the enhancement of the character and appearance of the landscape, particularly in urban fringe locations, through the restoration, management or enhancement of existing landscapes, features or habitats and where appropriate the creation of new ones, including the planting of woodlands, trees and hedgerows 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
- Impact on areas judged to have a high level of tranquillity
- Harm the setting of settlements, buildings, structures or other landmark
- features, or
- Harm the historic value of the landscape."

9.201. Policy ESD 15: The Character of the Built and Historic Environment requires new development to contribute positively to an area's character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features, including skylines, valley floors, significant trees, historic boundaries, landmarks, features or views, in particular within designated landscapes, within the Cherwell Valley and within conservation areas and their setting. It should also integrate and enhance green infrastructure and incorporate biodiversity enhancement features where possible (see Policy ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment and Policy ESD 17 Green Infrastructure). Well-designed landscape schemes should be an integral part of development proposals to support improvements to biodiversity, the micro climate, and air pollution and provide attractive places that improve people's health and sense of vitality

9.202. 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.

9.203. 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.
- Whilst employment development is encouraged it should not have an unacceptable impact on the surrounding landscape, historic interest of the site, or on nearby villages
- Landscape/Visual and Heritage Impact Assessments should be undertaken as part of development proposals and inform the design principles for the site

9.204. Policies from the saved Cherwell Local Plan 1996 include C11 to protect the setting and vista of Rousham Park.

9.205. The Mid Cherwell Neighbourhood Plan (MCNP) under Policy PD3 proposes a zone of non-coalescence on the western boundary of Heyford Park which shall prevent coalescence of any development proposals at Heyford Park with the village of Upper Heyford. The land should remain predominantly agricultural but could include ecological mitigation and routeways.

9.206. MCNP Policy PD4 seeks to protect views and vistas including several around RAF Upper Heyford and Rousham

Assessment

9.207. Landscape and Visual Amenity assessments and an Arboricultural survey have been provided in the Environmental Statement and addendum to it in line with the requirement under policy Villages 5. Also accompanying the application is a Green Infrastructure Strategy (GIS).

9.208. The strategy sets a series of key aims of which the main ones are:

- Create a distinctive sense of place incorporating the cultural heritage assets that help to define the Cold War landscape;
- Provide outdoor sports provision to benefit the whole community;
- Create a sense of place within the public open spaces to represent the local identity of Upper Heyford to enhance the place making of Heyford Park;
- Retention and enhancement of key habitat features;
- Promote opportunities to improve and enhance biodiversity to achieve a biodiversity net gain;
- Improvement of access throughout the site to improve the pedestrian and cycle network; and Incorporation of the existing PRowS and provide links into the wider area including the reinstatement of Aves Ditch and Portway (historic routes); and
- Incorporate SuDs to create multi-functional assets to help reduce and control surface run-off.”

9.209. The development proposals include the provision of areas of open space for recreation, sport, leisure, amenity green space, strategic landscaping and to aid in the appreciation of the heritage at Heyford Park. The amount of open space

provided has been designed in order to cater for the recreational needs of the existing and new community and to meet the requirements of Cherwell Local Plan.

9.210. Within Heyford Park there are 4 main areas of public open space:

- The flying field park (FFP)
- The control tower park (CTP)
- The sports Park and
- The community orchards and allotments (COA)

Within the GIS, design parameters and principles are set out for each of these spaces to give each area its own purpose.

9.211. The FFP and CTP are centrally located for more general relaxation providing an opportunity to take in the heritage elements. In both cases grassland will be maintained and managed, with the CTP 3.9ha in area and a more formal area whilst the FFP would be 20.5ha, and more of a wild, natural space. No trees will be planted as this would be conceptually unacceptable on a former historic flying field. Each of the parks will have a building as a main focus.

9.212. In the CTP is the Control Tower which is in a state of some dilapidation but is intended to be restored and bring it back in to use for social/community events and a viewing gallery for the flying field itself.

9.213. Within the FFP it is proposed to erect a 30m tower at the apex of the park alongside the runway for viewing that part of the flying field. This has the potential to be a launch point for a zip wire experience replicating the experience of landing on the runway. This would provide an opportunity to experience views west across the main runway and core of the Flying Field from above, the intention is to locate this adjacent to the north east end of the runway on the edge of the flying field park. Design cues will be taken from the former parachute training tower and the radio mast (Buildings 355).

9.214. Normally such features in the open countryside would be resisted as being somewhat intrusive and an alien feature in the stark, open landscape of the flying field and an area deemed of national significance in the conservation appraisal. Officers have weighed up the harm it causes but are persuaded by the visual impact assessment that demonstrates it will not be seen from the most important receptors such as Rousham House Garden (Grade 1). There has been some criticism that the tower will be a theme park attraction on what is more a sombre historic site reflecting a dark period in our fairly recent history. However, it is felt that this feature together with some of those proposed in the Destination Area such as climbing walls will bring people to the site that would otherwise not visit a Cold War Military base so on balance the officers support the observation tower proposal.

9.215. The COA and Sports Park are for more active recreation. They are located in the south west and south east corners of the application site respectively. The sports park, 4.2ha in size, will be used not only for formal recreation and team sports, but a trim trail is suggested. The fringe area would be managed as species rich grassland and outside the boundary of the sports park screen planting is proposed to the boundaries of residents in the recently constructed houses. This will take the form of orchard trees.

9.216. The COA is an area of about 0.4ha created by a new road sweeping round the inside of the development parcels on the south side of Camp Road. Provision seems somewhat opportunistic and its location not the most accessible for the wider community, but its provision should be welcomed in line with Council policies ESD 17 and Villages 5.

9.217. In addition to the above the GIS refers to a number of other elements in the masterplan including the reinstatement of Portway and in particular, Aves Ditch as green corridors. It includes a strategy for landscaping individual residential parcels and although the detailed design would be a matter of reserved matter approval the principles are welcomed. Also proposed is the provision of play spaces in future residential areas. This will carry on the existing play strategy to provide LAPs, LEAPs and NEAPs in line with the Council's CLP 2031 Part 1 policy and Developer Obligations SPD.

9.218. The final main element to the GIS is structural tree planting around the periphery of the site. Its vision is to integrate with existing vegetation which includes a number of small wooded areas outside the site boundary and haphazard planting within it. To do this it needs to respect the ecology features, impact on views, impact on Cold War landscape and setting of cultural assets. Because of the sites historic use and its cultural importance still, this is not a site where mass tree planting is required, more a studied and focus scheme of planting. That seems to be the aim of the GIS which proposes planting to reinforce field boundaries and PRow routes, to use native species, and to improve biodiversity by creating wildlife corridors.

9.219. A tree mitigation plan has been submitted which indicates 6 main areas of planting:

- Boundary reinforcement, particularly around the norther side of the base to Fritwell
- Hedgerow planting to Aves Ditch when realigned
- A corridor of planting along Chilgrove Drive from Camp Road to the site entrance
- Screen planting to the north of parcel 10 to screen the development from the flying field.
- To the west of the site along Portway which is effectively the brow of the Cherwell Valley so highly visible and currently very open as this was the end of the runway. This needs to be handled sensitively as it is so prominent but a commitment was given some ago to Upper Heyford Parish Council that this new boundary would be planted to help reduce and soften the visual impact of the former base.
- A further, denser belt of planting is proposed at the western boundary of the site fronting Somerton Road. This would be 10 metres deep and effectively link the two areas designated in the MCNP as zones of non-coalescence.

Conclusion

9.220. ES Chapter 7 and ES Addendum Chapter 7 provides a comprehensive assessment of the Landscape and Visual Amenity implications of the Revised Application and 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 PD3 and PD4, and the guidance in NPPF Core Principles. The GIS sets out in an acceptable form the core landscape principles that will be adopted when we get to the detailed design stage, if permission is granted. The only element of concern is the proposal to erect an observation tower on the flying field in a sensitive location. Officers have concluded the public benefits outweigh the potential adverse impact on this basis they do not recommend an objection on grounds of landscape impact

Other Matters:

Education

- 9.221. Policy Villages 5 seeks provision of a 2.22 ha site for a new 1-1.5 form entry primary school with potential for future expansion, if required, and contributions to primary and secondary school place provision
- 9.222. Provision of additional secondary places can be accommodated by adapting and modifying the existing school buildings on site and a commitment has been given to this in the s106 offer to the County Council. The Proposed Development includes provision for up to 2,520 m² of additional facilities on the two current Free School sites (in Parcel 32 west and east).
- 9.223. The provision of a site for the new primary school has been more contentious. Officers sought to resist its proposed location on the flying field in the Victoria Alert area (Parcel 31) but were persuaded firstly, by some exciting design concepts that sought to retain the existing buildings and secondly, that to put the school elsewhere could impinge on the predicted housing numbers. The revised submission now proposes a new school building of up to 2,415m², with the additional change of use of Building 2004 to Class D1 use to enable its use for education purposes as part of the overall school site of 2.4ha.
- 9.224. Some doubts still exist about this part of the proposal from both a heritage and an educational perspective (as explained earlier) but all parties have worked positively and proactively resulting in a balanced solution. The developer has been reluctant to commission site investigative works requested by the County Council but have given an undertaking to do them if Committee are minded to grant planning permission and before any issue of permission.
- 9.225. The original ES, the ES Addendum heritage assessment, and the Heritage Impact Assessment have variously considered the impact of the new school building on the character and appearance of those parts of the Former RAF Upper Heyford Conservation Area. They conclude that the new school building in Parcel 31, with the associated demolition of Building 357, is assessed in the Heritage Impact Assessment as having less than substantial harm to the character and appearance of the Conservation Area at the very lower end of the scale.
- 9.226. As stated above, the applicant has offered the County Council as part of a s106 agreement:
- provision of a new 1.5 entry primary school on a minimum 2.2 ha site as shown on the Composite Parameter Plan (or, in the alternative, agreeing to make a suitable site available for OCC with contributions for a school to be provided to OCC specification);
 - contributions towards secondary school places which will consist of an expansion to the existing Heyford Park Free School sites to facilitate an additional 1.5 form of entry (or, in the alternative, providing a financial contribution to OCC);
 - contribution towards special education needs.
- 9.227. The heritage impact of the primary school is discussed elsewhere but officer consider that subject to conditions and s106 agreement, the school is an acceptable part of the proposal and complies with the relevant policy on education provision

Drainage-Flood risk

Policy Context

9.228. 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 6.41 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 require 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

Assessment

9.229. The application is accompanied by an Environmental Statement including a Flood Risk Assessment. The site lies within Flood Zone 1 (low risk) with low/negligible risk of flooding from all assessed potential sources of flood risk.

9.230. The surface water drainage system to be installed as part of the Proposed Development will intercept and manage rainfall run-off and discharge surface water to the surrounding streams, at rates equivalent to a predevelopment/undeveloped scenario. Accordingly, the effect of the construction and operation of the Proposed Development on surface water drainage was considered to be of 'negligible' significance in the ES

9.231. OCC, the local flood risk authority, requested further site soil infiltration investigations and as a result recommends a number of conditions be imposed, if permission is granted, including the method of surface water drainage being utilised as a result of the further investigations. Also, surface water management should be considered from concept and that the layout of development should be influenced by the drainage solution. Positioning of the green spaces allows the SuDS features to be positioned in the topographically correct position which would mimic the current overland surface water routes. The green spaces provided will also allow infiltration techniques to be utilised if soakaway testing is proved to be viable. As the site is also currently drained by an existing system, this system has been retained where possible and existing connections points to the local network also being utilised. In addition, betterments have been provided to discharge rates by decreasing the max flow rates to QBAR greenfield run-off. This will in turn reduce the impact of the downstream network

9.232. The Environment Agency raised no objections nor did Thames Water (TWU) on waste. A separate foul drainage system is proposed. On water supply TWU have some concerns about capacity and impact but have recommended these issues can be agreed by condition. For example, there is a strategic main drain and a condition is recommended no development shall be permitted within 5m of it and no piling within 15m unless a piling statement is agreed.

Conclusion

9.233. The FRA confirms that the entirety of the Application Site is within Flood Zone 1 and at low/negligible risk of flooding from all assessed potential sources of flood risk. Furthermore, it sets out a design that represents appropriate development in the context of its nature and the existing flood risk (Flood Zone 1) and therefore would not give rise to flooding either within the Application Site or elsewhere. The proposed surface water drainage strategy includes a SuDS treatment mechanism to minimise the risk of pollution from surface waters affecting watercourses. It is

therefore considered the proposal complies with the policies applicable in the CLP 2013.

Community/Social Facilities

9.234. It is a Council objective to seek to build sustainable communities with sufficient accessible, good quality services, facilities and infrastructure including green infrastructure, to meet health, education, transport, open space, sport, recreation, cultural, social and other community needs, reducing social exclusion and poverty, addressing inequalities in health, and maximising well-being. CLP 2031 Policy BSC 11: Local Standards of Provision- Outdoor Recreation and Policy BSC 12: Indoor Sport, Recreation and Community Facilities both set out guidance and thresholds for the provision of varying facilities which is backed up by the Council's SPD on Developer Obligations.

9.235. Policy Villages 5 seeks a neighbourhood centre or hub to be established at the heart of the settlement to comprise a community hall, place of worship, shops, public house, restaurant, and social and health care facilities. It also expects development proposals to contribute as necessary towards the delivery of social infrastructure provision through onsite provision or an appropriate off-site financial contribution to:

- Education – provision of a 2.22 ha site for a new 1-1.5 form entry primary school with potential for future expansion, if required, and contributions to primary and secondary school place provision
- Health – contributions required to health care provision
- Open Space – sports pitches, sports pavilion, play areas, indoor sport provision
- Community Facilities – nursery, community hall, local centre/hotel, a neighbourhood police facility

9.236. In terms of Community Facilities, the local centre and hotel have been addressed by previous submissions and the work is well under way. The current application seeks to expand it with a further retail unit and community centre provision with mixed use area comprising a mix 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. . The main community centre would tie in well with the newly created village green. The community centre would be multipurpose allowing a wide range of community uses to take place within it. It is proposed under a s106 to replace the existing facility and church, and a request has been made to bring this forward as part of the project. The accompanying Revised Design and Access Statement and Green Infrastructure Strategy set out the suggested provision that will be made as part of an integrated approach across the Proposed Development in order to meet these policies' requirements. Contributions (agreed in principle) are also required for the continued provision of the physical facility and funding of the Community Development Worker's Post for another 3 years and for a police facility. There would also be provision of community assets in the form of allotments, orchards and other areas of outdoor space referred to elsewhere in this report.

9.237. The draft heads of terms include:

- Provision of community hall/youth facility to an agreed specification;
- Funding towards the provision of a community worker;
- Provision of a neighbourhood police facility.

9.238. In conclusion, what is being proposed is considered to reflect Policy Villages 5 in particular the creation of a neighbourhood centre or hub at the heart of the settlement

Healthcare

Policy Context

9.239. Policy Villages 5 requires contributions to healthcare provision. It also says a neighbourhood centre or hub should be established at the heart of the settlement to comprise a community hall, place of worship, shops, public house, restaurant, and social and health care facilities

9.240. INF1 requires development proposals to demonstrate infrastructure requirements can be met including health facilities. BSC 8 supports health facilities in sustainable locations.

9.241. Policy PC2: from the MCNP supports a Health facility at Heyford Park. A new-build health facility at Heyford Park would also be supported if combined with other appropriate services or uses, such as community facilities or private dentistry, in order to increase viability.

Assessment

9.242. The application proposes the creation of a new medical centre up to 670 m² (Class D1) on Parcel 20 and as part of the heads of terms offered with the application provision of an on-site healthcare facility of a minimum of two multipurpose treatment rooms with ancillary utility, waiting and reception space. The D&S describes the area to be for mixed use with a character similar to the village centre and of a contemporary style.

9.243. An illustrative drawing in the D&A shows a building of about 300sqm with substantial car park and a landscaped area. The actual location is between of the large A Frame hanger, buildings 315 and 320, and south of the Scheduled Ancient Monument, building 126. The proximity of the proposed building to the Command Centre is of concern.

9.244. This part of the scheme has been subject of ongoing discussions as the applicant's proposal seeks to reflect something the local community undoubtedly would welcome but to which the Clinical Commissioning Group (OCCG) object. OCCG are seeking to concentrate health provision in established primary care centres usually with a population of 8,000. For this area that would be Bicester but also Deddington.

9.245. Notwithstanding OCCG's objection, compromise suggestions have been put to the applicant including satellite facility or pharmacy with consulting rooms. During the drafting of this report it appears that the latter option may have been pursued as a local health practice have announced their intention to operate a pharmacy with consulting rooms although details about its size and location remain unclear. If it was to move into one of the recently completed village centre retail units, planning permission is unlikely to be required. This appears to be in line with OCCG strategy to focus primary healthcare in existing locations and on major sites but to allow small scale operations such as a pharmacy with consulting rooms in rural areas

9.246. If the pharmacy was to begin operations, OCCG, in objecting to this proposal, may have to modify their request for a contribution of £1,067,040 towards primary medical care for this area.

Conclusion

- 9.247. The CLP 2031 policy Villages 5 only requires a financial contribution towards health provision albeit the MCNP goes further and supports health centre on site. The OCCG do not support a health centre and seeks full financial contribution and/or a more modest on-site provision.
- 9.248. The applicant has sought to compromise and shown an indicative site for a possible future health centre seemingly as a long term strategy although this is not clear. There has now been announced a facility on site for visiting practitioners in consulting rooms as part of a pharmacy or community hub. This seems proportionate to the scale of development proposed at Heyford Park and taking in to account demand for healthcare provision in the surrounding area
- 9.249. Notwithstanding the support of the local community, and many Parishes and the MCNPF have written to back healthcare provision on site, it does not feel what is proposed can be fully supported by Officers. Firstly, the OCCG object to it and without their sanction there will be no facility. But also, the details do not seem entirely conclusive. There are insufficient details to demonstrate a building as proposed can be satisfactorily accommodated, it seems to be shown on the drawings to be half the size of the of the building requested in the application description and s106 heads of terms. And there is no impact assessment to show it can be accommodated on this site without adversely affecting heritage assets like the Command Centre.
- 9.250. Officers therefore conclude that the healthcare element of the scheme should be omitted from the masterplan, support be given to the recently proposed pharmacy model and a contribution sought towards primary healthcare, and request members to support this view

Sport and Recreation

Policy Context

- 9.251. CLP 2031 Policy Villages 5 requires provision of sports pitches, sports pavilion, play areas and indoor sport provision. This is backed up by policy BSC 10, and policy BSC 11 sets out the normal standards of provision for outdoor recreation, and BSC 12 for indoor provision. The Developer Contributions Supplementary Planning Document (SPD) (February 2018) sets out thresholds and contributions for a number of including ... indoor sport, open space, play facilities, outdoor sport and recreation
- 9.252. The MCNP policy A1 also requires facilities, including additional leisure, recreation and sports facilities, to be improved or provided in the area, and in particular at Heyford Park, and to be accessible to the wider Mid-Cherwell community

Assessment

- 9.253. The application proposes the creation of areas of Open Space, Sports Facilities, Public Park and other green infrastructure and 515 m2 of indoor sports, if provided, on-site (Class D2). The accompanying Revised Application's GIS, and also the revised DAS demonstrate how the proposed development will deliver the required standards of open space, sport and recreation provision in an appropriate and readily accessible manner.

9.254. The main element of recreation space is now parcel 18, a 4.2 ha sports park in the south east corner of Heyford Park. Some details are provided in the GIS, the DAS and parameter plan that show:

- Main vehicular access via the existing Mobile Home Park entrance to Camp Road
- Secondary access for pedestrians and cyclists from surrounding existing network
- A proving layout has previously demonstrated it could provide 3 sports pitches including the cricket pitch relocated from the village green, all to be to sports England standard
- Borders including community orchard that will form a buffer to existing houses, trim trail and species rich grassland
- A pavilion/community facility (parcel 34) adjacent the access
- Lighting will only be provided if needed

9.255. There are two additional elements to the location of the sports park to be highlighted. Firstly, the sports park has been relocated from a 6.8ha parcel at the western end of the site. This was at the crest of the valley, in the Rousham view cone and outside of the Parcel Villages 5 allocation making it unacceptable and a site unsuitable for sporting paraphernalia such as lighting. Sport England, who objected to this location, also considered it too large and likely to become a maintenance liability. They strongly support the new location which provides a more accessible location and size and shape suitable for sports use. A second reason for the proposed location is the sports park can act as a cordon sanitaire to the sewage treatment plant (STP) at the south eastern tip of Heyford Park.

9.256. Some residents have objected to the sports park however the officers note that site is allocated by Policy Villages 5 of the CLP 2031 for development and its agricultural use makes the site sterile for wildlife and it will be improved. The impact on residential amenity would be limited, and less than if the area were built on. Any noise is unlikely to be so loud or occur so frequently to be categorised as a nuisance. Planning permission would be required for any flood lighting and any lights would need to be designed to minimise any impacts. Some residents argue the sports park is not needed but the overall size of the development triggers a requirement for sports provision and the proposals is considered proportionate. Furthermore, existing and future residents should have the opportunity to exercise and play sport locally. The highway authority considers the access is acceptable and there would be a boundary hedge to the STP track. An appropriate level of parking, including coach/minibus parking would be provided

9.257. Further local play areas and kick about areas will be provided through the residential area in a similar fashion to that currently being provided. It should also be noted that as part of the previous development that joint use agreement exists to use the school's gym and sports pitches, and the village green can be used for larger scale informal recreation.

9.258. Indoor sports provision will be facilitated by the new community centre. There is also the possibility of one of the main hangers to be used for a particular sporting activity but negotiations were not completed before covid occurred so at present, the applicant is obligated to make significant financial contributions towards provision in line with the Obligations SPD. In the submitted heads of terms the applicant offers:

- Provision of a mixture of community orchard areas and allotments;
- Provision of sports pitches to meet CDC requirements, to an agreed quantum;
- Provision of sports pavilion/changing rooms facilities;

- Indoor sport provision, consisting of on-site provision (or, in the alternative, providing a financial contribution for off-site provision);
- Provision of childrens' play areas to meet CDC requirements, to an agreed quantum and specification.

Conclusion

9.259. Officers consider what is proposed to be an acceptable and proportionate provision of sports facilities that complies with CLP 2031 and the Council's Developer Obligations SPD

Tourism

9.260. Tourism will be used as part of the Council's aim to achieve a sustainable local economy and sustainable tourism is strategic objective in the CLP2031. Policy SLE 3 supports tourism growth and considers RAF Upper Heyford represents potential for new tourism developments. This is repeated in INF 1. Policy Villages 5 suggests visitor access, controlled where necessary, to (and providing for interpretation of) the historic and ecological assets of the site is required and proposals should also provide for a heritage centre given the historic interest and Cold War associations of the site

9.261. In fact, there is already a Heritage Centre (Building 103) in which the site's history is displayed and talks take place. It is also used as a base for tours of the site. However, a new heritage centre is included within the Proposed Development as part of the Core Visitor Destination Area in Parcel 29.

9.262. This will be located adjacent to the new public Flying Field Park, where there will be a range of attractions and activities in the Core Activity Area. The schedule of attractions could be supported by a selection of cafes, restaurants and retail outlets, selling dedicated souvenirs relevant to the destination as well as associated and relevant merchandise. The attractions will include:

- Building 1368, the former hush house, will become the home to the new heritage centre. It is hoped the building will see greater use and will also act as a base for exploring the heritage, ecology and leisure in the park. The space will be designed to be flexible to allow for conferences to take place in this unique building, further consolidating its viability. This will consolidate the offer into a more defined geographical area and will also ensure the Heritage Centre can expand with the greater offer. The original s106 obligations will be brought forward in order to honour the previous commitments and enhanced. A vision document sets this out in more detail.
- It is proposed to erect a new Observation Tower (up to 30m in height) that will have the potential to also contain a zip line. The Observation Tower provide an opportunity to experience views west across the main runway and core of the Flying Field from above, but the zip line is a fun interpretation of how it would have felt to land on the runway at Heyford Park. The intention is to locate this adjacent to the north east end of the runway on the edge of the flying field park. (This does raise heritage issues that are dealt with elsewhere)
- Building 1443 (Engine Testing Cell) will be repaired and refurbished to provide an exhibition space which could be utilised to house exhibitions such as a Cold War Gallery and Sculpture Park, and also feature on the Heritage Site Tours.
- It is intended to refurbish five of the open shelters (Buildings 2005-2009) in Victor Alert Area into an adrenaline park to include indoor sports to Sports

England specification which we are currently exploring but could be a bouldering centre, a skate park and a NEAP as part of our play areas obligation and a public picnic seating area. This approach viably incorporates these structures into the Core Activity Area by enhancing their long-term feasibility, and also provides recurrent leisure uses that will ensure local residents and visitors continuously utilise this part of the site.

- Building 340 (The Control Tower) will be refurbished subject to listed building consent. Whilst the final end use is still being explored, the eventual offer is likely to be a café/restaurant to serve users of the Flying Field Park and the Control Tower Park, and a co-working hub with some further function space to facilitate larger events.

Conclusion

9.263. The proposal is considered to comply with the trust of Policy Villages 5 and policy SLE 4. On balance it is considered to enhance and open up the site's heritage value and make it available to a wider audience and the tourism proposals are therefore supported by Officers

Impact on Residential Amenity

9.264. The impact on residential amenity has been considered throughout the development process and highlighted where appropriate within the particular sections within this report. Public comments have highlighted concerns about noise, lighting and disturbance particularly during construction and from some uses such as from the sports park and at parcel 26. Officers are satisfied that those issues raised can be dealt with by conditions

9.265. For example, CDC Environmental Protection has recommended a condition for a parcel specific Construction Environment Management Plan (CEMP), which shall include details of the measures to be taken to ensure construction works do not adversely affect residential properties on, adjacent to or surrounding the site together with details of the consultation and communication to be carried out with local residents shall be submitted to and approved in writing by the Local Planning Authority for each parcel as the development progresses.

9.266. Having studied the noise report provide in the ES the Environmental Protection team are is satisfied with the approach and proposed plant noise levels and that individual parcels will have their own differing issues based on the location and relation to existing and proposed commercial/industrial uses. The report states that mitigation will be required based on these differing contexts. Therefore, at the detailed application stage we would need details for each parcel of the proposed plant and mitigation for each parcel as it goes along. (Obviously there have been issues in the earlier stage with noise from existing businesses causing an issue for new residents and this should not be repeated).

9.267. Noise from road traffic is shown as negligible in ES table 13.19 however there are some concerns that those properties along the proposed HGV route out of the site could be affected by noise 24 hours from this traffic especially parcel 23 which should be taken into account at the design stage and mitigation if required agreed with the LPA

Energy and Climate Change

9.268. Policy Villages 5 requires development on the site will be required to investigate the potential to make connections to and utilise heat from the Ardley Energy Recovery facility to supply the heat demands of residential and commercial development on the site

9.269. Upper Heyford is currently the closest development of any significance to the ERF and is a potential source of heat and electricity from a renewable source for both domestic and commercial buildings. A study undertaken in 2014 found a connection was not viable. It is therefore the view of the developer they have complied with the policy.

9.270. In terms of climate change, the applicant has produced a Sustainability & Energy Statement. In it the following objectives are set out:

- Optimising energy demand where possible, through using the nationally recognised energy hierarchy principles, and through masterplan design principles such as orientation of buildings and incorporation of open spaces;
- Providing a proportion of the development's energy supply by potentially using low carbon and renewable energy sources that are feasible at the Site, such as Solar PV panels, solar water heating, or air source heat pumps;
- Making provision for an energy facility within the masterplan to facilitate future potential on site energy generation, subject to feasibility; Appropriate surface water management to protect the receiving waters from pollution and reduce the risk of flooding, including the use of permeable paving SuDS;
- Protecting local air quality and limiting noise and lighting pollution, by providing mitigation measures to minimise potential polluting effects across the construction and operational phases of the development;
- Appropriate management of construction and operational waste by managing material extraction, sustainable transport of materials, managing construction waste through a potential SWMP, and managing operational waste in line with CDC's waste collection requirements;
- Retaining, enhancing and creating new habitats to preserve the ecological setting of the Site, through several measures including the creation of up to 30 ha of grassland habitat to support a range of taxa such as reptiles, breeding birds (including skylark and potentially curlew), invertebrates, bats and other mammals;
- Reducing the consumption of natural resources and greenhouse gas emissions through sustainable energy, water and materials procurement strategies, as well as considerate construction practices; and
- Promoting sustainable travel modes (including walking, cycling and public transport) as an alternative to private car use and enhancing existing services, such as new bus services and shared footways/cycle ways to promote active travel.

9.271. As this is essentially an outline application further information will need to be forthcoming at the reserved matters stage. However, it does appear that the applicant is prepared to make a commitment to climate change strategy at Heyford Park. A condition can be recommended to ensure future proposals demonstrate how they take into account the suggestions in this Sustainability and Energy Statement.

Cemetery

Policy Context

9.272. There is no requirement in the Local Plan to provide a cemetery although the MCNP Policy PC3 supports the provision of a cemetery or green burial facility at or adjacent to Heyford Park and policy A1 on Amenities states: To identify and secure supporting facilities that can be improved or provided in the area, and in particular at Heyford Park, accessible to the wider Mid-Cherwell community. These should include additional leisure, recreation and sports facilities, as well as improved access to GP services and new cemetery provision

Assessment

9.273. A need for the burial ground has come about with the creation of the new Heyford Park Parish Council. Strong representations have come from the Parish Council and MCNPF to secure a cemetery as part of the masterplan. Sites have been considered by the applicant but so far have proved problematic locationally either because of ground conditions or impact on heritage, would or lose sites proposed for residential development.

Conclusion

9.274. In short the application was originally submitted prior to the creation of the Parish Council. No cemetery is currently proposed and Officers do not consider this makes the application unacceptable. Further research is required, and proper assessments made. This has been brought to the attention of the Acting Manager Planning Policy, Conservation and Design, who is looking to consider allocating a site as part of the review of the Local Plan. It is understood discussions have taken place with the Parish Council

Planning Obligations

9.275. 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.

9.276. Where a development would give rise to potential adverse on and off-site impacts, it is sometimes necessary for mitigatory infrastructure or funding to be secured through a planning obligation (S106 agreement). Obligations within a S106 agreement must meet statutory tests set out in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended):

- necessary to make the development acceptable in planning terms;
- directly related to the development;
- fairly and reasonably related in scale and kind to the development.

9.277. Where planning obligations do not meet the above statutory tests, they cannot be taken into account in reaching a decision. To do so would potentially render any decision unlawful. In short, these tests exist to ensure that local planning authorities do not seek disproportionate and/or unjustified infrastructure or financial contributions as part of deciding to grant planning permission. The statutory tests also ensure that planning permissions cannot lawfully be 'bought' by developers offering unrelated, disproportionate but nonetheless attractive contributions to try to achieve a planning permission that would otherwise not be granted. Officers have had regard to the statutory tests of planning obligations in considering the application and Members must also have regard to them.

9.278. 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.

9.279. Dorchester 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:

9.280. 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 the full details are awaited

9.281. Affordable Housing:

- 30% of the residential development to be affordable housing, 352 units in total as set out in the attached table although the final tenure and mix is subject to negotiation:

Table 3.1 Proposed Affordable Housing Mix (Revised Application)

Property Type	Planning Application Proposal
1 Bed	46
2 Bed	176
3 Bed	92
4 Bed	23
1/2 bed ECH / Older People Apartments	10
2 Bed Bungalows	5
Sub Total	352

Education:

- provision of a new 1.5 entry primary school on a minimum 2.2 ha site as shown on the Composite Parameter Plan (or, in the alternative, agreeing to make a suitable site available for OCC with contributions for a school to be provided to OCC specification);
- contributions towards secondary school places which will consist of an expansion to the existing Heyford Park Free School sites to facilitate an additional 1.5 form of entry (or, in the alternative, providing a financial contribution to OCC);
- contribution towards special education needs.

Open Space

- Provision of a mixture of community orchard areas and allotments;
- Provision of sports pitches to meet CDC requirements, to an agreed quantum;
- Provision of sports pavilion/changing rooms facilities;
- Indoor sport provision, consisting of on-site provision (or, in the alternative, providing a financial contribution for off-site provision);
- Provision of children's' play areas to meet CDC requirements, to an agreed quantum and specification.

Community Facilities

- Provision of community hall/youth facility to an agreed specification;
- Funding towards the provision of a community worker;

- Provision of a neighbourhood police facility.

Health Care

- Provision of an extra care facility to an agreed specification
- Provision of an on-site healthcare facility of a minimum of two multipurpose treatment rooms with ancillary utility, waiting and reception space with financial contribution to primary healthcare provision.

Access and Movement

- Contributions towards public transport provision in the form of a bus service contribution and bus infrastructure to agreed amounts;
- Undertaking Travel Planning initiatives;
- Contributions towards off site highway works to improve highway junctions, including safety improvements contribution to A4260/B4027;
- Middleton Stony junction improvements; Ardley/Bucknell junction improvements; B430/minor road junction improvements; Chilgrove Drive S278 scheme; M40 Junction 10 improvements;
- Contributions towards rural traffic calming schemes, including Lower Heyford, Ardley, Somerton, North Aston, Chesterton, Kirtlington and Fritwell;

Heritage

- Provision of a Flying Field Park to an agreed specification;
- Provision of a Control Tower Park to an agreed specification;
- Provision of a Heritage Centre and a Heritage Centre Manager, to an agreed specification;
- Provision of an Observation Tower on the Flying Field, to an agreed specification;
- Provision of Heritage Tours to an agreed specification;
- Baseline building condition surveys and wind and watertight works programme for buildings and structures on the defined Flying Field area;
- Provision of exhibition space in Building 1443 to an agreed specification;
- Refurbishment of Victor Alert Area buildings and structures to an agreed specification;
- Refurbishment of the Control Tower to an agreed specification;
- Provision of the Heyford Trail to an agreed specification;
- Provision of Interpretation Boards to an agreed specification.

Ecology

- Provision of on-site ecological mitigation measures to an agreed specification and quantum;
- Contributions towards and/or provision of off-site ecological mitigation measures to an agreed specification and quantum;
- Provision of a cat-proof fence on the boundary of the settlement area and the Flying Field to an agreed specification.

Library

- Contribution towards library provision.

Waste Management Contributions

- Contribution towards waste management provision and services.

Bin Contributions

- Contribution towards the provision of recycling and waste bins for households.

Recycling Centre

- Contribution towards the provision of recycling centre facilities.

Apprentices

- Contribution towards apprenticeship opportunities.

Public Art

Contribution towards public art provision on site

Department for Communities and Local Government

9.282. The Secretary of State has powers (under Article 31) to issue holding directions to prevent Council's making decisions on planning applications and to call in applications for determination. No direction has yet been received but it has been requested by the Trust for Contemporary History that this is one application that should be determined by the Secretary of State. As a result, if Committee are minded to grant planning permission, the decision needs to be reported to the Planning Casework Unit for consideration as to whether it should be "called in". As Officers are recommending the grant of planning permission but subject to a s106 agreement this will afford the Secretary of State time for consideration.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined against the provisions of the Development Plan unless material considerations indicate otherwise. Government guidance within the NPPF supports the plan-led system and advises that applications that accord with an up-to-date plan should be approved without delay. For the reasons set out in the report, officers have found that the proposals are consistent with the policies of the Development Plan including, in particular, Policy Villages 5 and the relevant policies of the Mid Cherwell Neighbourhood Plan. As such, the starting point is to approve the application.
- 10.2. It is then necessary to consider whether any material planning considerations indicate otherwise. National planning policy and guidance is one such consideration and includes a presumption in favour of sustainable development. For decision taking, this means approving proposals that accord with an up-to-date development plan without delay. In this case, and as explained through this appraisal, the relevant Policies of the Development Plan are considered to be up to date.
- 10.3. The application proposes housing and employment uses that are considered to accord with the uses 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. The delivery of additional high quality employment opportunities is also considered to be a significant benefit of the proposal.
- 10.4. The impact of the proposal has been assessed taking into account all other material planning considerations. It is acknowledged that there will be 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 good walking and cycling links both within the site and to the wider area

including Bicester. On this basis, the proposal is considered to comply with Policies Villages 5, SLE4 and the NPPF.

- 10.5. The site has significant heritage value and careful consideration has been paid to the Masterplan to ensure that the distribution of uses across the site, as well as their overall impact, can be accommodated to preserve designated heritage assets. In this case, some less than substantial harm is identified to some aspects of the heritage constraints at RAF Upper Heyford, predominantly by the need for development on the Flying Field. However, Officers are content that those impacts have been appropriately responded to based upon the parameters proposed through this application and also through the requirement for later design work to ensure a suitable, sympathetic response to development. In addition, Officers consider that there are significant public benefits from the proposed development such that any less than substantial harm would be outweighed by those benefits in accordance with the NPPF. On this basis, Officers consider the proposal to comply with Policies Villages 5, ESD15 of the CLP 2031 and Policy C11 of the Cherwell Local Plan 1996.
- 10.6. 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 as a strategic development site. Where the proposals depart from the development plan, there are strong material considerations which on balance outweigh the conflict. It is considered this scheme will help create a new settlement with areas of distinct character appropriate to their setting and surroundings and that reflect 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. The settlement will be balanced and sustainable with employment being provided as well as 1,175 dwellings
- 10.7. The information in the ES and the consultation responses received have been taken into account in considering this application and preparing this report. The ES and amendments to it, identify mitigation to overcome any adverse environmental impacts as a result of the development. This mitigation will need to be secured through conditions and/or legal agreements. As such, the conditions and obligations proposed incorporate the mitigation identified in the ES.
- 10.8. The application is therefore recommended for approval subject to conditions and the completion of a legal agreement. In coming to this conclusion officers are conscious that negotiation still needs to take place on the agreement before the permission can be issued and in particular completion of the measures arising from the need to mitigate traffic through Middleton Stoney and other villages.

11. RECOMMENDATION

RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO **GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW** (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY) **AND THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106** OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991, TO SECURE THE ITEMS LISTED IN PARA 9.36 (AND ANY AMENDMENTS AS DEEMED NECESSARY):

1. In the absence of a satisfactory unilateral undertaking or any other form of

Section 106 legal agreement the Local Planning Authority is not satisfied that the proposed development provides for appropriate [...] required as a result of the development and necessary to make the impacts of the development acceptable in planning terms, to the detriment of both existing and proposed residents and contrary to [...] (officer to insert relevant development plan policies and supplementary planning documents here)

Draft list of conditions (headlines)

1. Statutory Time Limit (outline) – TL
2. Phased Reserved Matters – PC
3. Change of Use
4. Compliance with Plans
5. Phasing Plan – PC
6. Reserved Matters (affordable housing)
7. Design Codes – CON
8. Levels – PC
9. 1175-dwellings max
10. Landscaping per phase
11. Tree Protection
12. Landscaping
13. LEMP
14. CEMP-biodiversity
15. Protected Species Check/Updated surveys – CON
16. Cat/Dog Proof fence
17. Site Clearance (nesting season) – TL
18. Habitat Boxes – CON
19. Demolition (prior contractual commitment) – TL
20. Demolition
21. Building Recording – PC
22. Archaeology
23. School
24. Construction traffic
25. Green Travel Plan
26. Parking Strategy
27. Wheel Washing
28. CEMP-general
29. Working Hours
30. Noise 1
31. Noise 2
32. Lighting Strategy
33. Waste Management Strategy
34. No open storage
35. Plant to be internal
36. Compounds
37. Strategic Surface Water Management Scheme:
38. Surface Water Management Scheme (Phases):
39. Completion and Maintenance of Sustainable Drainage – Shown on Approved Plans:
40. SuDS – Design Documentation Plans:
41. Environment Agency-Remediation Strategy

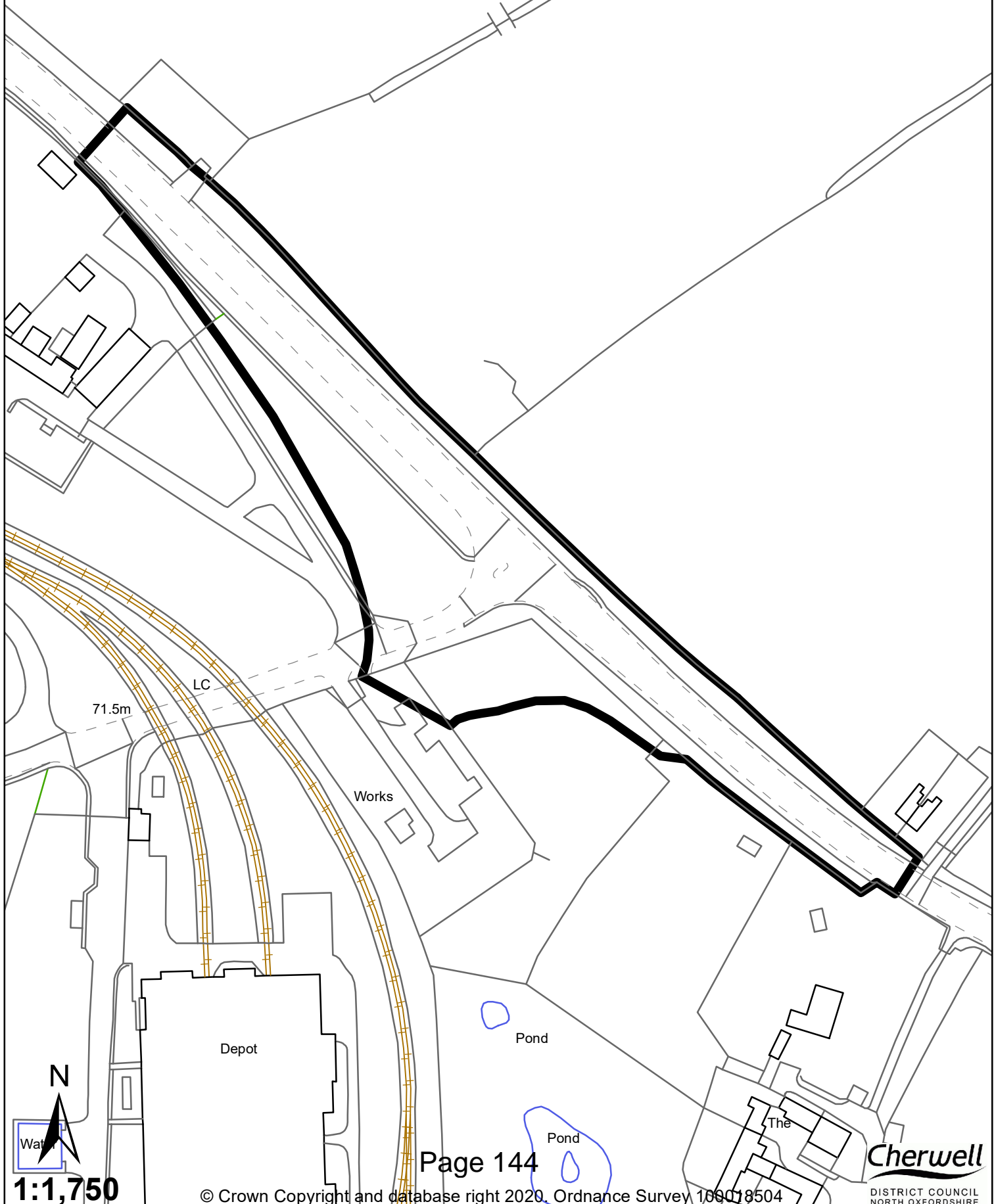
42. Environment Agency-Verification Report
43. Environment Agency-No infiltration
44. Environment Agency- foul water drainage scheme-1
45. Environment Agency- foul water drainage scheme-2
46. TWU-Protection Zone
47. TWU—Piling method statement
48. Sports Park 1
49. Sports Park 2
50. Community use of sport
51. Flying Field- Strategies for parking, lighting, signage, waste and fencing:
52. Flying Field- Parking/Storage
53. Flying Field- Runways and Taxiways:
54. Flying Field- Car Processing1
55. Flying Field- Car Processing 2
56. Flying Field- Filming production management plan
57. Flying Field- Filming-Photo record
58. Flying Field- Filming-noise

CASE OFFICER: Andrew Lewis

TEL: 01295 221813

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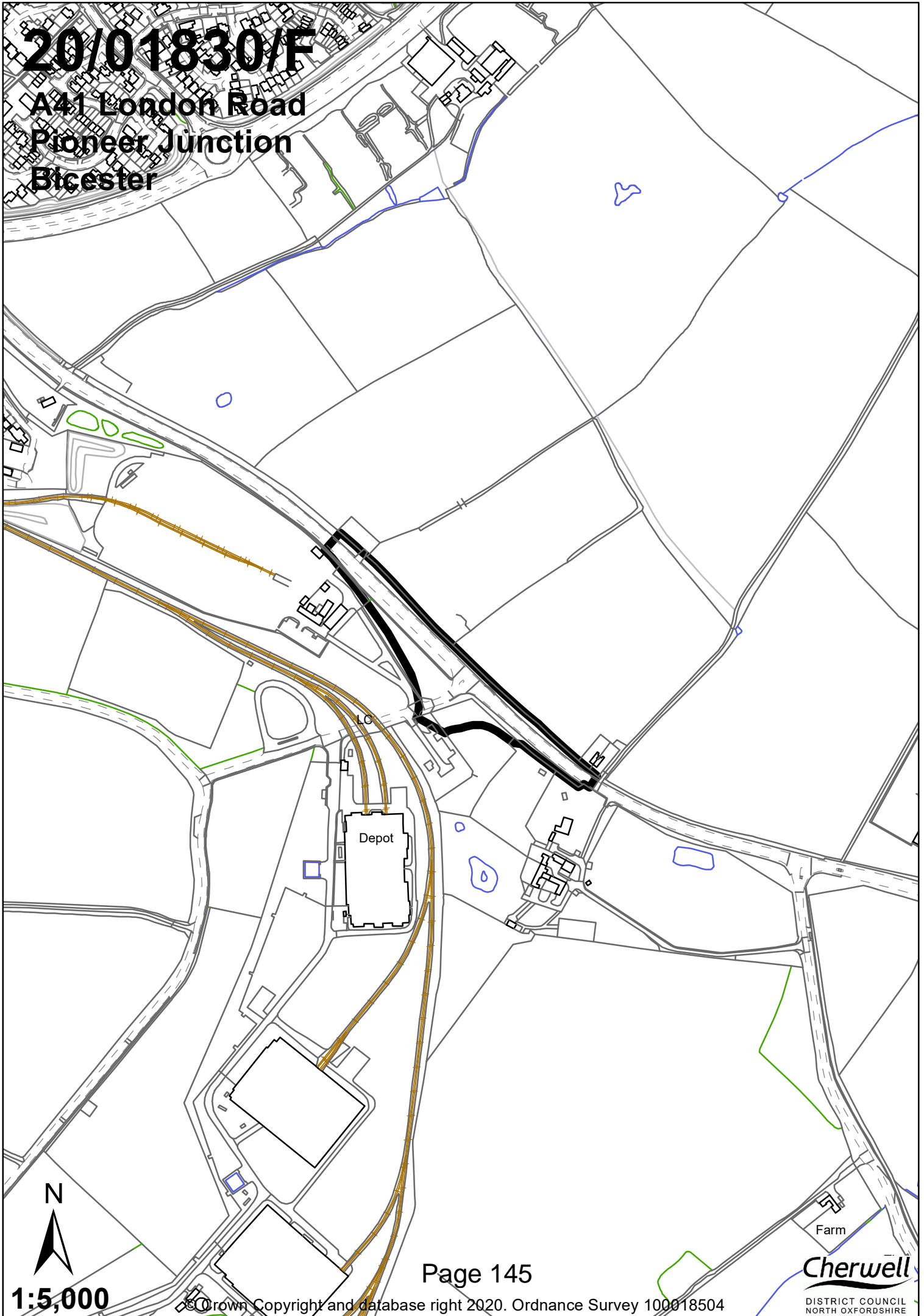
A41 London Road Pioneer Junction Bicester



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20/01830/F

**A41 London Road
Pioneer Junction
Bicester**



**Proposed Roundabout Access to Graven Hill and
Wretchwick Green London Road Bicester**

20/01830/F

Case Officer: Rebekah Morgan

Applicant: Mr Adrian Unitt

Proposal: Proposed roundabout junction

Ward: Bicester South and Ambrosden

Councillors: Cllr Nick Cotter, Cllr Dan Sames and Cllr Lucinda Wing

Reason for Referral: Major Development

Expiry Date: 8 October 2020

Committee Date:

5 November 2020

This application was brought to Planning Committee on the 8 October 2020 and deferred by Members for the following reasons:

1. To allow for a review of the speed limit on the A41 corridor
2. To allow for a review of the roundabout design
3. To enable further information of the replacement tree planting to be provided

Since the October Planning Committee, discussions have been undertaken between District and County Officers on matters 1. and 2. above. The previous Officer report is appended to this report and a full update will be provided to Members on these matters as part of the Written Updates to Planning Committee.

In respect of matter 3. Officers sought further information, in particular a landscape plan to show details of the proposed location for replacement trees to mitigate for those trees to be lost to accommodate the proposed roundabout. Confirmation has been provided that a minimum of 15 semi-mature trees will be planted within the extent of the red line boundary for the works to offset the loss of the Category 'B' trees required to be lost. However, and after further consideration, the applicant seeks for this matter to be dealt with by condition rather than providing additional information now. This is on the basis that the location of the trees should be considered alongside other requirements, in particular that relating to biodiversity net gain to ensure the wider ecological and biodiversity in the-landscape proposals are considered as an overall strategy. The applicant's position is that considering either independently from one another could introduce risks to achieving the outcome of the wider strategy that would and should be considered together.

On this basis, no further information is provided and Officers would direct Members to the previous assessment of this matter.

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

Proposal

The application seeks consent for major junction improvement works at the Pioneer Road junction on the A41 (also known as the Aylesbury Road) in the form of a new roundabout.

Consultations

The following consultees have raised **objections** to the application:

- OCC Highways, Bicester Bike User Group

Officer comment: OCC Highways have raised two technical points that they believe could be dealt with through the submission of amended drawings. Amended drawings have been submitted and we are awaiting further comments from OCC Highways.

The following consultees have raised **no objections** to the application:

- Local Lead Flood Authority (OCC), OCC Archaeology, CDC Ecologist, CDC Environmental Protection Officer, CDC Landscape Officer, CDC Arboricultural Officer

11 letters of objection have been received and 1 letter of support has been received.

Planning Policy and Constraints

There are a number of protected species identified within the vicinity of the site and the site is within an area of archaeological interest. There is a public footpath which adjoins the A41 to the south of Wretchwick End Cottages; this is just beyond the application site boundary.

The proposed roundabout would provide access to two allocated sites: Policy Bicester 2 and Policy Bicester 12 of the Cherwell Local Plan 2031.

The application has also been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance as listed in detail at Section 8 of the report.

Conclusion

The key issues arising from the application details are:

- Principle of Development
- Transport and Highways
- Design and impact on the character of the area (including impact on trees and landscaping)
- Residential amenity (including noise)
- Ecology impact

The report looks into the key planning issues in detail, and Officers conclude that the proposal is acceptable subject to conditions.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site comprises of a section of the A41 (and surrounding land) adjacent to the Graven Hill Development site in Bicester. The land within the red line boundary is a combination of adopted highway and land owned/controlled by the Graven Hill Development Company.
- 1.2. The section of road forms an existing T-junction at the A41 and Pioneer Road, providing an existing access to Graven Hill and the existing MOD barracks. The land is relatively flat across the site. Within the existing verge to the northwest and southeast of the existing Pioneer Road junction are a number of mature trees.

2. CONSTRAINTS

- 2.1. Protected Species are identified as being present within the vicinity of the application site.
- 2.2. The site is within an area of high Archaeological interest.
- 2.3. There is a public footpath joining the A41 to the south of Wretchwick End Cottages; this is just beyond the application site boundary.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application seeks consent for major junction improvement works at the Pioneer Road junction on the A41 (also known as the Aylesbury Road) in the form of a new roundabout.
- 3.2. The proposed roundabout includes four arms; the eastern and western arms of the A41, the northern arm to serve the future development at Wretchwick Green and the southern arm would tie into the proposed employment access road serving the Graven Hill development (The employment access road is the subject of a separate planning application 20/02415/F pending consideration). The proposal includes a reduction in the speed limit on the A41 to 40mph along the employment access application site frontage.

4. RELEVANT PLANNING HISTORY

- 4.1. The following planning history is considered relevant to the current proposal:

11/01494/OUT – Outline scheme for the redevelopment of MOD Bicester (sites C, D and E) to provide a mixed-use development including up to 1900 homes, local centre, primary school, community hall, pub/restaurant/hotel, employment uses, and associated open space and infrastructure improvement works: APPROVED subject to a legal agreement on 8 August 2014.

15/02159/OUT – Variation of Conditions 2 (approved plans), 26 (masterplan and design code), 27 (reserved matters first phase), 32, 33 (building heights), 39, 40 (construction standards), 41, 42 (housing mix), 51, 52 (highways works), 56 (lighting scheme), 58 (internal access), 68 (approved drainage strategy) of 11/01494/OUT: APPROVED 3 June 2016.

15/02266/REM - Reserved matters (access, landscape and layout) in respect of the demonstrator plots (phases 01-A and 01-B) pursuant to 11/01494/OUT: APPROVED 4 March 2016.

16/01802/OUT – Variation of Condition 30 of 15/02159/OUT - Revised Design Code and Master Plan, and Removal of Condition 35 - Housing Mix. APPROVED 21 June 2017

16/01807/REM - Reserved matters to 16/01802/OUT - Reserved matters in respect of public areas in Phase 1a and part of phase 1b. APPROVED 6 October 2017

17/02352/REM - Reserved Matters to application 16/01802/OUT - layout, scale, appearance and landscaping in respect of public areas in Phase 1b. APPROVED 8th March 2019.

18/00325/OUT - Variation of conditions 2 (plans), 28 (Phasing), 30 (building heights), 32 (Residential Construction Standards), 33 (Non-Residential Construction Standards), 38 (Landscape Habitat Management Strategy), 46 (Archaeology), 57 (Entrance works), 63 (Phase 0 Masterplan), and 71 (Phase 1 Masterplan) and removal of condition 58 (Pioneer Junction works) of 16/01802/OUT APPROVED 3rd August 2018.

19/01998/NMA – Non Material Amendment to application 18/00325/OUT – Amended levels on parameter plans as set out in the attached list. APPROVED 24th October 2019.

19/00937/OUT - Variation of Conditions 2 (plans), 28 (Phasing) and 29 (Masterplan and design code) of 18/00325/OUT - to amend the site wide phasing plan and to include proposed earlier phasing for the employment land. (Original outline reference 11/01494/OUT, amended by 15/02159/OUT, 16/01802/OUT. Outline - Redevelopment of former MOD sites including demolition of existing buildings, development of 1900 homes; local centre to include a 2 form entry primary school (class D1), a community hall of 660sqm, five local shops or facilities to include A1, A2, A3, A5 and D1 uses totalling up to 1358sqm, up to 1000sqm gross A1 uses, a pub/restaurant/hotel (class A4/A3/C1) up to 1000sqm and parking areas; employment floor space comprising up to B1(a) 2160sqm, B1(b) 2400sqm, B1(c) and B2 20520spm and B8 uses up to 66960sqm; creation of public open space and associated highway improvement works, sustainable urban drainage systems, biodiversity improvements, public transport improvements and services infrastructure. Erection of a 70400sqm fulfilment centre on 'C' site and associated on site access improvement works, hardstanding, parking and circulation areas). APPROVED 3rd January 2020.

4.2. Relevant planning history associated with the site at South East Bicester (Wretchwick Green):

16/01268/OUT – Outline application with all matters reserved apart from access for residential development including up to 1,500 dwellings, up to 7ha of employment land for B1 and/ or B8 uses, a local centre with retail and community use to include A1 and/ or A2 and/ or A3 and/ or A4 and/ or A5 and/ or D1 and/ or D2 and/ or B1, up to a 3 Form Entry Primary School, drainage works including engineering operations to re-profile the land and primary access points from the A41 and A4421, pedestrian and cycle access, circulation routes, related highway works; car parking; public open space and green infrastructure and sustainable drainage systems. APPLICATION PENDING - COMMITTEE RESOLUTION TO APPROVE SUBJECT TO S106 AGREEMENT.

5. PRE-APPLICATION DISCUSSIONS

5.1. The following pre-application discussions have taken place with regard to this proposal:

19/00030/PREAPP Proposed Roundabout access to Graven Hill and Wretchwick Green

5.2. The District Council are supportive of the broad principle of a revised junction arrangement being provided in the location proposed, to serve the development committed to take place at both Graven Hill and Wretchwick Green. The permitted junction arrangement that forms part of the existing planning consent for Graven Hill would clearly not be sufficient to also meet the needs of Wretchwick Green. An amended solution, that meets the needs of both developments is sound infrastructure planning.

6. RESPONSE TO PUBLICITY

6.1. This application has been publicised as EIA development following the submission of additional information to support the original Environmental Statement. A site notice was displayed near the site, the application was advertised in the local newspaper, and 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 **9 September 2020**, although comments received after this date and before finalising this report have also been taken into account.

6.2. The comments raised by third parties are summarised as follows:

- Increased traffic and traffic congestion
- Risk to public safety, in particular cyclists
- Increased noise and pollution
- Long-term construction disturbance
- Poor design and appearance – motor vehicle centred design
- Precedent for more junctions and traffic lights in Bicester
- Plan are insufficient for pedestrians and cyclists
- 3m is not wide enough for pedestrians and cyclists
- Plans do not include an allowance for cyclists using the road
- Opportunity to design and install a dutch style roundabout
- The timing and implementation of the roundabout are key to the delivery of housing on two development sites.

6.3. 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. AMBROSDEN PARISH COUNCIL: Request the cycle way is widened to 3m wide all the way to Ploughley Road.

CONSULTEES

7.3. OCC HIGHWAYS: **Objections** for the following reasons:

- Shared use ped/cycle facilities around the roundabout should conform to LTN 1/20 and therefore require to be segregated
- The signalised crossings should be straight across rather than staggered to minimise delay to pedestrian and cyclists.

It is anticipated that the recommended changes could be made and the objection overcome.

Officer note: Amended drawings have been submitted and officers are awaiting further comments from the Local Highway Authority.

7.4. LOCAL LEAD FLOOD AUTHORITY (OCC): No objection, subject to conditions. The proposed drainage strategy is predominantly reliant on Filter drains and the attenuation basin in the centre of the roundabout which is acceptable in principle.

7.5. OCC ARCHAEOLOGY: No objection subject to conditions. The site is partly covered by hardstanding and trees which would make investigations ahead of the determination of this application unfeasible and a staged programme of archaeological evaluation and mitigation will therefore need to be undertaken ahead of any development of this proposal.

7.6. CDC ECOLOGIST: No objections subject to conditions. Two responses have been received relating to the initial ecological impact assessment and the updated version that has been submitted.

Conditions have been recommended requiring a Construction Environment Management Plan (CEMP) for ecology, adherence to sections of the Ecological Impact Assessment in relation to reptiles, nesting birds and bats, licence requirement for Great Crested Newts, Mitigation measures for Great Crested Newts and the requirement for new protected species surveys to be undertaken should a period of more than two years lapse.

With regards to net gain, it is noted that documents do not appear to detail any proposed enhancements on site for biodiversity for the application. This needs to be addressed and could be dealt with via a condition requiring a biodiversity enhancement scheme.

7.7. CDC ARBORICULTURAL OFFICER: Identifies a number of trees that require removal as part of the proposal. Focusing on the category B trees, it is understood their removal cannot be prevented in order to implement the highway layout, therefore it is suggested a significant replanting plan be commissioned should permission be granted in order to mitigate removal losses.

7.8. CDC LANDSCAPE OFFICER: Since this is a revised proposal to an already approved scheme for the roundabout and it is not materially different in landscape and visual terms. No objection is raised.

7.9. CDC ENVIRONMENTAL PROTECTION OFFICER:

Noise: Satisfied with the findings of the noise assessment. Requests a condition for a Construction Environment Management Plan (CEMP).

Contaminated land: No comments.

Air quality: No comments.

Light: No comments.

7.10. BICESTER BIKE USER GROUP (BBUG): **Object**, a number of concerns are raised regarding the proposed design of the roundabout:

- Grossly over capacity for motor vehicle traffic
- Replicates previously poorly designed roundabouts in Bicester
- The over capacity makes it impossible to make adequate provision for cyclists and pedestrians
- Alternative designs have been unworkable because their capacity has been grossly under underestimated in comparison to the over estimate for vehicle movements
- Concerns with the use of ARCADY software for modelling traffic flows
- Gross over capacity calculations result in rapacious land consumption and excessive construction costs. It also encourages unlawful motor vehicle speeds once complete which could be disastrous.
- No attempt to maximise walking and cycling provision within the design.
- Suggest a Dutch style approach to the roundabout design should be considered.
- LTN 1/20 has a requirement for segregated cycle and pedestrian paths.
- Concerns are raised regarding the design process and the work commissioned by OCC to consider alternative design approaches.

Detailed and lengthy comments on all of the above points have been made in the submission and considered by the Local Highway Authority. A full copy of the comments can be viewed online.

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 on 20th July 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
- ESD15 - The Character of the Built and Historic Environment
- BICESTER 2 – Graven Hill
- BICESTER 12 – South East Bicester

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
- ENV1 – Development likely to cause pollution

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)

- Planning Practice Guidance (PPG)
- Connecting Oxfordshire: Local Transport Plan 2015-2031
- Cycle Infrastructure Design: Local Transport Note 1/20 (July 2020)
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)

9. APPRAISAL

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

- Environmental Impact Assessment
- Principle of development
- Transport and Highways
- Design and impact on the character of the area (including impact on trees and landscaping)
- Residential amenity (including noise)
- Ecology impact

Environmental Impact Assessment

9.2. This application is a “subsequent application” in respect of the Environmental Impact Assessment Regulations 2017, and the application has therefore been screened under Regulations 6 and 9 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended).

9.3. Having undertaken this consideration, it is concluded that the Environmental Statement (ES) submitted to support the original planning application 11/01494/OUT and addendum to the ES which was submitted in support of application 18/00325/OUT remain adequate to assess the environmental effects of the development.

9.4. The PPG advises ‘The Local Planning Authority should take into account the information in the Environmental Statement, the responses to consultation and any other relevant information when determining a planning application’. Proper consideration of these matters is integrated into the assessment of the application under the relevant sections below.

Principle of Development

9.5. Section 9 of the National Planning Policy Framework (Promoting sustainable transport) requires ‘transport issues to be considered at the earliest stages of plan making and development proposals, so that any potential of the development on transport networks can be addressed’ (para 102).

9.6. Policy Bicester 2 (Graven Hill) and Policy Bicester 12 (South East Bicester) of the Cherwell Local Plan 2031 each allocate strategic development sites that will deliver a significant amount of housing and employment uses on the southern side of Bicester. The two allocated sites are located to the southwest and northeast of the A41 respectively. It is anticipated that the spine road for Wretchwick Green (South East Bicester development) will join the A41 opposite the Pioneer Road junction which serves Graven Hill. The need for highway improvements at the junction have been identified to mitigate the highways impacts of the two allocated sites.

- 9.7. A similar roundabout located slightly to the northeast of the A41, formed part of the planning application for Wretchwick Green (16/01268/OUT) as part of its access arrangements. The application has a planning committee resolution to approve the proposal subject to conditions and a Section 106 legal agreement. Furthermore, the Graven Hill outline application (see outline consents within planning history) also demonstrated the need for a roundabout at this junction.
- 9.8. This proposal has been submitted to ensure the timing of the delivery of the roundabout meets the needs of the Graven Hill development. The roundabout has been re-positioned so that it can be developed on highway land and land owned/controlled by Graven Hill Development Company.
- 9.9. The need for a roundabout to upgrade the Pioneer Road junction and the principle of the development has been established within the Wretchwick Green application. Whilst the Wretchwick Green application is still pending, in combination with the planning history for Graven Hill, it demonstrates that highway improvement works at this junction are essential to mitigate the impacts of the two allocated development sites. Therefore, the principle of development comprising of highway improvements works at the Pioneer Road junction is considered to be acceptable.

Transport and Highways

Policy context

- 9.10. Paragraph 108 of the National Planning Policy Framework states: *'In assessing sites that 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; and*
 - c) Any significant impacts from the development on the transport network (in terms of capacity or congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree'*
- 9.11. Paragraph 109 of the National Planning Policy Framework 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'.*
- 9.12. Policy SLE4 of the Cherwell Local Plan 2031 states *'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'.*
- 9.13. Policy Bicester 2 (Graven Hill) of the Cherwell Local Plan 2031 sets out infrastructure needs for the development including *'Access and Movement – contribution to improvements to the surrounding local and strategic road networks. New points of access between the site and Bicester'.*
- 9.14. Policy Bicester 12 (South East Bicester – Wretchwick Green) of the Cherwell Local Plan 2031 sets out infrastructure needs for the development including *'Access and*

Movement – contributes to improvements to the surrounding local and strategic road networks. Safeguarding of land for future highway capacity improvements to peripheral routes’.

- 9.15. Local Transport Note 1/20 (LTN 1/20) provides guidance and good practice for the design of cycling infrastructure, in support of the Cycling and Walking Investment Strategy. The scope of the document is limited to design matters.
- 9.16. LTN 1/20 states *‘The guidance contains tools which give local authorities flexibility on infrastructure design and sets a measurable quality threshold to achieve when designing cycle schemes. It sets out five core design principles for cycle schemes: Coherent, direct, safe, comfortable and attractive.*

Assessment

- 9.17. The proposal is for a new four-arm roundabout on the A41, that would provide a second access into the Graven Hill site (forming the main access for the employment land within the Graven Hill development), and access into the Wretchwick Green development.
- 9.18. The roundabout that formed part of the Wretchwick Green proposal (set out in application 16/01268/OUT) would no longer be required if this proposal proceeds. The design makes provision for a connection from the Wretchwick Green development site.
- 9.19. The application has been submitted with an accompanying transport assessment.
- 9.20. As set out above, the principal of a roundabout in this location (to provide the necessary highway improvements to mitigate the two allocated development sites) has been established in both the previous Graven Hill planning applications and the Wretchwick Green planning application.
- 9.21. With regards to the design, the Local Highway Authority have provided the following detailed comments:

‘The proposed design conforms to DMRB standards (as set out in the Transport Assessment) in terms of its geometry, and is appropriate for the current speed limit, notwithstanding the proposal for the speed limit to be reduced to 40mph along the Graven Hill frontage. It is important to note that OCC would not be able to accept a design that was not in accordance with current speed limits. The design has also been modelled to show that it can provide sufficient traffic capacity in 2031 with acceptable levels of queueing and delay.

Vehicle swept path analysis provided with the application demonstrates that the turning movements of the largest HGVs can be accommodated without the need to overrun kerbs.

Signalised crossings are proposed on all of the arms of the junction, to cater for pedestrian and cycle movements. Whilst they involve a small detour from the desire line, they are positioned as close to the roundabout as possible for safety, in accordance with guidance. The small time advantage to pedestrians and cyclists of placing the crossings closer to the roundabout would be outweighed by the safety risk caused by drivers exiting the roundabout not giving way.

- 9.22. The Local Highway Authority are content with the general design approach and design that has been submitted. Overall, this approach will provide a safe and

accessible solution for all highway users. The comments go on to highlight two areas where minor amendments are required:

'The form of crossing also conforms to the latest Government guidance on Cycle Infrastructure Design (LTN 1/20), which was published on 27 July 2020. However, consideration should be given to making the staggered crossing on the A41 W arm into a single phase, to minimise delay to pedestrians and cyclists. I would like to see this tested.

The width of the shared use facility at the roundabout does not conform to LTN 1/20, which requires segregation between pedestrians and cyclists. It should be amended to conform to LTN 1/20 and to be consistent with the facilities planned on the new roads leading into Graven Hill and Wretchwick Green. Sufficient space should be allowed for pedestrians and cyclists to wait at the crossings without obstructing the path of passing pedestrians and cyclists.

- 9.23. The Local Highway Authority consider that both of these points can be overcome through the submission of amended drawings. Amended drawings have now been submitted to address the points raised further comments from the Local Highway Authority are awaited and an update will be provided to the committee.
- 9.24. A final point notes the existing shared use footway/cycleway along the western side of the A41 is substandard and the Local Highway Authority have aspirations to widen this. However, it is acknowledged this area is outside the scope of the application, so until such a time when the improvements are made, the new facilities will need to tie in safely, with warning signs if necessary.
- 9.25. The Bicester Bike User Group (BBUG) have submitted a lengthy representation which raises a number of concerns with the proposed design. Primarily, the concerns centre around a view that the design is based on an over estimated capacity requirement which in turn results in an over engineered design. Criticism has been raised regarding the modelling method used by the applicant's consultants and the assumptions that have been inputted into the models.
- 9.26. There has been ongoing correspondence throughout the application process between the Local Highway Authority and BBUG's representative. The Local Highway Authority has provided a table of further comments to specifically address the issues being raised by BBUG. It concludes that the opinion of the Local Highway Authority Officer is that *'the proposed design (with the changes that have been requested) offers high quality, safe pedestrian and cycle infrastructure which will encourage walking and cycling by all users, and is suitable within the context of the location on a busy, strategic junction on the edge of Bicester'*.
- 9.27. BBUG and some of the public comments have suggested a 'Dutch Style' roundabout should be considered which gives priority to pedestrians and cyclist. Neither the Council nor the Local Highway Authority can insist that an applicant submit an alternative design; our role is to assess the submitted proposal and consider if it suitably addresses the highway issues.
- 9.28. The Local Highway Authority's role within the planning application process is to act as a technical consultee with expert knowledge on matters relating to highways and transport. Subject to some minor amendments, the Local Highway Authority is advising that the design is an acceptable and safe solution to the required junction improvements.

Conclusion

- 9.29. Subject to amended drawings to overcome the two points raised by the Local Highway Authority, the proposal will provide an adequate and safe means of access to the two allocated development sites. The Local Highway Authority have considered the detailed points raised by third parties and still consider the roundabout design, as proposed, makes adequate and safe provision for all users (including pedestrians and cyclists).
- 9.30. It is expected that amendments can be made to overcome the two technical points raised by the Local Highway Authority prior to the determination of the application. Therefore, subject to the receipt of satisfactory amendments, the proposal is considered to be acceptable and to comply with Government Guidance contained within the National Planning Policy Framework and Policy SLE4 of the Cherwell Local Plan 2031.

Design and impact on the character of the area (including impact on trees and landscaping)

- 9.31. Policy ESD15 of the Cherwell Local Plan 2031 seeks high quality design for developments and supports the efficient use of land and infrastructure, through appropriate land uses, mix and density/development intensity.
- 9.32. Policy SLE4 of the Cherwell Local Plan 2031 supports the implementation of the proposals in the Movement Strategies and Local Transport Plan to deliver key connections, to support modal shift and to support more sustainable locations for employment and housing growth.
- 9.33. As set out in the section above, the provision of a roundabout on the A41 is necessary to mitigate the impacts of both the Graven Hill and Wretchwick Green sites. The roundabout will serve both of these developments (circa 3200 dwellings and employment uses), whilst continuing to serve a key transport route in/out of Bicester. As such, the roundabout will be a significant piece of highway infrastructure, which is large in size.
- 9.34. The design of the roundabout is typical for this type of infrastructure and will come with all the normal paraphernalia such as safety railings, traffic signals and signage. Due to the nature of highway infrastructure, it is important the roundabout is visible from all approaches and is not hidden by landscaping for highway safety reasons.
- 9.35. Due to the scale of the roundabout (and the need for it to be contained within the existing highway boundary and land currently owned/controlled by the Graven Hill Development Company), the proposal requires the removal of approximately 50 trees, including a large proportion on the western side of the A41.
- 9.36. The Council's arboricultural officer has considered the proposal and stated the trees are made up of a mixture of Category B, C and U trees. Category C and U trees are of the lowest quality and it is stated they should not pose a constraint to the development. Category B trees are of moderate quality or value capable of making a significant contribution to the area for 20 or more years. Focussing on the category B trees (15 in total), it is acknowledged that the removal is necessary in order to implement the highway layout, and therefore it is recommended that a re-planting scheme is conditioned to mitigate the impacts of the development.
- 9.37. Due to the nature of highway infrastructure, the roundabout will be visible as you approach it from all directions, however it will not appear out of keeping as this type of structure is expected in this context. Overall, the design of the proposal is considered to be appropriate in terms of visual impact on the wider area. Officers

therefore conclude that the proposal complies with Policy ESD15 and SLE4 of the Cherwell Local Plan 2031.

Residential amenity (including noise)

- 9.38. The proposed roundabout is providing highway improvements to the existing highway network to mitigate the impacts of two large development sites that have been allocated within the Cherwell Local Plan 2031.
- 9.39. The nearest existing residential properties are located to the southeast adjacent to the A41. Both of the allocated developments include the provision of a significant number of dwellings, however the parcels of land closest to the proposed roundabout will be subject to reserved matters applications at a later stage, so the exact position of the dwellings are unknown.
- 9.40. The Council's Environmental Protection Officer has raised no objections in terms of potential impacts of noise. Although the proposed roundabout is envisaged to be a busy junction, this was anticipated with the allocation of the development sites. Both developers will be able to consider the position of the roundabout and main road when designing layouts to mitigate any potential noise.
- 9.41. The existing dwellings (to the southeast) are located adjacent to the A41 (an existing busy road) and the proposed roundabout is not considered to generate noise levels that would be detrimental to the occupiers of those dwellings. Furthermore, a condition is recommended to require the submission of a Construction Environment Management Plan (CEMP) which will include details of working hours for the proposed construction work.
- 9.42. The proposal would make amendments to the existing highway network and would not generate additional noise levels that would be detrimental to residential amenity. Therefore, the proposal is considered to be acceptable and to comply with Policy ESD15 of the Cherwell Local Plan 2031 in this regard.

Ecology Impact

Legislative context

- 9.43. The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose European Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.
- 9.44. Under the Regulations, competent authorities i.e. any Minister, government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive.
- 9.45. The Regulations provide for the control of potentially damaging operations, whereby consent from the country agency may only be granted once it has been shown through appropriate assessment that the proposed operation will not adversely affect the integrity of the site. In instances where damage could occur, the appropriate Minister may, if necessary, make special nature conservation orders, prohibiting any person from carrying out the operation. However, an operation may

proceed where it is or forms part of a plan or project with no alternative solutions, which must be carried out for reasons of overriding public interest.

9.46. The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of the 3 strict legal derogation tests:

(1) Is the development needed to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment?

(2) That there is no satisfactory alternative.

(3) That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

9.47. The Regulations require competent authorities to consider or review planning permission, applied for or granted, affecting a European site, and, subject to certain exceptions, restrict or revoke permission where the integrity of the site would be adversely affected. Equivalent consideration and review provisions are made with respects to highways and roads, electricity, pipe-lines, transport and works, and environmental controls (including discharge consents under water pollution legislation).

Policy Context

9.48. Paragraph 170 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.

9.49. Paragraph 175 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.

9.50. Paragraph 180 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.

9.51. 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.

- 9.52. 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.
- 9.53. These policies are both supported by national policy in the NPPF and also, under Regulation 43 of Conservation of Habitats & Species Regulations 2017, it is a criminal offence to damage or destroy a breeding site or resting place, unless a licence is in place.
- 9.54. 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.

Assessment

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

- 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:

- 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
- 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')

- 9.56. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site contains 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.
- 9.57. 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.
- 9.58. 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.

- 9.59. The application is supported by a detailed protected species survey which concluded that as a result of this ecology impact assessment and based on the Development plans received to date, GCN have been identified as an IEF and roosting bats have been identified as a potential IEF which are anticipated to be affected by the proposed development.
- 9.60. It goes on to state that further surveys for roosting bats and consultation with Natural England with regard to GCN mitigation requirements will be undertaken during the determination period of the application and detailed within an updated version of the report. An updated report has been submitted and considered by the Council's Ecologist.
- 9.61. The reports conclude that to ensure legal and planning policy compliance, mitigation measures will be provided as part of the scheme. The Council's ecologist has recommended conditions requiring a Construction Environment Management Plan (CEMP) for ecology, adherence to sections of the Ecological Impact Assessment in relation to reptiles, nesting birds and bats, licence requirement for Great Crested Newts, Mitigation measures for Great Crested Newts and the requirement for new protected species surveys to be undertaken should a period of more than two years lapse.
- 9.62. The Council's Ecologist has highlighted the requirement for net biodiversity gain to be provided on all developments. At present these have not been demonstrated for this stand-alone application and therefore a condition is recommended to address this issue.
- 9.63. 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.

Other matters

- 9.64. Drainage: The Local Lead Flood Authority has raised no objection to the proposal subject to a condition requiring full details of a surface water drainage scheme to be submitted. Their detailed comments state:

'The proposed drainage strategy is predominantly reliant on Filter drains and the attenuation basin in the centre of the roundabout which is acceptable in principle.

Kerb drainage is being proposed to drain parts of the highway. This has not been detailed but combined kerb drainage must be designed out wherever possible, especially on a roundabout. Other methods such as dropped kerbs must be considered.

Further detailed information is required at the detailed design stage including cross sections of the drainage features and full calculations up to the 1 in 100 year plus 40% climate change event to demonstrate that all water will be collected and managed appropriately post construction.

- 9.65. This approach, using a condition, is considered appropriate as drainage details will also need to be agreed with the Local Highway Authority road agreements team. Therefore, it is likely that further tweaks may be required as that process progresses, and a condition will allow the final agreed scheme to be captured. In principle the proposed roundabout is not considered to have a detrimental impact in terms of flooding or drainage.
- 9.66. Archaeology: The site is located in an area of considerable archaeological interest and the proposed access and roundabout are likely to encounter further aspects of these features. The County Council Archaeologist notes that *'the site is however partly covered by hardstanding and trees which would make investigations ahead of the determination of this application unfeasible and a staged programme of archaeological evaluation and mitigation will therefore need to be undertaken ahead of any development of this proposal'*.
- 9.67. A condition is recommended requiring the applicant to maintain a staged programme of archaeological investigation during the construction works.
- 9.68. Air quality and noise: It is noted the Council's Environmental Protection Officer has made no comment nor raised an objection on the basis of air quality or noise. The proposed roundabout was an anticipated piece of highway infrastructure necessary when Policy Bicester 2 and Policy Bicester 12 of the Cherwell Local Plan were allocated. The roundabout will form part of the existing highway network and will be located a suitable distance from residential properties. As such the proposal complies with saved Policy ENV1 of the Cherwell Local Plan 1996.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. This application addresses a significant need for highway infrastructure improvements to mitigate the impacts of two strategic allocated sites within the Cherwell Local Plan 2031 (Bicester 2 and Bicester 12). The proposed roundabout is considered to be of an adequate design to mitigate traffic impacts and will provide safe access for all users of the highway.
- 10.2. The design and visual impacts are considered to be appropriate given the context and nature of the development and it would not have a detrimental impact on residential amenity. The proposal is acceptable in terms of impact on ecology, drainage, archaeology, noise and air quality.
- 10.3. The information in the ES and the consultation responses received have been taken into account in considering this application and preparing this report.
- 10.4. Given consideration to the detailed assessment set out above, the proposal is considered to be acceptable and complies with Government Guidance contained within the National Planning Policy Framework, Policies PSD1, SLE4, ESD15, Bicester 2 and Bicester 12 of the Cherwell Local Plan 2031 and Policies C28 and ENV1 of the Cherwell Local Plan 1996.

11. RECOMMENDATION

RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION SUBJECT TO THE LOCAL HIGHWAY AUTHORITY REMOVING THEIR OBJECTION AND SUBJECT TO THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY)

CONDITIONS

Time Limit

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

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Compliance with Plans

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents:
 - Covering letter
 - Application forms
 - Drawing number WIE11386-RBT-90-001 Rev A01 – [Red line boundary]
 - Drawing number WIE11386-145-03-001-A41 Rev A02 – [Pioneer General Arrangement Drawing]
 - Drawing number WIE11386-145-92-500-001 – [Roundabout Drainage Strategy]
 - Arboricultural Impact Assessment
 - Archaeological Mitigation Strategy
 - Drainage Strategy
 - Ecological Impact Assessment
 - Transport Assessment
 - Noise Assessment
 - Landscape and Visual Impact Assessment
 - Air Quality Assessment

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.

3. Construction Environmental Management Plan (CEMP) for Biodiversity
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 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.

4. The development hereby permitted shall be carried out in accordance with the recommendations set out in paragraphs 5.14, 5.16 and 5.19-5.24 of the Ecological Impact Assessment by Watermans Infrastructure and Environmental Limited dated September 2020 unless otherwise agreed in writing by the Local Planning Authority.

Reason – To protect habitats and/or species of importance to nature conservation from significant harm in accordance with the Government's aim to achieve sustainable development as set out in Section 15 of the National Planning Policy Framework.

5. Where an offence under Regulation 41 of the Habitat and Species Regulations 2010 is likely to occur in respect of the development hereby approved, no works of site clearance, demolition or construction shall take place which are likely to impact on [bats/newts] until a licence to affect such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been submitted to the Local Planning Authority.

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.

6. Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, a method statement and mitigation strategy for Great crested newts to cover all works not included under an EPSL, and which shall include timing and manner of works, exclusion fencing, the location and design of alternative ponds/habitats together with the timing of their provision as required, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the works 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.

7. If the development hereby approved does not commence within 2 years of the date of this decision. A revised Ecological Impact Assessment shall be undertaken prior to the commencement of the development to establish changes in the presence, abundance and impact on protected species. The survey results, together with any necessary changes to the mitigation plan or method statement shall be submitted to and approved in writing 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.

8. Prior to the commencement of the development hereby approved, including any demolition, and any works of site clearance, full details of a scheme for biodiversity net gain (minimum 10% net gain) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.

Reason – To conserve and enhance biodiversity in accordance with Government guidance contained within the National Planning Policy Framework.

9. Construction shall not begin until a detailed surface water drainage scheme for the site, in accordance with the approved Watermans Drainage Strategy WIE11386-101-TN-1-1-2 June 2020, has been submitted to and approved in writing by the planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also 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 microdrainage calculations for all events up to and including the 1 in 100 year plus 40% climate change;
 - A Flood Exceedance Conveyance Plan;
 - 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.

Reason – To prevent environmental and amenity problems arising from flooding and to accord with Sections 14 and 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.

10. Prior to any demolition and the commencement of the development a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.

Reason – To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2019)

11. Following the approval of the Written Scheme of Investigation referred to in condition 10, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.

Reason – To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF (2019).

12. Prior to the commencement of any works to the trees on the site, full details of tree re-planting scheme, including number, location, species and size at time of planting shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the replacement tree(s) shall be planted in the first planting season (mid November to end of March) following the removal of the tree(s) for which consent has been granted and any tree which, within a period of five years from being planted dies, is removed or becomes seriously damaged or diseased, shall be replaced in the current/next planting season in accordance with the approved details and the wording of this condition.

Reason – In the interests of the visual amenities of the area and to comply with good arboricultural practice and Government Guidance contained within the National Planning Policy Framework.

13. Highways conditions – We are still awaiting final comments from the Local Highway Authority including details of any recommended conditions.

Planning Notes:

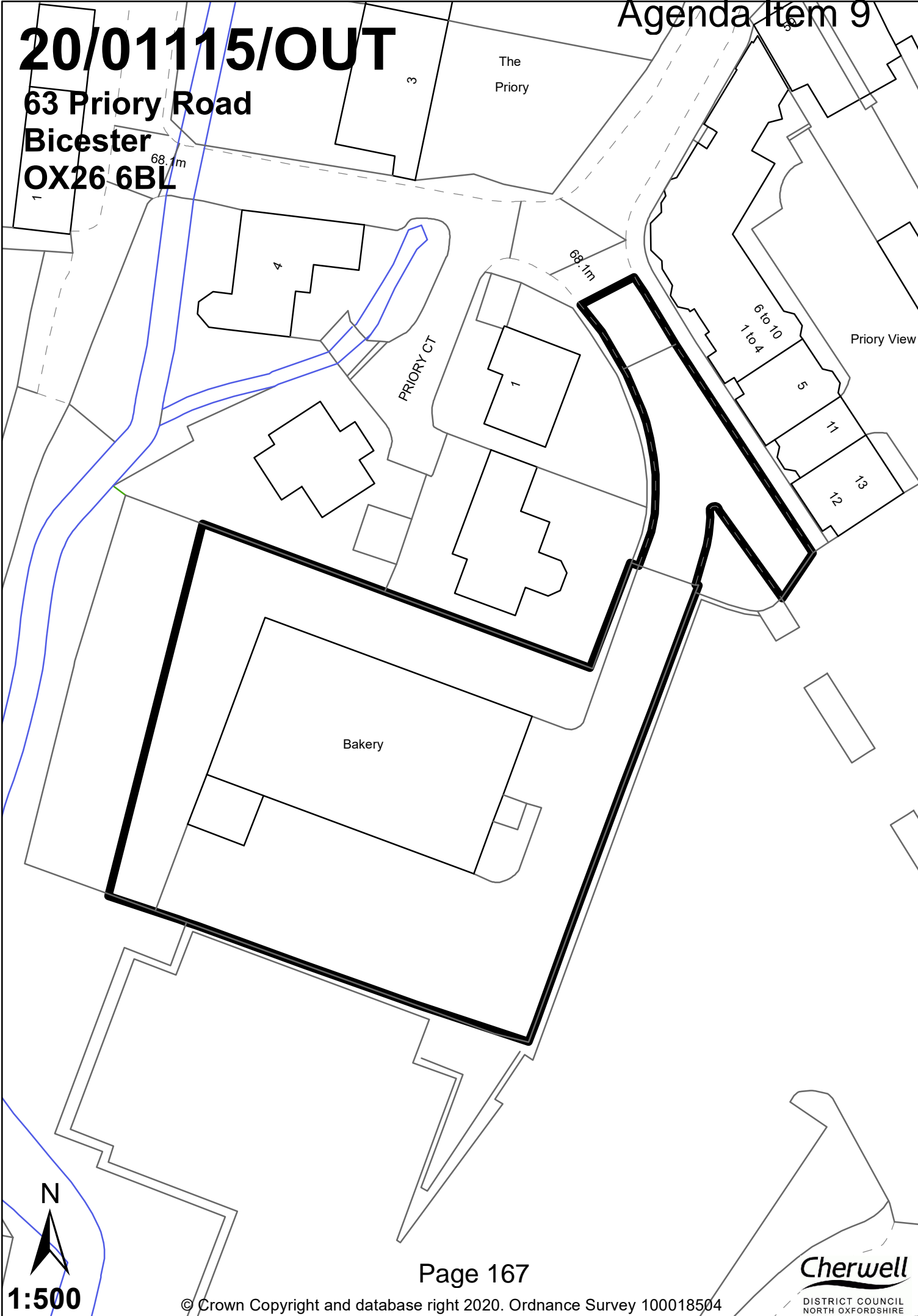
1. **EIA Subsequent Application** - In accordance with Regulations 3 and 8 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended), Cherwell District Council as Local Planning Authority in this case, is satisfied that the environmental information already before it remains adequate to assess the environmental effects of the development and has taken that information into consideration in determining this conditions application.

CASE OFFICER: Rebekah Morgan
227937

TEL: 01295

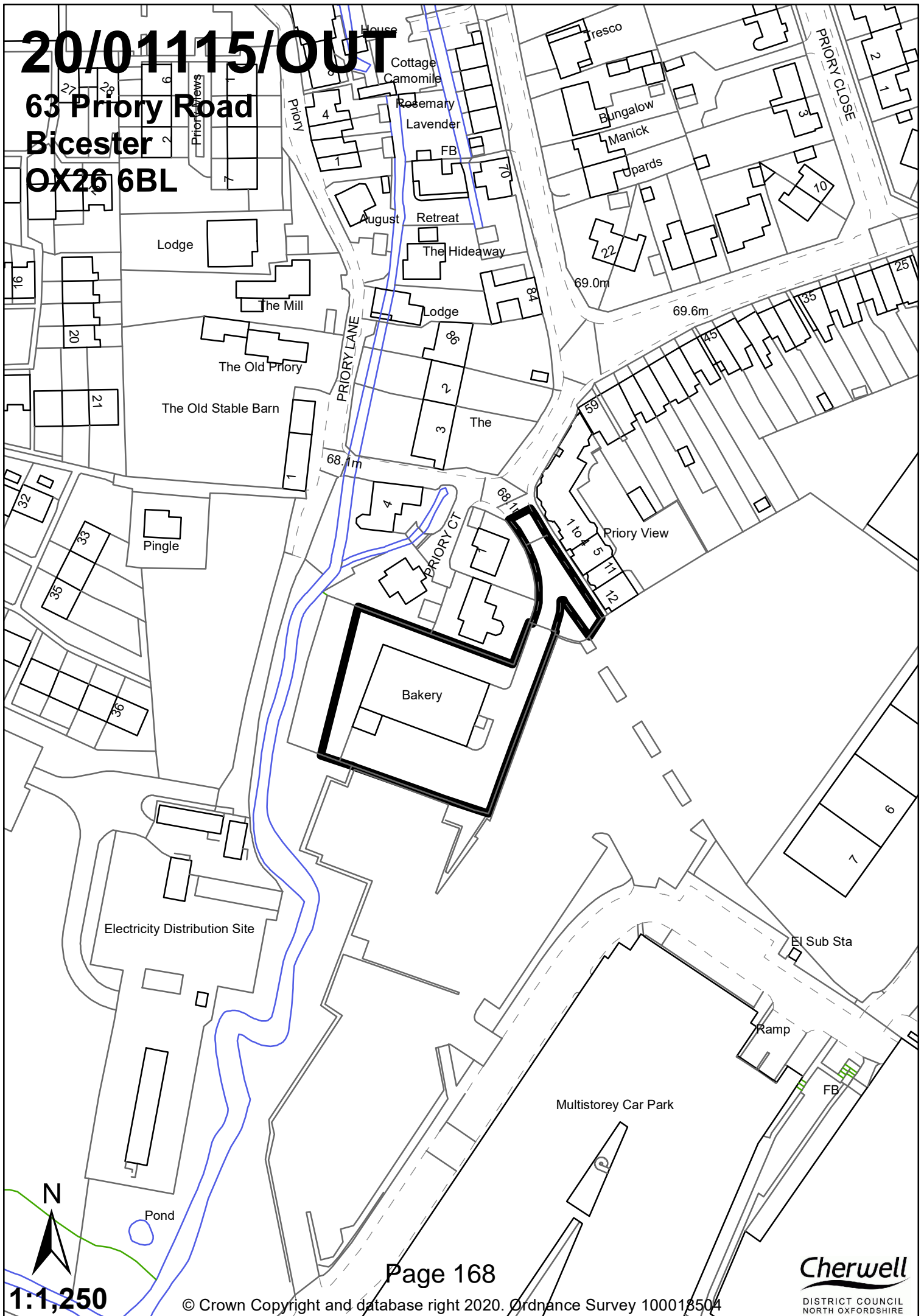
20/01115/OUT

63 Priory Road
Bicester
OX26 6BL



20/01115/OUT

63 Priory Road Bicester OX26 6BL



Case Officer: Matthew Chadwick

Applicant: The GEM Partnership

Proposal: Demolition of existing bakery building and erection of 10no dwellings

Ward: Bicester South and Ambrosden

Councillors: Cllr Nick Cotter, Cllr Dan Sames, Cllr Lucinda Wing

Reason for Referral: Major Development

Expiry Date: 28 July 2020

Committee Date: 5 November 2020

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: REFUSE PERMISSION

Proposal

Outline planning consent is sought for the erection of ten dwellings on the site and the demolition of the existing bakery building on the site

Consultations

The following consultees have raised **objections** to the application:

- Environment Agency, OCC Drainage, OCC Highways

The following consultees have raised **no objections** to the application:

- OCC Archaeology, Bicester Town Council, CDC Building Control, OCC Education, CDC Environmental Health, CDC Landscape Services, CDC Recreation and Leisure, CDC Strategic Housing, Thames Valley Police Design Adviser, Thames Water

The following consultees are **in support** of the application:

- CDC Strategic Housing

4 letters of objection have been received.

Planning Policy and Constraints

The site lies in close proximity to the Bicester Conservation Area and is within an area of potentially contaminated land. The site is also in area of archaeological interest.

The application has also been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance as listed in detail at Section 8 of the report.

Conclusion

The key issues arising from the application details are:

- Principle of development
- Housing density
- Affordable housing
- Design, and impact on the character of the area

- Residential amenity
- Highway safety
- Flood risk and drainage
- Ecology impact
- Infrastructure

The report considers the key planning issues in detail, and Officers conclude that the proposal is unacceptable for the following reasons:

1. Principle of development
2. Insufficient refuse collection arrangement
3. No S106 agreement and lack of affordable housing

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located in the south of Bicester. The site is located at the end of Priory Road which is a residential street. The site is currently occupied by the Nash's Bakery, which is a two-storey building finished in metal cladding. To the north and west of the site is residential development and to the south and east is part of the car parking area for Bicester Village train station.

2. CONSTRAINTS

- 2.1. The application site lies in close proximity to the Bicester Conservation Area and is within an area of potentially contaminated land. The site is also in area of archaeological interest. To the west of the site is a stream and land that is within Flood Zones 2 and 3.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. Outline planning consent is sought for the demolition of the existing bakery building and the erection of ten dwellings. The application seeks approval of the access and layout of the development. The development would take access from the existing access onto Priory Road in the northeast corner of the site. The layout of the proposed development would be that of three pairs of semi-detached dwellings in the south of the site and a single block forming four flats in the west of the site. The residential units would face towards a parking and turning area which has 19 parking spaces. A cycle/bin store building is proposed in the south-east corner of the site.
- 3.2. Indicative elevations have been submitted with the application. The buildings would be constructed from brickwork and render, with tiled roofs.

4. RELEVANT PLANNING HISTORY

- 4.1. The following planning history is considered relevant to the current proposal:

RM.CHS.270/84 – Improvement to Priory Road. Residential development with access, erection of 540m² industrial unit with access and parking together with turning area – Application Permitted

05/01738/OUT – Outline: Residential development – Application Withdrawn

08/00869/F - Demolition of redundant buildings and erection of 73 no. two and three storey residential dwellings – Application Withdrawn (this application covered the application site and land to the south)

5. PRE-APPLICATION DISCUSSIONS

5.1. The following pre-application discussions have taken place with regard to this proposal:

5.2. 19/02302/PREAPP – Residential development of 13 flats

The report concluded that the proposal was unacceptable in principle due to the loss of employment which has not been fully justified. No information regarding a site to which the business would be relocated to has been provided. Alternative premises would need to be found to link to a future consent.

It was advised that the layout needed to be amended to accommodate the strategic housing team requirements as well as providing turning and manoeuvring space for vehicles.

6. RESPONSE TO PUBLICITY

6.1. This application has been publicised by way of a site notice displayed near the site, 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 **25 May 2020**, although comments received after this date and before finalising this report have also been taken into account.

6.2. The comments raised by third parties are summarised as follows:

- The development would cause overshadowing and a loss of privacy.
- The layout and density of the development is not acceptable.
- There would be extra noise and disturbance from the development.
- There would be significant overlooking.
- There will be an increase in on-street parking.
- Concerns regarding trees.

6.3. 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. BICESTER TOWN COUNCIL: **No objections.**

OTHER CONSULTEES

- 7.3. ENVIRONMENT AGENCY: **Objects**, as no flood risk assessment has been submitted.
- 7.4. OCC DRAINAGE: **Objects**. There is insufficient information to provide a full technical assessment of the flood risk, surface water drainage strategy and SuDS implementation for the proposal.
- 7.5. OCC HIGHWAYS: **Objects**, as it has not been demonstrated how refuse and recycling may be collected from the site.
- 7.6. THAMES WATER: **No objections.**
- 7.7. CDC LANDSCAPE SERVICES: There is limited information on landscaping. The layout is dominated by car parking. A LAP should be provided on the site.
- 7.8. CDC ENVIRONMENTAL PROTECTION: **No objections**, subject to conditions relating to the submission of a CEMP, contaminated land information and the provision of electric vehicle charging infrastructure.
- 7.9. OCC ARCHAEOLOGY: **No objections**, subject to conditions relating to a written scheme of investigation and a programme of archaeological evaluation and mitigation.
- 7.10. OCC EDUCATION: **No objections**, subject to section 106 contributions.
- 7.11. CDC STRATEGIC HOUSING: **No objections.**
- 7.12. CDC BUILDING CONTROL: Development would require a building regulations application. Facilities and access for fire fighting vehicles to reflect guidance in Approved Document B5. Access and inclusive design to reflect guidance in Approved Document M.
- 7.13. CDC RECREATION AND LEISURE: **No objections**, subject to section 106 contributions.
- 7.14. THAMES VALLEY POLICE DESIGN ADVISER: **No objections** but raises a number of comments and requests a condition requiring an application for Secured by Design accreditation.

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 on 20th July 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 2015)

- PSD1: Presumption in favour of sustainable development
- SLE1: Employment development
- BSC1: District Wide Housing Development
- BSC2: The effective and efficient use of land
- BSC3: Affordable housing
- BSC4: Housing Mix
- ESD1: Mitigation and adapting to climate change
- ESD2: Energy Hierarchy and Allowable Solutions
- ESD3: Sustainable Construction
- ESD4: Decentralised Energy Systems
- ESD5: Renewable Energy
- ESD6: Sustainable Flood Risk Management
- ESD7: Sustainable Drainage Systems (SUDs)
- ESD10: Protection and enhancement of biodiversity and the natural environment
- ESD15: The character of the built and historic environment
- Policy Bicester 5: Strengthening Bicester Town Centre

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
- C30: Design of new residential development
- ENV12: Contaminated Land

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)
- Human Rights Act 1998 (“HRA”)
- Equalities Act 2010 (“EA”)

9. APPRAISAL

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

- Principle of development
- Housing density
- Affordable housing
- Design, and impact on the character of the area
- Residential amenity
- Highway safety

- Flood risk and drainage
- Ecological impact
- Heritage impact
- Infrastructure
- Other matters

Principle of Development

- 9.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the District comprises the adopted Cherwell Local Plan 2011-2031 and the saved policies of the Cherwell Local Plan 1996 as well as a number of Adopted Neighbourhood Plans.

Policy Context

- 9.3. Paragraph 12 of the National Planning Policy Framework (NPPF) makes clear that it does not change the statutory status of the development plan as the starting point for decision making. Proposed development that conflicts with the development plan should be refused unless other material considerations indicate otherwise. Cherwell has an up to date Local Plan and can demonstrate a 5 year housing land supply. However, the NPPF is a significant material consideration.
- 9.4. Paragraph 11 of the NPPF explains the Government's presumption in favour of sustainable development. For decision-taking this means approving proposals that accord with an up to date development plan and in cases where there are either no relevant development plan policies or those policies important for determining the application are out of date, granting permission unless the NPPF policies provide a clear reason for refusal or any adverse impacts significantly and demonstrably outweigh the benefits.
- 9.5. The Development Plan comprises the saved policies of the 1996 Cherwell Local Plan (CLP 1996) and the 2015 adopted Cherwell Local Plan (CLP 2015). The policies important for determining this application are referenced above.
- 9.6. Policy PSD1 of the CLP 2015 accords with the NPPF's requirement for sustainable development and that planning applications that accord with policies in the statutory Development Plan will be approved without delay.
- 9.7. The CLP 2015 seeks to allocate sufficient land to meet District Wide Housing needs. The overall housing strategy is to focus housing growth at the towns of Bicester and Banbury.
- 9.8. Policy SLE1 of the CLP 2015 states that where planning permission is required for the replacement of employment sites with residential development, existing employment sites should be retained for employment use unless the following criteria are met:
- the applicant can demonstrate that an employment use should not be retained, including showing the site has been marketed and has been vacant in the long term.
 - the applicant can demonstrate that there are valid reasons why the use of the site for the existing or another employment use is not economically viable.

- the applicant can demonstrate that the proposal would not have the effect of limiting the amount of land available for employment.
- 9.9. The policy goes on to state that regard will be had to whether the applicant can demonstrate that there are other planning objectives that would outweigh the value of retaining the site in an employment use.
- 9.10. The Local Plan at paragraph B.48 states that the provision or the loss of jobs will be a material consideration for determining proposals for any use classes.

Assessment

- 9.11. The Council's 2019 Annual Monitoring Report (AMR) confirms that the District can demonstrate a 4.4 years housing land supply. In the circumstances that a LPA cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer), there is a presumption in favour of sustainable development and ordinarily the circumstances at paragraph 11d of the NPPF are engaged – in short development should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.
- 9.12. However, in respect of the Oxfordshire Authorities including Cherwell there is a Written Ministerial Statement (“WMS”) made in September 2018 concerning the Housing and Growth Deal, which is a significant material consideration. This sets out the requirement for a 3 year (rather than 5 year) supply of deliverable housing sites (with the appropriate buffer) from the date it was made (12/09/2018) until the adoption of the Joint Statutory Spatial Plan in each area, providing the timescales in the Housing and Growth Deal are adhered to. Therefore, in this case, the tilted balance set out by Paragraph 11d is not engaged because the Housing Supply requirement for the District should be taken to be 3 years in accordance with the WMS.
- 9.13. Whilst the Council can demonstrate a 3 year housing land supply, significant weight is still afforded to benefits of providing housing to contribute towards meeting the requirements of Local Plan Part 1, meeting the housing needs of the area and contributing towards meeting the need of the Oxfordshire Growth deal.
- 9.14. Given the site's location within the built limits of Bicester and close to the town's amenities, the broad principle of residential development on the site is considered acceptable. However, the site is an employment provider so Policy SLE1 is relevant and it is therefore necessary to consider the loss of the bakery business on the site.
- 9.15. The first criterion of Policy SLE1 is for the applicant to demonstrate that an employment use should not be retained, including showing the site has been marketed and has been vacant in the long term. The site has not been marketed. The applicant had submitted a pre-app enquiry for residential development of the site and in the Council's response 10 months ago officers set out that the site would either need to be marketed or alternative premises would need to be secured, so that any planning consent could be linked to the new premises to ensure that the employment use would not be lost.
- 9.16. Despite discussions with the applicant's agent throughout the course of the application, no alternative premises have been secured, or even put forward, by the applicant. Therefore, if the application were to be approved there would be no way of securing the future of the bakery business and jobs could be potentially lost and, aside from who occupies the premises, an important employment use would be lost.

- 9.17. In the absence of any marketing information or alternative premises for the business to relocate to and secure with a legal agreement, it is considered that the principle of development is unacceptable, due to the loss of an employment site.

Conclusion

- 9.18. For the reasons set out above, the proposed development fails to comply with Policy SLE1 of the Cherwell Local Plan 2011 – 2031 and Government guidance in the NPPF. The principle of development is therefore considered to be unacceptable.

Housing density and mix

Policy Context

- 9.19. The NPPF advises that in order to create sustainable, inclusive and mixed communities, Local Planning Authorities should plan for a mix of housing, reflect local demand and set policies for meeting affordable housing need. Policy BSC4 of CLP 2031 echoes the aims of the NPPF requiring new residential development to provide a mix of homes in the interests of meeting housing need and creating socially mixed and inclusive communities.
- 9.20. The NPPF (Para. 117) states that: 'Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions'.
- 9.21. Policy BSC2 of the Cherwell Local Plan 2011 – 2031 states that housing development in Cherwell will be expected to make effective and efficient use of land. The Council will encourage the re-use of previously developed land in sustainable locations. New housing should be provided on net developable areas at a density of at least 30 dwellings per hectare unless there are justifiable planning reasons for lower density development.
- 9.22. Policy BSC3 of the Cherwell Local Plan 2011 – 2031 states that at Banbury and Bicester, all proposed developments that include 11 or more dwellings (gross), or which would be provided on sites suitable for 11 or more dwellings (gross), will be expected to provide at least 30% of new housing as affordable homes on site.
- 9.23. Policy BSC4 of the Cherwell Local Plan 2011 – 2031 reflects the requirements of the NPPF and states that: 'New residential development will be expected to provide a mix of homes to meet current and expected future requirements' and that, 'the mix of housing will be negotiated having regard to the Council's most up-to-date evidence on housing need and available evidence from developers on local market conditions'.

Assessment

- 9.24. Both local and national policy supports the provision of affordable housing on site that would be suitable for 11 or more dwellings. The pre-application enquiry sought advice for 13 dwellings and it is considered that the site could accommodate at least eleven dwellings, given the site's sustainable location and that there are significant areas of land that would remain undeveloped on the site. It is considered that the layout of the development could be redesigned so that at least one additional dwelling could be accommodated on the site of the currently proposed cycle and bin storage building. This building could then be relocated elsewhere within the site. Indeed, the pre-app proposals, which with some minor alterations would have

achieved a satisfactory layout, show that 13 dwellings can be delivered on the site. A scheme of 13 would comprise 9 market houses and 4 affordable.

- 9.25. This issue has been put to the applicant's agent, who has stated that there is no capacity for the site to accommodate any further residential units. Officers disagree with this view for the reasons set out above. The response of the applicant's agent appears to rely on the advice of the Council's housing team that the affordable units should not be flats, but there is no reason why the flats cannot be open market units and, for example, a terrace of four, two-storey dwellings cannot be provided as Affordable Housing.
- 9.26. If the scheme were otherwise considered acceptable, a financial contribution towards affordable housing or the provision of on-site affordable housing could be secured. Given that there are in principle concerns with the scheme as currently proposed, no progress has been made on a Section 106 agreement to secure financial contributions.
- 9.27. The site has an area of c.0.25 hectares and 10 dwellings are proposed, which gives the development a density of 41 dwellings per hectare. This would be in excess of the *minimum* housing density set out within Policy BSC2 of the Cherwell Local Plan 2011 – 2031. However, given the site's highly sustainable location and that the proposals subject of the pre-application enquiry were for a greater number of dwellings and showed that a greater number of dwellings could be satisfactorily delivered on the site and given the lack of affordable housing, the proposals do not make effective and efficient use of land.

Conclusion

- 9.28. It is considered that the development would fail to make an effective and efficient use of land and in the absence of any affordable housing provided on site or a financial contribution towards affordable housing off-site, it is considered that the proposal fails to comply with Policies BSC2 and BSC3 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the NPPF and is unacceptable in this regard.

Design and impact on the character of the area

Policy Context

- 9.29. 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 130 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.
- 9.30. Paragraph 127 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;
- 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;
- 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. 9.25.

9.31. 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.”

Assessment

9.32. Access and the layout of the development are matters to be assessed in this application. The site layout plan shows three pairs of two storey, semi-detached dwellings on the southern side of the site and a two-storey building accommodating four flats in the western part of the site. The access would be taken from Priory Road to the northeast, which would lead directly onto a parking court. The indicative elevations show the dwellings to be externally faced in render and brickwork with tiled roofs.

9.33. Locating the parking in the centre of the site and the dwellings to the edges of the site can optimise the number of dwellings to be achieved on the site. However, the proposed layout would be dominated by hardstanding. It is acknowledged that landscaping, which could soften its impact to some extent, is a reserved matter. In addition, the site is a brownfield site that has a significant amount of hardstanding, and the bakery building has an industrial design. It is also important that the layout helps to optimise the density of the development. It is therefore considered that the proposed development would have no more of a harmful impact on the character and appearance of the area than the current building and hardstanding. The same conclusion would be true of a similar layout which achieved c.13 dwellings.

9.34. The development would be located to the rear of Priory Court, which is a cul-de-sac. The provision of another cul-de-sac to the rear of this is not ideal in design terms; however, the pattern of development in the area is very mixed. There are several backland developments in the surrounding area and there are significant constraints to the site’s context as to whether there is any realistic alternative. Therefore, it is considered that the principle of a backland and/or cul de sac development would not be significantly harmful to the character and appearance of the area.

Conclusion

- 9.35. The proposed layout would not cause significant harm to the character and appearance of the area and would comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the NPPF.

Residential amenity

Policy Context

- 9.36. Policy C30 of the CLP 1996 requires that a development must provide standards of amenity and privacy acceptable to the Local Planning Authority. These provisions are echoed in Policy ESD15 of the CLP 2031 which states that: 'new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space.
- 9.37. The Cherwell Residential Design Guide states that a minimum distance of 22m back to back, between properties must be maintained and a minimum of 14m distance is required from rear elevation to two storey side gable.

Assessment

- 9.38. The dwellings in the south of the site would be sited a significant distance away from any residential development and it considered that these would have no impact on nearby dwellings. The smallest of the rear gardens of these properties would be 5m in depth. This is a small rear garden for such a dwelling; however, given the site's location close to the town centre, and with open space and recreation land available in the vicinity, an amenity area of this size is considered to be acceptable.
- 9.39. The proposed flats would be located 12m to the south of 3 Priory Court. This separation distance is below that set out in the Cherwell Residential Design Guide. However, the due to orientation of 3 Priory Court, the rear elevation of the dwelling would not face directly towards the flats. The proposed development would have a significant impact on this neighbour through loss of light and outlook and would be somewhat overbearing to the neighbouring dwelling, and this weighs against the proposals, but given the orientation of the buildings it is considered that the adverse effects would not be so significant to justify a reason for refusal on this basis alone. The impact on outlook should be mitigated through hipping of the roof to the proposed flats. To avoid overlooking of the nearby property, a condition could be imposed to ensure that no windows of the flats in the northern elevation overlooked the neighbouring property.

Conclusion

- 9.40. Subject to further details of the appearance, landscaping and scale of the development and conditions, the proposals would not cause significant harm to the amenities of neighbours and would comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031, Saved Policy C30 of the Cherwell Local Plan 1996 and Government guidance contained within the NPPF.

Highway safety

Policy Context

- 9.41. The NPPF (Para. 108) states that the planning system should actively manage patterns of growth in support of the achievement of promoting sustainable transport. However, notes that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.
- 9.42. The NPPF (Para. 108) advises that in assessing 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; and c) 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.
- 9.43. Both Policies ESD15 and SLE4 of the CLP 2031 reflect the provision and aims of the NPPF. Policy ESD15 of the CLP 2031 states that: “New development proposals should be designed to deliver high quality safe, attractive, durable and healthy places to live and work. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions”; whilst Policy SLE4 states that: “All development where reasonable to do so, should facilitate the use of sustainable modes of transport (and) development which is not suitable for the roads that serve the development and which have a severe traffic impact will not be supported”.

Assessment

- 9.44. Access is a matter for consideration under this outline application. The existing access onto Priory Road in the northeast of the site would be utilised. The Highways Officer has offered no objections to the proposals for access, subject to conditions. The Highways Officer has not objected to the amount of parking provision proposed.
- 9.45. However, the Highways Officer has objected to the refuse and recycling collection arrangement. The Site Layout Plan indicates the turning movement of a vehicle that is approximately 8m long, whereas the Refuse Collection Vehicles (RCVs) used by Cherwell DC are 11.6m overall. From the submitted layout, it would appear that the only way for the RCV to access the site would be by either entering or exiting in reverse gear, which is a safety risk and contrary to the advice in the Manual for Streets. It has therefore not been demonstrated that the proposed layout would provide a safe access for Refuse Collection Vehicles and the development would therefore cause harm to the safety of the highway network. It is acknowledged that amending the layout to address this issue may result in yet more hardstanding. Such matters would need to be considered as part of any amended layout and mitigated appropriately through design and landscaping.

Conclusion

- 9.46. The proposed development would fail to provide a safe and suitable refuse collection arrangement and would therefore fail to comply with Policies ESD15 and SLE4 of the Cherwell Local Plan 2011 – 2031 and Government guidance contained within the NPPF.

Flood risk and drainage

Policy Context

- 9.47. Policy ESD6 of the CLP 2015 essentially replicates national policy contained in the NPPF with respect to assessing and managing flood risk. In short, this policy resists

development where it would increase the risk of flooding and seeks to guide vulnerable developments (such as residential) towards areas at lower risk of flooding.

- 9.48. Policy ESD7 of the CLP 2015 requires the use of Sustainable Drainage Systems (SuDS) to manage surface water drainage systems. This is with the aim to manage and reduce flood risk in the District.

Assessment

- 9.49. The Environment Agency has objected to the scheme as no flood risk assessment has been submitted. Flood Zones 2 and 3 are located immediately to the west of the site but as the site is located in Flood Zone 1 and is less than 1 hectare in size a flood risk assessment is not required.
- 9.50. The OCC Drainage Engineer has objected to the scheme due a lack of information. No drainage scheme has been submitted with the application. In the absence of an appropriate drainage scheme, it is considered that it has not been demonstrated that a sustainable drainage strategy for the site can be delivered and that the development would not be acceptable in this regard.

Conclusion

- 9.51. Officers consider that, in light of the technical objection raised by the LLFA, the proposals have failed to demonstrate that appropriate surface water drainage scheme for the site, based on sustainable drainage principles, can be achieved; the proposals are therefore not considered to be in accordance with Policy ESD7 of the Cherwell Local Plan 2011 – 2031 and are not acceptable in terms of flood-risk and drainage.

Ecological Impact

Legislative context

- 9.52. The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose European Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.
- 9.53. Under the Regulations, competent authorities i.e. any Minister, government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive.
- 9.54. The Regulations provide for the control of potentially damaging operations, whereby consent from the country agency may only be granted once it has been shown through appropriate assessment that the proposed operation will not adversely affect the integrity of the site. In instances where damage could occur, the appropriate Minister may, if necessary, make special nature conservation orders, prohibiting any person from carrying out the operation. However, an operation may proceed where it is or forms part of a plan or project with no alternative solutions, which must be carried out for reasons of overriding public interest.

- 9.55. The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of the 3 strict legal derogation tests:
- (1) Is the development needed to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment?
 - (2) That there is no satisfactory alternative.
 - (3) That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.
- 9.56. The Regulations require competent authorities to consider or review planning permission, applied for or granted, affecting a European site, and, subject to certain exceptions, restrict or revoke permission where the integrity of the site would be adversely affected. Equivalent consideration and review provisions are made with respects to highways and roads, electricity, pipe-lines, transport and works, and environmental controls (including discharge consents under water pollution legislation).

Policy Context

- 9.57. Paragraph 170 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.
- 9.58. Paragraph 175 states that when determining planning applications, local planning authorities (LPAs) 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.
- 9.59. Paragraph 180 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.
- 9.60. 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.

- 9.61. 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.
- 9.62. These policies are both supported by national policy in the NPPF and also, under Regulation 43 of Conservation of Habitats & Species Regulations 2017, it is a criminal offence to damage or destroy a breeding site or resting place, unless a licence is in place.
- 9.63. 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 (LPAs) 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.

Assessment

- 9.64. Natural England's Standing Advice states that an LPA only needs to ask an applicant to carry out a survey if it's likely that protected species are:
- present on or near the proposed site, such as protected bats at a proposed barn conversion affected by the development

It also states that LPAs can also ask for:

- 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
 - 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')
- 9.65. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site contains buildings of traditional construction, 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.
- 9.66. In order for the LPA 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, LPAs must firstly assess whether an offence under the Regulations is likely to be committed. If so, the LPA should then consider whether Natural England (NE) 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.
- 9.67. 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 NE will not grant a licence then the Council should refuse planning permission; if it is likely or unclear whether NE will grant the licence then the Council may grant planning permission.

- 9.68. The application is supported by a preliminary ecological appraisal which concluded that the habitats on site are of limited ecological value, none are priority habitats, and it is very unlikely that other protected species will be affected by the proposals.
- 9.69. The stream which runs next to the western site boundary fits the “priority habitat” description for “Rivers”. It is recommended in the ecological appraisal that a temporary Heras fence running parallel to, but 10m from, the stream is erected prior to works commencing and retained in place until all building works are completed. Once constructed, as the new buildings are more than 10m from the nearby stream, and as long as there is no increase in lighting onto the stream, the proposals are very unlikely to adversely affect the Town Brook.
- 9.70. The Council’s Ecology Officer has not commented on the proposals. However, on the basis of the information submitted and subject to conditions, it is considered that the welfare of any European Protected Species found to be present at the site and surrounding land would 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.

Conclusion

- 9.71. It is therefore considered that the proposed development complies with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 and Government guidance contained within the NPPF and is acceptable in this regard.

Infrastructure

- 9.72. New development often creates a need for additional infrastructure or improved community services and facilities, without which there could be a detrimental effect on local amenity and the quality of the environment. National planning policy sets out the principle that applicants may reasonably be expected to provide, pay for, or contribute towards the cost, of all or part of the additional infrastructure/service provision that would not have been necessary but for their development. Planning Obligations are the mechanism used to secure these measures.
- 9.73. Policy INF1 of the CLP 2015 states that: “Development proposals will be required to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.”
- 9.74. Policy BSC11 of the CLP 2015 states that: “Development proposals will be required to contribute to the provision of open space, sport and recreation, together with secure arrangements for its management and maintenance. The amount, type and form of open space will be determined having regard to the nature and size of development proposed and the community needs generated by it. Provision should usually be made on site in accordance with the minimum standards of provision set out in ‘Local Standards of Provision – Outdoor Recreation’. Where this is not possible or appropriate, a financial contribution towards suitable new provision or enhancement of existing facilities off site will be sought, secured through a legal agreement.” Policy BSC12 requires new development to contribute to indoor sport, recreation and community facilities.
- 9.75. The Developer Contributions Supplementary Planning Document (SPD February 2018) sets out its position in respect of requiring financial and on site contributions towards ensuring the necessary infrastructure or service requirements are provided to meet the needs of development, and to ensure the additional pressure placed on

existing services and infrastructure is mitigated. This is the starting point for negotiations in respect of completing S106 Agreements.

- 9.76. The CDC Recreation and Leisure team has requested £9,458.90 towards Community Hall Facilities, £16,697.10 towards Outdoor Sport Provision and £6,907.60 towards Indoor Sport Provision. OCC Education has requested a contribution of £41,268 towards the expansion of Longfields Primary School. Payment of a financial contribution towards the provision of refuse/recycling bins for the development would also be required.
- 9.77. The proposal would be required by policy to provide general green space and a Local Area of Play. It is unclear where these could be provided on site. However, at the current time discussions with the applicant have not been advanced in this matter due to the principle objections that relate to the site. Therefore at the current time in the absence of a legal agreement that secure these matters the proposal conflicts with Policies, BSC7, BSC10 and BSC11 of the CLP 2015 as they do not make adequate provision for the education, open space and recreational demands imposed by the development.

Other matters

- 9.78. The OCC Archaeology officer has offered no objections to the proposal, subject to conditions. It is considered that the development could be considered acceptable in this regard, subject to these conditions.
- 9.79. The Environmental Protection Officer has offered no objections, subject to the submission of a CEMP, contaminated land information and the provision of electric vehicle charging infrastructure. The development could be considered acceptable in these matters, subject to these conditions.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.
- 10.2. The proposed development would be located in a sustainable location close to the town centre of Bicester, but the loss of the existing employment site has not been justified. The site has not been marketed as required by Policy SLE1 and no alternative premises have been secured. Therefore, the proposed development would result in the loss of an employment site. The proposal is contrary to Policy SLE1.
- 10.3. No affordable housing has been proposed on a site that is considered to be suitable for eleven dwellings or more. In the absence of any affordable housing provided on site or a financial contribution towards affordable housing off-site, it is considered that the proposed development fails to comply with Policy BSC3.
- 10.4. The proposed layout is not considered to be acceptable with regard to the refuse collection scheme; and there is no legal agreement in place.
- 10.5. The proposals would provide additional housing (attracting significant weight) although the non-provision of affordable housing reduces the weight to be attributed to this benefit of providing additional housing is reduced. The proposals are likely to provide some economic benefits to the local construction industry during construction (which attracts limited to moderate weight). It is considered that the

scheme's benefits would be significantly and demonstrably outweighed by the significant economic harm which would be caused by the proposal particularly in light of the Council's ability to demonstrate a 3 year land supply and the lack of justification over the loss of the employment site.

10.6. It is therefore recommended that planning permission be refused for the reasons outlined below.

11. RECOMMENDATION - REFUSAL FOR THE REASONS SET OUT BELOW

REASONS FOR REFUSAL

1. It has not been clearly demonstrated that the employment use should not be retained. The site has not been marketed and no alternative premises have been secured. The proposed development would therefore result in the loss of an employment site. The proposal is therefore contrary to Policy SLE1 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance in the National Planning Policy Framework.

2. The proposed development would not make effective and efficient use of land and is suitable for 11 or more dwellings and would not include the provision of affordable homes on site. The proposal is therefore contrary to Policies BSC2 and BSC3 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance in the National Planning Policy Framework.

3. The submitted layout is inadequate with regard to the refuse recycling and collection arrangement. It has not been demonstrated that the refuse collection vehicle would be able to safely manoeuvre within the site and this would cause harm to the safety of the highway network and to the amenity of future residents through the non-collection of refuse. The proposal is therefore contrary to Policy ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

4. By virtue of a lack of supporting information to enable an appropriate technical assessment the proposals have failed to demonstrate that an appropriate sustainable drainage strategy for the site utilising sustainable drainage systems (SuDS) can be delivered. As such the proposal is contrary to Policy ESD7 of the Cherwell Local Plan 2011 - 2031 Part 1 Government guidance contained within the National Planning Policy Framework.

5. In the absence of the completion of a satisfactory Planning Obligation, the Local Planning Authority is not convinced that the necessary infrastructure directly required as a result of this development, in the interests of providing affordable housing and in the interests of safeguarding public infrastructure and securing on site future maintenance arrangements, will be provided. The proposal therefore conflicts with Policies BSC3 and INF1 of the adopted Cherwell Local Plan 2011-2031 Part 1 and Government advice within the National Planning Policy Framework.

CASE
TEL:01295734754

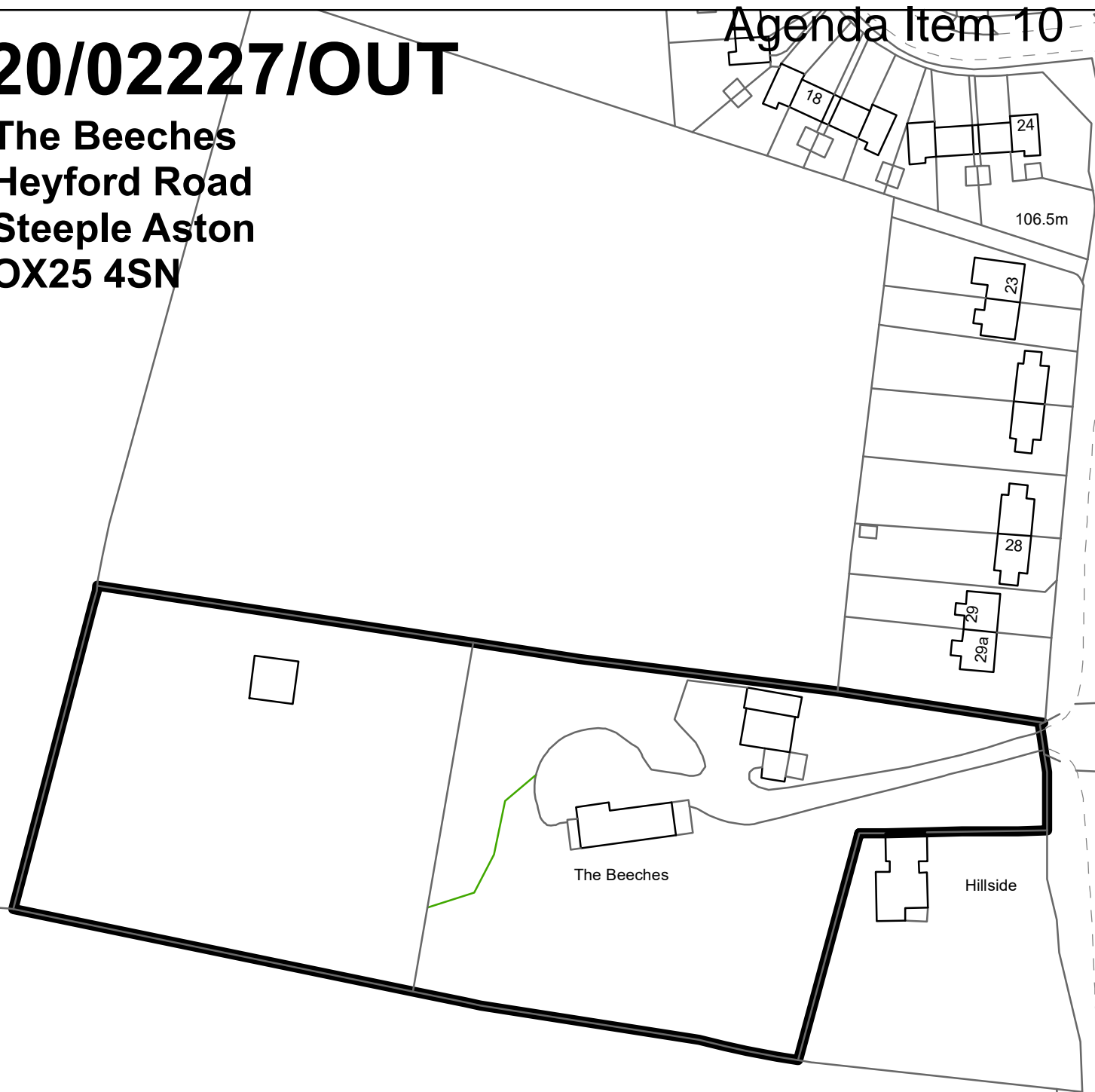
OFFICER:

Matthew

Chadwick

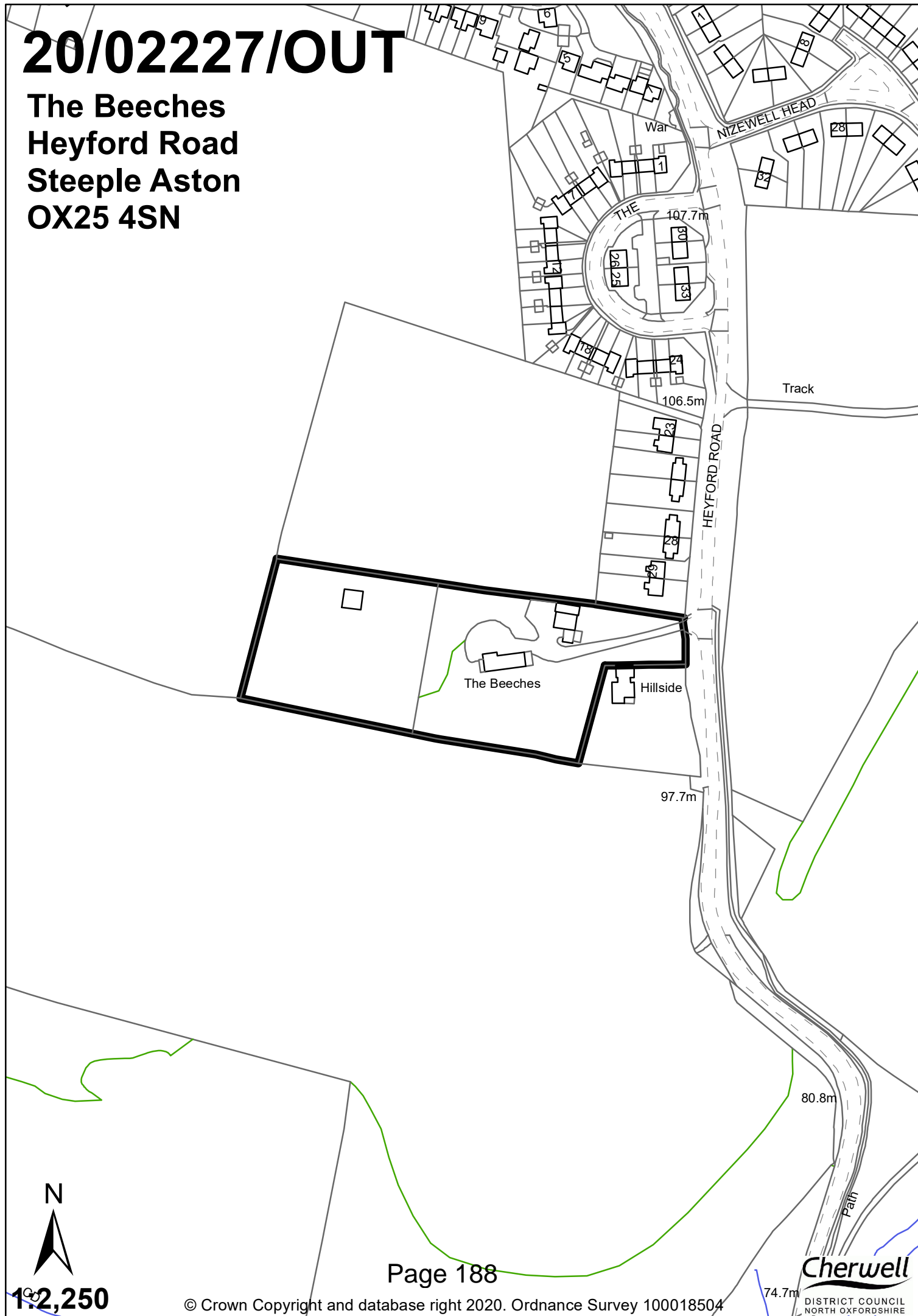
20/02227/OUT

The Beeches
Heyford Road
Steeple Aston
OX25 4SN



20/02227/OUT

The Beeches
Heyford Road
Steeple Aston
OX25 4SN



Case Officer: Bob Neville

Applicant: Adrian Shooter

Proposal: Erection of up to 10 dwellings with all matters reserved except the means of access on to Heyford Road.

Ward: Deddington

Councillors: Cllr Hugo Brown, Cllr Mike Kerford-Byrnes, Cllr Bryn Williams

Reason for Referral: Major Development

Expiry Date: 13 November 2020

Committee Date: 5 November 2020

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: REFUSE PERMISSION

Proposal

The application seeks outline planning permission for a residential development of up to 10 dwellings (3no. 2-bed, 2no. 3-bed 1 no. 4-bed and 1no. 5-bed), within the curtilage of the Beeches with a vehicular access point being taken from the Heyford Road, largely utilising an existing access and private driveway. All matters aside from access are reserved for future consideration, namely layout, scale, appearance and landscaping.

Consultations

The following consultees have raised **objections** to the application:

- Mid-Cherwell Neighbourhood Plan Forum, Campaign to Protect Rural England (CPRE) and the Lead Local Flood Authority.

The following consultees have raised **no objections** to the application:

- Steeple Aston Parish Council, Archaeology, Building Control, Ecology, Education (OCC), Environmental Protection, Landscape, Local Highways Authority, Minerals and Waste and Thames Water.

2 letters of objection have been received and 1 letters of comment have been received.

Planning Policy and Constraints

Whilst the site is not within the designated Steeple Aston Conservation Area, the boundaries of the Rousham Conservation Area lie adjacent to the east of the site. There are no listed buildings within the vicinity of the site. The site is within an area of high archaeological interest. The site is within a Minerals Consultation Area. The site sits within an area where the geology is known to contain natural occurring elevated levels of Arsenic, Nickel and Chromium; as seen across much of the district, and further, an area of higher probability (10-30%) of natural occurring Radon Gas being above Action Levels. A Public Rights of Way (ref. Footpath 364/8/10) crosses land west of the site. There are records of protected and notable species (including: Swifts and Eurasian Badgers) as being present within the vicinity of the site.

The application has also been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance as listed in detail at Section 8 of the

report.

Conclusion

The key issues arising from the application details are:

- Principle of Development;
- Housing Density and Mix
- Design and Impact on the Character of the Area;
- Impact on the Historic Environment;
- Highways Safety;
- Impact on Residential Amenity;
- Ecology and Biodiversity;
- Drainage and Flood-risk.
- Impact on local infrastructure;

The report considers the key planning issues in detail, and Officers conclude that the proposal is unacceptable for the following reasons:

1. The proposed development would not make effective and efficient use of land and would significantly encroach into the countryside beyond the built-up limits of Steeple Aston, contrary to the housing strategy of the Development Plan for the area, for which it has not been demonstrated that there is a justified need.
2. The proposed development represents inappropriate 'back-land' development that would fail to relate well to the pattern of development in the area and would appear as an intrusion of built form into the countryside.
3. The proposals have failed to demonstrate that an appropriate sustainable drainage strategy for the site utilising sustainable drainage systems (SuDS) can be delivered.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application relates to a residential property sitting at the rural edge of the village of Steeple Aston, and comprises a large two-and-a-half storey dwelling with brick and painted rendered elevations under a clay tiled roof, sitting within a substantial garden. To the north-east of the main dwelling towards the northern boundary is a single-/two-storey rendered outbuilding providing garage/workshop accommodation with home-office space at first floor level, and a further separate single storey timber-clad garage building. There several further, low-rise outbuildings within the site associated with a narrow-gauge railway that has been developed within the site.
- 1.2. The existing dwelling sits to the south-west of residential properties within the village which front onto the Heyford Road. A further residential dwelling (Orchard House) sits immediately to the east of the Beeches. The site is served by an existing access and private driveway which rises up from the Heyford Road. Land levels drop across the site from the north-west to the south-east, down to the adjacent highway. The site contains several significant trees and predominantly

bounded by mature hedgerows again including mature trees, with paddock and open countryside beyond.

2. CONSTRAINTS

- 2.1. Whilst the site is not within the designated Steeple Aston Conservation Area, the boundaries of the Rousham Conservation Area lie adjacent to the east of the site. There are no listed buildings within the vicinity of the site. The site is within an area of high archaeological interest. The site is within a Minerals Consultation Area. A Public Right of Way (ref. Footpath 364/8/10) crosses land west of the site. There are records of protected and notable species (including: Swifts and Eurasian Badgers) as being present within the vicinity of the site. The site sits within an area where the geology is known to contain natural occurring elevated levels of Arsenic, Nickel and Chromium; as seen across much of the district, and further, an area of higher probability (10-30%) of natural occurring Radon Gas being above Action Levels.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. This application seeks outline planning permission for the erection of up to 10no dwellings, with a vehicular access point being taken from the Heyford Road, largely utilising an existing access and private driveway. All matters aside from access are reserved for future consideration, which includes matters such as design, layout, scale and landscaping.
- 3.2. The current application follows the refusal of two earlier outline applications, refs. 19/01601/OUT and 20/00964/OUT, and an initial application 19/00457/OUT that was withdrawn prior to a decision of refusal being issued. The nature of the development proposals is the same as previously considered albeit with a greater quantum of development now being proposed, i.e. up to 10 units as opposed to up to 8 units in those previous applications.
- 3.3. Whilst all matters are reserved aside from access, the applicant has submitted an Indicative Site Plan (Drwg. No. 101 Rev. D) which gives an indicative layout. The detail of the indicative layout is further expanded upon in the supporting Design and Access Statement (DAS), which indicates that the existing dwellinghouse (The Beeches) would be retained with the existing narrow-gauge railway and associated buildings being removed and further existing garaging and office also being removed to facilitate the proposed development. Further an indicative Landscape Strategy is also shown on drawing no. 7140/ASP3 Rev. A.
- 3.4. Whilst not for consideration at this stage, the supporting Planning Statement and DAS set out that the proposed development would look to provide a mix of 2, 3, 4 and 5-bedroom dwellings. The DAS breaks this down into the following house types:
- 1no. 2 Bedroom apartment over garage @c.845sqft;
 - 1no. 2 Bedroom semi-detached house @c.790sqft;
 - 1no. 2 Bedroom semi-detached house @ 850sqft;
 - 1no. 3 Bedroom semi-detached house @c.1,010sqft;
 - 4no. 3 Bedroom detached houses @c.1,145sqft;
 - 1no. 4 Bedroom detached house @c.1,800sqft;
 - 1no. 5 Bedroom detached house @c.3,000sqft.
- 3.5. As with previous applications the proposals detailed within the submitted Transport Statement (TS) also include alterations to the proposed access and a pedestrian link from the site to the existing footpath network to the north of the site on the western side of the Heyford Road, albeit that this element falls outside of the application's red line site boundary.

- 3.6. *Timescales for Delivery:* The applicant/agent has advised that: ‘*There is a willing landowner in place. The site is available now and suitable. The site is ...achievable within the next 5 years*’.

4. RELEVANT PLANNING HISTORY

Application Ref	Proposal	Decision
03/00075/F	Change of use of land to garden, dining room extension, enclosed swimming pool outbuilding and construction of a narrow gauge railway	Granted
03/01943/F	Erection of a station pavilion and tractor shed	Granted
05/00840/F	Single storey rear extension	Granted
19/00457/OUT	Erection of up to 8 No dwellings with all matters reserved except the means of access onto Heyford Road	Withdrawn
19/01601/OUT	Erection of up to 8 dwellings with all matters reserved except the means of access on to Heyford Road	Refused
20/00964/OUT	Erection of up to 8 dwellings with all matters reserved except the means of access on to Heyford Road	Refused

Applications 19/01601/OUT & 20/00964/OUT refused on the following grounds:

1. The proposed development represents new housing that would significantly encroach into the countryside beyond the built-up limits of Steeple Aston, contrary to the housing strategy of the Development Plan for the area, for which it has not been demonstrated that there is a justified need. In its proposed location the development would therefore be an unjustified and unsustainable form of development. As such the proposal is contrary to Policy ESD1 and Villages 1 of the Cherwell Local Plan 2011-2031 Part 1, Saved Policy H18 of the Cherwell Local Plan 1996, Policy PD1 of the Mid Cherwell Neighbourhood Plan 2018 and Government guidance contained within the National Planning Policy Framework.
2. The proposed development represents inappropriate ‘back-land’ development that would fail to relate well to the pattern of development in the area and would appear as an intrusion of built form into the countryside, detracting from the rural character and quality of the area the setting of the village. As such the proposal is contrary to Policies ESD13 and ESD15 of the Cherwell Local Plan 2011 - 2031 Part 1, Saved Policies C28 and C30 of the Cherwell Local Plan 1996, and Government guidance contained within the National Planning Policy Framework

5. PRE-APPLICATION DISCUSSIONS

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

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site, 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 **25 September 2020**, although comments received after this date and before finalising this report have also been taken into account.
- 6.2. Two letters/emails of objection and one letter/email of comment has been received. The comments raised by third parties are summarised as follows:

Objections:

- Principle – Contrary to the Mid-Cherwell Neighbourhood Plan.
- Location – The proposals do not follow the existing pattern of housing in the village, contrary to the Mid-Cherwell Neighbourhood Plan, and these plans would create a separate housing area attached to Steeple Aston, rather than adding to the existing community.
- Visual impact - The proposals are development of essentially garden or pasture land that is immediately adjacent to open countryside, so that the settled area of the village is markedly changed and with increased scale of development becoming more intrusive on the surroundings; contrary to conclusions of the Landscape and Visual Impact Assessment that the development would have a negligible or no visual impact.
- Layout – Concerns raised relating to the proposed layout of ten large houses being cramped on the site, and that they would not help with housing pressures in the locality.
- Impact on ecology – The area is in established use by a variety of wildlife, including deer and foxes which routinely use clear trails that cross the property in question and continue across the adjacent open fields, to the woods and ponds towards Rousham, and to the River Cherwell. Badgers present within the vicinity of the site. Benefits of conserving the wildlife.
- Impact on highway safety – Increased traffic generation; Access driveway would not allow a two-way traffic system to work, especially from the entrance. Concerns also raised regarding the speed of traffic entering the village at the location of the access. The increased movement of traffic turning into/out of the driveway would be a recipe for disaster for both vehicular access, pedestrians who are walking and would further development of the area would damage the environment and landscape.
- Private benefit only – The proposal would only benefit the applicant who has no inclination or intention to build; just to increase saleable value of land.
- This revised application has failed to address failures of previous applications.

Comments:

- Swift nest bricks should be incorporated into the development as a biodiversity enhancement
- 6.3. 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. MID-CHERWELL NEIGHBOURHOOD PLAN FORUM (MCNPF): The MCNPF reiterates its **Objections** to the previous application (20/00964/OUT), considering the same issues and conflicts with the neighbourhood plan to still exist, previously commenting: *'Mid-Cherwell Neighbourhood Plan Forum objects to this application on the grounds that it does not meet all the key criteria of MCNP Policy PD1, which has greater weight than Local Plan policies Villages 1 and 2'*.

7.3. STEEPLE ASTON PARISH COUNCIL: **No objections.**

OTHER CONSULTTEES

7.4. ARBORICULTURE: No comments received.

7.5. BUILDING CONTROL: **No objections.** Development would require a separate building regulations application.

7.6. CAMPAIGN TO PROTECT RURAL ENGLAND (CPRE): **Objects.** CPRE comments that: *'The site is outside the Residential Settlement Boundary as specified in the Mid-Cherwell Neighbourhood Plan (MCNP). The MCNP states clearly that such a scheme should not be supported. Development of the site would extend the housing area of the village far further to the west adjacent to an area of open fields, thus increasing the footprint of the village into the countryside. The proposed detached houses are substantial and do little to address the need for affordable, sustainable housing to provide for the local community. Steeple Aston has recently had housing applications accepted but these were within the settlement area and thus complied with MCNP and LP policy'*.

Further comments on the biodiversity gain estimates which look very substantial, but that the opinion of the Council's ecologist would be of value on this matter.

7.7. DESIGN AND CONSERVATION: **No comments received.**

7.8. ECOLOGIST: **No objections subject to conditions.** Conditions in respect of a Construction Environmental Management Plans (CEMP) for Biodiversity and a Landscape and Ecological Management Plan (LEMP); to secure protection for features of biodiversity and ecological value during construction and ensure a gain in biodiversity opportunities going forward.

7.9. ENVIRONMENTAL PROTECTION: **No objections subject to conditions,** in relation to securing a Construction Environment Management Plan (CEMP), Electrical vehicle Charging points and consideration of the potential for land contamination.

7.10. HEALTH AND WELL-BEING: **No objections, subject to S106** to secure contributions towards: Community Hall Facilities (£12,807.12); Outdoor Sport Provision (£22,600.50) and Indoor Sport Provision (£9,355.43).

7.11. LANDSCAPE OFFICER: **No objections subject to conditions** and a S106 agreement securing an appropriate landscaping scheme, a LAP and Outdoor Open Space provision.

7.12. OXFORDSHIRE COUNTY COUNCIL:

- ARCHAEOLOGY: **No objections.**
- EDUCATION: **No objections, subject to S106 contributions** of £56,013.00 towards expansion of secondary capacity serving the proposed development.
- LEAD LOCAL FLOOD AUTHORITY: **Objects;** considering that insufficient information has been provided to enable a technical assessment of the proposal in order to ensure a sustainable drainage strategy for the site can be delivered.

- LOCAL HIGHWAYS AUTHORITY: **No objection, subject to conditions** in relation to securing further details in respect of accesses, driveways and turning areas, cycle parking provision, provision of new permanent public footpaths and a construction traffic management plan (CTMP).
 - MINERALS & WASTE AUTHORITY: **No objections.**
- 7.13. STRATEGIC HOUSING: **Comments** on the application, noting that application falls below the requirement to provide Affordable Housing; and that the number of dwellings per hectare is unclear but looks to be low, and if development was permitted, could potentially support additional units, thereby triggering the Affordable Housing requirement. Further that Steeple Aston is a Category A village with good facilities and we have previously had support from the Parish Council for Affordable Housing in the village; however, this site is somewhat on the periphery of the village and lacks the relationship to the village that we would normally seek for affordable housing.
- 7.14. THAMES VALLEY POLICE (Design Advisor): No comments received.
- 7.15. THAMES WATER: **No objections.**

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 on 20th July 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 2015)

- 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
- BSC10: Open Space, Outdoor Sport and Recreation Provision
- BSC11: Local Standards of Provision – Outdoor Recreation
- ESD1: Mitigating and Adapting to Climate Change
- ESD2: Energy Hierarchy and Allowable Solutions
- ESD3: Sustainable Construction
- 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
- Villages 1: Village Categorisation

- Villages 2: Distribution Growth Across the Rural Areas
- INF1: Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- H18: New dwellings in the countryside
- C8: Sporadic development in the open countryside
- C28: Layout, design and external appearance of new development
- C30: Design of new residential development
- ENV1: Environmental pollution
- ENV12: Potentially contaminated land

8.3. Under Section 38 of the Planning and Compulsory Purchase Act 2004, a Neighbourhood Plan that has been approved at referendum also forms part of the statutory development plan for the area. In this case, the application site falls within the **Mid-Cherwell Neighbourhood Plan (MCNP)** and the following Policies of the Neighbourhood Plan are considered relevant:

- PD1: Development at Category A Villages
- PD4: Protection of Important Views and Vistas
- PD5: Building and Site Design
- PH1: Open Market Schemes
- PH5: Parking, Garaging and Waste Storage Provision

8.4. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Rousham Conservation Area Appraisal 2018
- Steeple Aston Conservation Area Appraisal 2014
- Cherwell Residential Design Guide SPD (July 2018)
- Annual Monitoring Report (AMR) (December 2019)
- Developer Contributions SPD (February 2018)
- Housing Land Supply in Oxfordshire: Ministerial Statement of 12th September 2018
- Oxfordshire Minerals and Waste Local Plan: Part 1 – Core Strategy, (September 2017)
- Oxfordshire County Council: Local Transport Plan 4 (2015-2031)
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2010
- Circular 06/2005 (Biodiversity and Geological Conservation)
- Oxfordshire Wildlife & Landscape Study 2004

9. APPRAISAL

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

- Principle of Development;
- Housing density and mix
- Design and Impact on the Character of the Area;
- Impact on the Historic Environment;

- Highways Safety;
- Impact on Residential Amenity;
- Ecology and Biodiversity;
- Drainage and Flood-risk.
- Impact on local infrastructure;

Principle of Development

- 9.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the District comprises the adopted Cherwell Local Plan 2011-2031 and the saved policies of the Cherwell Local Plan 1996 as well as a number of Adopted Neighbourhood Plans; in respect of this application this includes the Mid-Cherwell Neighbourhood Plan.

Policy Context

- 9.3. The NPPF's key objective is to support the achievement of sustainable development through the planning system, recognising the need to secure gains in the overarching objectives (economic, social and environmental). In respect of new residential development there is a requirement for the provision of new housing of the right type in the right location at the right time, and that development should contribute to protecting and enhancing our natural, built and historic environment, as well as fostering a well-designed and safe built environment (Para. 8). These aims are echoed within the policies of the CLP 2015 which looks to support sustainable development.
- 9.4. Policy PSD1 contained within the CLP 2015 echoes the NPPF's requirements for 'sustainable development' and that planning applications that accord with the policies in the Local Plan (or other part of the statutory Development Plan) will be approved without delay unless material considerations indicate otherwise.
- 9.5. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that conflicts with the Local Plan should be refused unless other material considerations indicate otherwise (Para. 12).
- 9.6. The Council's 2019 Annual Monitoring Report (AMR) confirms that the District can demonstrate a 4.4 years housing land supply. In the circumstances that a LPA cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer), there is a presumption in favour of sustainable development and ordinarily the circumstances at paragraph 11d of the NPPF are engaged – in short development should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.
- 9.7. However, in respect of the Oxfordshire Authorities including Cherwell there is a Written Ministerial Statement ("WMS") made in September 2018 concerning the Housing and Growth Deal, which is a significant material consideration. This sets out the requirement for a 3 year supply of deliverable housing sites (with the appropriate buffer) from the date it was made (12/09/2018) until the adoption of the Joint Statutory Spatial Plan in each area, providing the timescales in the Housing and Growth Deal are adhered to. Therefore, in this case, the tilted balance (para 11d of the NPPF) is not engaged because the Housing Supply requirement for the District should be taken to be 3 years in accordance with the WMS.
- 9.8. Policy ESD1 of the CLP 2015 states that measures will be taken to mitigate the impact of development within the District on climate change. This will include; distributing growth to the most sustainable locations as defined by Policy Villages 1

and delivering 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. Whilst this a strategic level policy it is considered relevant in the assessment and determination development proposals; reflecting the general provisions and aims of development plan policies and national guidance within the NPPF in respect of sustainable forms of development.

- 9.9. Policy Villages 1 of the CLP 2015 provides a framework for housing growth in the rural areas of the district and groups villages into three separate categories (A, B and C). Steeple Aston is recognised as a Category A village where new residential development will be restricted to conversions, infilling and minor development within the built-up area of the settlement.
- 9.10. Unlike previous applications, given that the current proposal is for 10no. dwellings, Policy Villages 2 ('PV2') of the CLP 2015 is also relevant. PV2 states that: "*A total of 750 homes will be delivered at Category A villages. This will be in addition to the rural allowance for small site 'windfalls' and planning permissions for 10 or more dwellings as at 31 March 2014*". This Policy notes that sites will be identified through the preparation of the Local Plan Part 2, through the preparation of the Neighbourhood Plan where applicable, and through the determination of applications for planning permission.
- 9.11. PV2 then sets out that when identifying and considering sites, particular regard will be given to the following criteria:
- *"Whether the land has been previously developed land or is of less environmental value;*
 - *Whether significant adverse impact on heritage and wildlife assets could be avoided;*
 - *Whether development would contribute in enhancing the built environment;*
 - *Whether best and most versatile agricultural land could be avoided;*
 - *Whether significant adverse landscape impacts could be avoided;*
 - *Whether satisfactory vehicular and pedestrian access/egress could be provided;*
 - *Whether the site is well located to services and facilities;*
 - *Whether necessary infrastructure could be provided;*
 - *Whether land considered for allocation is deliverable now or whether there is a reasonable prospect that it could be developed within the plan period;*
 - *Whether land the subject of an application for planning permission could be delivered within the next five years; and*
 - *Whether development would have an adverse impact on flood risk."*
- 9.12. The MCNP established settlement boundaries for the Category A villages within its Plan area. The application site falls outside of the identified settlement boundaries. Policy PD1 of the MCNP relates to new development at Category A villages within its Plan area, and states that any residential development which is outside the settlement areas of these villages must have particular regard to all the following criteria:
- a) The site should be immediately adjacent to the settlement area
 - b) The site should not be the best and most versatile agricultural land and the use of previously developed land is particularly likely to be acceptable.
 - c) The development should conserve and, where possible, enhance the landscape.

- d) The development should conserve and, where possible, enhance the special interest, character and appearance of the conservation areas and the significance of other heritage assets (see Appendix K: Heritage and Character Assessment).
 - e) The development should not give rise to coalescence with any other nearby settlement. This particularly applies to Steeple Aston and Middle Aston.
- 9.13. Policy PD1 identifies the total ‘*approximate*’, ‘*indicative*’ number of additional dwellings permitted during the Plan period, either within the settlement areas of these villages or adjacent to them, as being 20no. for Steeple Aston. It is noted that there is a resolution to grant planning permission for 10no. dwellings (19/02948/F) (subject to completion of S106 agreement, currently being negotiated) at the north end of the village (Southside). Should permission be granted for this proposal the allocation put forward within the MCNP 2018-2031 would be met.
- 9.14. Saved Policy H18 of the CLP 1996 sets out that a new dwelling in the open countryside will only be granted planning permission where it is considered to be essential for agriculture or another existing undertaking or where it meets the criteria for the provision of affordable housing and in either case where it does not conflict with any other policy in the development plan. The proposals do not find support under Policy H18.

Assessment

- 9.15. As noted above the application comes following the refusal of a similar applications ref. 19/01601/OUT and 20/00964/OUT and a further previously withdrawn application 19/00457/OUT for a similar development; albeit that these schemes were for a lesser quantum of development. The context of the site has not significantly changed since the previous applications.
- 9.16. The MCNP establishes settlement boundaries for the Category A villages within the plan area. The application site clearly falls beyond the identified settlement boundary of Steeple Aston within the MCNP.
- 9.17. Counsel advice given to the applicant and submitted in support of both the current and previous application (20/00964/OUT) makes a number of assertions in relation to the Council’s assessment of application 19/01601/OUT. In respect of whether the site falls within built-up area of the settlement the applicant’s Counsel advice considers: “...it does not devolve to the *Neighbourhood Plan* process the means of *delimiting the built up area boundaries of settlements.*”
- 9.18. Officers disagree. It is entirely reasonable and appropriate for the MCNP to define a settlement boundary; indeed, it is one of the roles of a neighbourhood plan. The Cherwell Local Plan makes clear at various points that Neighbourhood Plans will take on the role that would otherwise be assumed by any Local Plan Part 2. The MCNP was found to be in conformity with the CLP 2015 and found sound by the Examiner and now forms part of the Development Plan for the area. It is not appropriate for Counsel advice to seek to re-examine the MCNP or the purpose of Neighbourhood Plans.
- 9.19. Notwithstanding the conflict with the defined settlement boundary, officers consider that if the MCNP had not defined a settlement boundary and a judgement had to be made as to whether the site was beyond the built up limits to the village, it would be reasonable to conclude the site falls outside the built up limits. The built limits of a settlement are defined by the extent of the built form of the village and its relationship with other built development; and extensive areas of garden land to properties on the periphery of the village are generally considered to lie beyond the built limits of the village.

- 9.20. The proposals are for open-market housing beyond the built-up limits of the village and therefore would not find support under Policy Villages 1 of the CLP 2031 or saved Policy H18 of the CLP 1996.
- 9.21. That said, whether or not the site is beyond the built limits of the village is not necessarily determinative. Neither PV2 in the CLP 2015 nor Policy PD1 in the MCNP precludes the development of land just because it is outside the built limits of a settlement. Under both policies, sites immediately adjacent to the settlement area may be appropriate for development. The key test is how a site relates to the village and how the development of a site would impact on the setting of the village and the character and appearance of the area.
- 9.22. The MCNP was 'made' in 2019 and forms part of the Development Plan. In assessing new residential development on the edge of Category A villages regard must be had to the provisions of Policy PD1 as set out above. Policy PD1 is in conformity with Policy Villages 2 of the CLP 2031. However, given that Policy PD1 is a more recently adopted policy and is specific (in this instance) to Steeple Aston, officers consider that greater weight should be given to Policy PD1 in consideration of the principle of development in this instance. In assessing the proposals against the criteria of PD1 in turn, officers consider the following points to be relevant:
- a) The defined settlement edge follows the boundaries of the curtilage/planning unit (synonymous in this instance) of the adjacent property 29a Heyford Road to the north of the site. Whilst part of the site (as defined by the red line) sits adjacent the settlement boundary at the north-eastern corner of the site, the site as a whole significantly extends beyond the western edge of the settlement boundary. Only the access drive element of the proposals would actually sit adjacent the settlement boundary as defined by the MCNP, with the majority of the proposed development being sited to the west of the existing dwelling, beyond a tree-belt within the site, in what is considered to be a location that is somewhat divorced from the existing pattern of residential development and beyond the built-up limits of the village. These matters are discussed further below.
 - b) The site is not agricultural land; it is currently part of the extended residential garden of a residential dwelling in a rural location and recent case law has determined that such land could be considered as previously developed land (PDL). Whilst in some instances the development of PDL is likely to be acceptable, the fact that the land could be considered PDL does not mean that there should be a presumption in favour of its development, particularly where there is conflict with the policies of the development plan. Indeed, within the definition of PDL within the NPPF glossary it is highlighted that '*...it should not be assumed that the whole of the curtilage should be developed...*'. The key consideration is whether the proposed development is appropriate in the context. Such matters are discussed further below.
 - c) Development of 10 additional dwellings on the site would not conserve or enhance the landscape. Whilst the site forms part of the single planning unit of the Beeches, and is separated from the surrounding countryside, which wraps around the site, by existing boundary treatments, the site is relatively open in its nature and there is limited built form within the site. The built form on the extended garden, which is relatively low-key, does not significantly impact on the character or appearance of the area. This part of the site retains a verdant character and relates more to the surrounding countryside than it does to the village. The introduction of significant new residential development on the site would change and significantly impact on the character and appearance of the site, increasing the prominence of the built form and intruding into the open countryside. These matters are again discussed further below.

- d) It is considered that, given the location and context of the site in respect of nearby heritage assets, the proposals would not likely result in significant detrimental impacts on these heritage assets or the setting of such (see later in this report)
 - e) The proposals would not give rise to coalescence with any other nearby settlement.
- 9.23. Turning to consideration of Policy Villages 2 of the CLP 2031 (PV2), the proposal would add to the number of dwellings that have been granted planning permission at Category A villages in exceedance of the 750 specified in PV2. The 2019 Annual Monitoring Report states 920 dwellings have been identified for meeting the requirements of PV2 and, as of 1 April 2019, 271 dwellings were completed with a further 311 dwellings under construction (i.e. total of 582 either completed or under construction). Of the 920, the only permission to have lapsed is one for 17 dwellings at Arncott. The evidence suggests all other sites are coming forward.
- 9.24. By way of update, 144 dwellings were delivered during 2019/20 at PV2 developments, giving a total from 1 April 2014 to 31 March 2020 of 415 dwellings, and at 31 March 2020 there were 193 dwellings under construction, giving a total of 608 either completed or under construction. The total completions under PV2, year on year from 2014/15 to 2019/20 is 2, 69, 32, 65, 103 and 144, demonstrating a consistent upward trend over the last four years. Although COVID-19 will have an impact on delivery in 2020/1, given these figures it remains likely that 750 dwellings will have been delivered by 2023.
- 9.25. Turning to the assessment of the proposals against the criteria of PV2 where not already covered above in regard to Policy PD1:
- 9.26. It is considered that the proposals are unlikely to result in significant adverse impact on heritage or wildlife assets (these matters are discussed in more detail further below).
- 9.27. Given that all matters are reserved for future consideration it cannot be fully established at this stage that the proposals would contribute to the enhancement of the built environment; conversely it cannot be assumed that that it categorically would not.
- 9.28. In terms of safe vehicular and pedestrian access/egress being provided, the LHA has assessed the proposals and considers the principle of development acceptable in terms of highway safety (again discussed further below), subject to approval of appropriate details which could be secured by way of condition attached to any such permission.
- 9.29. The site is considered to be adjacent to one of the more sustainable Category A villages. It benefits from a food shop, post office, primary school and public house, and has a regular bus service. In any case, it is identified by the MCNP for approx. 20 dwellings during the MCNP's plan period.
- 9.30. In terms of infrastructure, no technical objections have been received from utility suppliers in terms of capacity of existing facilities and services, including water supply and sewage disposal or from the LHA in terms of the capacity of the local road network. It is considered that any such matters in relation to provision of appropriate infrastructure could be secured by way of appropriate conditions attached to any such permission supported by a S106 agreement as necessary or at any such detailed application stage.
- 9.31. In terms of deliverability, the applicant indicates there is a willing landowner and that development would be achievable within the next 5 years. Officers are not aware of any evidence to the contrary.
- 9.32. The site is not within an area considered to be at a high risk of flooding. However, whilst the Flood-Risk Assessment and Drainage Strategy report (FRA) submitted

in support of the application indicates that an acceptable sustainable drainage strategy can be achieved, the Lead Local Flood Authority advise that there is insufficient information submitted to establish this; in this respect it concluded that the proposals have failed to demonstrate that an acceptable sustainable drainage strategy for the site can be delivered.

- 9.33. Given the above officers consider that the proposals also demonstrate conflict with the provision and aims of policy Villages 2 of the CLP 2031.

Conclusion

- 9.34. The principle of the development 10no dwellings in this location conflicts with the provisions of Development Plan policies Policy PD1 of the MCNP, Policy Villages 1 and Policy Villages 2 of the CLP 2031 and Saved Policy H18 of the CLP 1996; and as such the proposals would be contrary to the Council's rural housing strategy and associated policies, and are unacceptable in principle.

Housing Density and Mix

Policy Context

- 9.35. The NPPF advises that in order to create sustainable, inclusive and mixed communities, Local Planning Authorities should plan for a mix of housing, reflect local demand and set policies for meeting affordable housing need. Policy BSC4 of CLP 2031 echoes the aims of the NPPF requiring new residential development to provide a mix of homes in the interests of meeting housing need and creating socially mixed and inclusive communities.
- 9.36. The NPPF (Para. 117) states that: *'Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions'*.
- 9.37. Further at Para. 122 that: *Planning policies and decisions should support development that makes efficient use of land, taking into account:*
- a) *the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;*
 - b) *local market conditions and viability;*
 - c) *the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;*
 - d) *the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and*
 - e) *the importance of securing well-designed, attractive and healthy places.*
- 9.38. Policy BSC2 of the Cherwell Local Plan 2011-2031 Part 1 (CLP 2031) reflects the aims of national guidance and requires that new housing should be provided on net developable areas at a density of at least 30 dwellings per hectare (DPH) unless there are justifiable planning reasons for lower density development.
- 9.39. Policy BSC4 of the CLP 2031 states that: *'New residential development will be expected to provide a mix of homes to meet current and expected future requirements in the interests of meeting housing need and creating socially mixed and inclusive communities'*. Further that: *'The mix of housing will be negotiated having regard to the Council's most up-to-date evidence on housing need and available evidence from developers on local market conditions'*
- 9.40. Policy PH1 of the MCNP is considered to be in line with Policy BSC 4 of the CLP 2031 and requires that: in developments of 10 dwellings or more, the indicative mix

should be: 30% 1 or two bedrooms, 46% 3 bedrooms and no more than 24% with 4 bedrooms or more.

Assessment

- 9.41. The proposals are for 10no. dwellings on a site of 1.34Ha resulting in a proposed density of 7.5 DPH; this is significantly below the density required under Policy BSC2. No justification has been put forward within the application as to why the Council should accept such a low density on this site.
- 9.42. The NPPF (Para. 123) states that: *'Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site'*.
- 9.43. At 1.34Ha the site would normally be expected to provide in excess of the affordable housing threshold in Policy BSC3 (11 or more dwellings). This policy states that, *'...all development that include 11 or more dwellings (gross), or which would be provided on sites suitable for 11 or more dwellings, will be expected to provide at least 35% of new housing as affordable homes on site'*.
- 9.44. The MCNP notes (e.g. at para 1.11.2) a particular requirement for the provision of Affordable Housing. The Vision Statement of the MCNP sets out a need for small-scale affordable housing. MCNP housing policy objective H2 seeks to "ensure that affordable housing is provided within any local developments". This is reiterated in para 2.3.3 with regard to how the MCNP will deliver on its objectives. Para 3.3.2 states that, along with objective H1, H2 "will...help to achieve the provision of affordable housing and a mix of housing types and sizes..."
- 9.45. The Council's Strategic Housing Team advises that the site could accommodate a greater number of dwellings and trigger the threshold for affordable housing under Policy BSC3 of the CLP 2031. The case officer supports the views of the Housing Team, in that the site could achieve a greater density, and it is considered that this could be achieved without the site appearing overly cramped or to the significant detriment of the character of the surrounding area; through a more appropriate housing mix and the use smaller dwelling types. (That is, the development of the site would have a similar impact on its surroundings, whether for 8, 10 or 12 dwellings).
- 9.46. The application site has the capacity to take additional development and, if the development of the site were to be considered acceptable in principle, further units could meet identified needs as expressed in the Strategic Housing Team's comments and the objectives of the Mid Cherwell Neighbourhood Plan; without such affordable housing provision the proposals would be in conflict with Policy BSC3 of the CLP 2031. This lack of affordable housing provision further adds weight to the case for the LPA requiring smaller, more affordable dwellings as part of any development of this scale. Further, whilst each proposal must be assessed on its own merits, acceptance of such low density development in this instance could potentially set an undesirable precedent for similar edge of village developments.
- 9.47. In terms of housing mix, the Oxfordshire Strategic Housing Market Assessment (SHMA 2014) provides the evidence base for the strategic mix of housing set out in the relevant policies of the Development Plan. This identifies a mix for market housing of 5% 1-Bed, 25% 2-Bed, 45% 3-Bed and 25% 4-Bed for Oxfordshire, albeit identifying that there is a greater need for 3-bed properties within Cherwell. Policy PH1 of the MCNP is considered to be in general consistency with Policy BSC 4 of the CLP 2031 and requires that: *'in developments of 10 dwellings or more the indicative mix should be: 30% 1 or two bedrooms, 46% 3 bedrooms and no more than 24% with 4 bedrooms or more'*. At a mix of 30% 2-bed, 50% 3-bed

and 20% 4/5-Bed the current scheme is considered to comply with the provisions of Policy PH1 MCNP and Policy BSC4 of the CLP 2031 in this regard.

Conclusion

- 9.48. By virtue of the proposed low density the proposals would not be an effective and efficient use of land. The current proposal is therefore contrary to Policies PH1 of the MCNP, Policy BSC2 of the CLP 2031 and Government guidance within the NPPF.

Design and Impact on the Character of the Area:

Policy context

- 9.49. The Government attaches great importance to the design of the built environment within the NPPF. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 9.50. These aims are echoed within Policy ESD15 of the CLP 2031 which looks to promote and support development of a high standard which contributes positively to an area's character and identity by creating or reinforcing local distinctiveness, stating that: *"New development proposals should respect the traditional pattern of 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 designed active public frontages"*.
- 9.51. Saved Policy C28 of the CLP 1996 states that control will be exercised over all new development to ensure that standards of layout, design and external appearance are sympathetic to the character of the context of that development. Further, saved Policy C30 of CLP 1996 states control will be exercised to ensure that all new housing development is compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity.
- 9.52. The Council's Residential Design Guide SPD seeks to ensure that new development responds to the traditional settlement pattern, character and context of a village. This includes the use of continuous building forms along principle routes and adjacent to areas of the public open space, the use of traditional building materials and detailing and form that respond to the local vernacular.
- 9.53. The site was previously identified as being within an Area of High Landscape Value under policies of the CLP 1996, where the Council sought to conserve and enhance the environment. Policies in respect of landscape protection and enhancement have subsequently been replaced by Policy ESD13 of the CLP 2031 which adopts a character-based approach to seek to conserve and enhance the countryside and landscape character of the whole District.
- 9.54. Policy ESD13 of the CLP 2031 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 normally 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, or impact on areas judged to have a high level of tranquillity.

Assessment

- 9.55. All matters aside from access are reserved for future consideration, and therefore the principle matter for consideration is to whether 10 dwellings can be satisfactorily accommodated on the site without detriment to the character and appearance of the area. As with previous applications at the site the current

application is supported by a Landscape Visual Impact Assessment, indicative landscape strategy details and a 1-10-year photo montage.

- 9.56. The existing dwelling is largely screened to views from the public domain by existing natural screening and the topography of the surrounding land. The western part of the site sits within tranquil open countryside and as noted within the submitted LVIA is visible from the PRow to the west of the site. Further, whilst not a formally designated PRow it was also evident from officers' site visit that an informal footpath route exists along the southern boundary of the site, and the proposed development would also be experienced from this route.
- 9.57. Any significant new residential development of greater scale on the site would be visible above existing boundary hedgerows and result in an expansion of built development, intruding into the open countryside.
- 9.58. The landscape around the site is located within the Farmland Slopes & Valley Sides character type within the Oxfordshire Wildlife & Landscape Study (OWLS) 2004.
- 9.59. The OWLS note that the Farmland Slopes & Valley Sides is characterised by 'A landscape type with prominent slopes within broader valleys. It is occupied by a mixed pattern of pasture and arable land. Long-distant views across the valleys are characteristic. The OWLS set out that the key characteristics comprise of:
- Prominent slopes and valley sides interrupted by a number of small, narrow v-shaped valleys.
 - Large arable fields on the gentler slopes and small pasture fields on the steeper slopes and steep-sided valleys.
 - A well-defined pattern of tall hedges and hedgerow trees.
 - Small woodland copses and belts on steep slopes and along watercourses in the minor valleys.
 - Small unspoilt villages with rural character.
- 9.60. Land west of the site is located within the Wooded Estatelands character type within OWLS 2004. This neighbouring character type would not be directly affected by the proposed development.
- 9.61. The Council's Countryside Design Summary (CDS) (1998) encourages sensitive and appropriate development across the District and looks to guide development in the rural areas so that the distinctive character of the district's countryside and the settlements and buildings within it are maintained and enhanced. This divides the Cherwell District into four broad areas and this site is identified as lying within the Cherwell Valley area. The character analysis within the CDS describes the landscape of the area as 'A loose patchwork of fields remain with strong field patterns concentrated on steeply undulating land and close to villages. These fields are bounded by mixed thorn hedgerows, many of which contain oak trees. Wet pasture on the valley floor gives way to arable farmland on the valley slopes and upland areas.'
- 9.62. With regard to the implications for new development in respect of settlement pattern the CDS sets out that, in part, new development should reflect the landscape setting of villages, by not encroaching beyond any topographical, visual or environmental limits.
- 9.63. The rural edge of the village is largely bounded by mature hedgerows and trees in this location. In respect of the application site itself as well as mature boundary planting there is also further significant tree coverage within the site, which provides a natural boundary and screening within the site between the existing

dwellinghouse and the garden area, that is largely given over to the narrow-gauge railway.

- 9.64. As noted above the site forms part of the extended planning unit of the Beeches, granted permission in 2003. On this permission it was considered appropriate and necessary to remove permitted development rights (condition 3 of 03/00075/F) in relation to the erection of new structures within the extended area, in order to safeguard the visual amenities of the area.
- 9.65. Whilst officers acknowledge that this is an outline application, and therefore the site layout is indicative, given the context of the site, the numbers proposed, and existing dwelling to be retained on the site it is likely that any proposed development would come forward as set out within the application documentation or in a similar layout, scale and siting.
- 9.66. The indicative layout shows that the majority of the development (plots 3-10) sitting beyond the natural screening within the site. Plots 1 and 2 also notably sit beyond the existing established building line of properties immediately to the north. The proposed development, more so Plots 3-10, appear as a somewhat isolated arrangement of what are likely to be substantial two storey dwellings, not only away from the properties within the village, but also divorced from the existing host dwelling; contrary to, and failing to integrate with the existing pattern of residential development within the village and the existing community.
- 9.67. Whilst the proposed development site is contained within existing boundaries, the site currently does not significantly intrude into, or detract from, the wider open rural landscape or edge of village setting, largely as a result of being devoid of any built form of significant scale. The introduction of significant two storey residential development is not considered to have the same sympathetic relationship.
- 9.68. The submitted Landscape Visual Impact Assessment (LVIA) concludes at para. 11.4 that the proposals would have a low visual impact and that no features of landscape sensitivity would be lost, considering that the proposed development could be visually contained through an appropriate landscape strategy with enhanced landscaping along the boundaries of the site. However, officers disagree with this conclusion and consider that the LVIA significantly underestimates the potential visual impacts of the proposed development.
- 9.69. As was noted during previous applications the LVIA demonstrates potential views of the site from the PRow to the west (notably Photoviewpoints 11 & 12) and that the existing railway station within the site was visible from viewpoint 12. The existing railway station is a relatively low-key, unassuming single storey building that sits at a lower level (some 2m) than the levels at the western edge of the site. Whilst the existing buildings sit relatively comfortably within the site and do not generally intrude into the rural landscape, it is considered that the proposed development (significant in scale; likely to be large two storey dwellings) would not have the same sympathetic relationship, appearing as isolated residential development detrimentally impacting on the relatively rural context of the site, visually intruding into the valued open countryside.
- 9.70. The Council's Landscape Officer (LO) has reviewed the supporting documentation including the 1-10-year photo montage and considers that the year 10 image is a reasonable projection of the height of structural vegetation for the benefit of visual receptors on the PRow to the west on the site. However, officers remain concerned with regards to the potential visual impacts of the proposed development and consider that the LVIA and the 1-10-year photo montage do not accurately reflect the likely potential visual impacts of the proposed development.
- 9.71. The montage shows the existing railway station building; A ~3.9m high single storey building with shallow pitched roof. The montage also shows the proposed development at years 1 and 10; with Plots 6 & 7 appearing as the most prominent

elements of the proposed development to views from the west. Given the topography of the site Plot 6 would sit at approximately 2m higher position than that of the existing station building, relative to existing land levels. Given that Plot 6 is likely to be a two storey (~9m high) dwelling sitting at a higher level in the landscape, officers consider by comparing the relative heights of the existing and proposed buildings that montage does not accurately portray the scale of the proposed dwellings and the potential impacts of the proposals.

- 9.72. Given the siting and orientation of the plots the gardens to plots 6, 7, 8, 9 and 10 would suffer from overshadowing (an issue raised by the Council's Arboricultural Officer during previous applications) and would be a constraint to the proposed development. Because the boundary hedgerows to the west and south would likely be subjected to different owners maintaining them, the hedgerows would likely mean that they would be cut at different heights, or even removed; potentially to reduce shading to the rear elevations and gardens of these properties. This would result in impoverished hedgerow and harmful to the landscape character, further resulting in the visual exposure of the proposed dwelling units and direct harmful impact and effect on the landscape receptor and visual receptors on the PRow 364/8/10 to the west, making the site more visually prominent and harmful.
- 9.73. As noted above, the fact that the land could be considered PDL does not mean that there should be a presumption in favour of its development where there is conflict with the policies of the development plan. Proposed housing development may comply with some planning policies and not others and in certain circumstances conflict could arise where a scheme is manifestly incompatible with the relevant strategy. It is a matter of undertaking the planning balance to examine whether the adverse impacts of a development would be outweighed by the benefits such that, notwithstanding the harm, it could be considered sustainable development within the meaning given in the NPPF. The planning balance will be weighed at the conclusion of this report.
- 9.74. It is considered this fresh submission has not overcome the fundamental concerns previously raised by officers with regards to the principle of development in that the proposed development would be visually divorced from the existing built up limits of the village, and by increasing the scale of the built form at this location this would visually intrude into the valued rural landscape; officers consider the increase of the quantum of development from previous schemes only serves to compound the harm that would be caused.

Conclusion

- 9.75. Whilst layout is not for consideration at this stage, and the submitted plans are only indicative it is considered that, given the constraints of the site, development would likely come forward as indicated, or of a similar layout, and the development of the site for 10no. large residential dwellings could not be delivered without it being visually divorced from the existing built up limits of the village, visually intruding into the valued rural landscape. Development of the site for 10no. dwellings would not be compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity site and would fail to reflect or reinforce local distinctiveness, detrimentally impacting on the character and appearance of the rural context of the site and edge of village setting; contrary to the provisions and aims of the Development Plan policies identified above and National guidance within the NPPF.

Heritage Impact

Legislative and policy context

- 9.76. Sitting adjacent the Rousham Conservation Area the site has the potential to affect the setting of a Conservation Area.

- 9.77. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the Local Planning Authority gives special regard to the desirability of preserving a listed building or its setting.
- 9.78. Paragraph 189 of the NPPF states that: "In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance."
- 9.79. Paragraph 193 of the NPPF states that: "When considering the impacts 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." Paragraph 194 of the NPPF goes on to state that: "Any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification."
- 9.80. Paragraph 196 of the NPPF states that: "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."
- 9.81. Policy ESD15 of the CLP 2015 states that new development proposals should: "Conserve, sustain and enhance designated 'heritage assets' (as defined in the NPPF) including buildings, features, archaeology, conservation areas and their settings, and ensure new development is sensitively sited and integrated in accordance with advice in the NPPF and NPPG."

Assessment

- 9.82. Previous proposals were considered to be acceptable in this regard. Whilst there is an increase in the number of proposed dwellings (8-10), the indicative layout indicates a similar development area with the same general relationship to the historic environment to that previously assessed. There is no change to the historic context officers see no reason to now reach a different conclusion in respect of heritage impact to that reached in the assessment of applications 19/01601/OUT and 20/00964/OUT.
- 9.83. The application site is not within a designated conservation area and there are no listed buildings within the immediate vicinity of the site. The Rousham Conservation Area (CA) boundary lies adjacent to the Heyford Road east of the site, whilst the Steeple Aston Conservation Area boundary lies some 230m to the north of the site.
- 9.84. Whilst no formal comments have been received from the Conservation Officer in respect of the current application, there have previously been no objections in this regard during preceding applications at the site. As noted above, given that this is an outline application the site layout is indicative. However, given the constraints of the site and based on the indicative layout plan it is likely that the proposed development would be set away from the boundaries of the Rousham CA with existing buildings and landscaping on intervening land.
- 9.85. The proposals would require alterations at the access onto the Heyford Road and the creation of a new footpath link, sitting adjacent the Rousham CA. However, it is considered that such alterations would not likely be so significant or to the detriment of visual amenities to the extent that it would significantly impact on the setting of the adjacent CA.

Conclusion

- 9.86. Overall, it is considered that the proposed development would not result in demonstrable harm to the character and appearance of the Rousham CA or its setting, and would thus accord with Policy ESD15 of the CLP 2031 and Government guidance within the NPPF in this regard.

Highways Safety:

Policy context

- 9.87. The NPPF (Para. 108) states that the planning system should actively manage patterns of growth in support of the achievement of promoting sustainable transport. However, notes that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.
- 9.88. The NPPF (Para. 108) advises that in assessing specific applications for development, it should be ensured that:
- appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - safe and suitable access to the site can be achieved for all users;
 - and 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.
- 9.89. Both Policies ESD15 and SLE4 of the CLP 2031 reflect the provision and aims of the NPPF. Policy ESD15 of the CLP 2031 states that: *“New development proposals should be designed to deliver high quality safe, attractive, durable and healthy places to live and work. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions”*; whilst Policy SLE4 states that: *“All development where reasonable to do so, should facilitate the use of sustainable modes of transport (and) development which is not suitable for the roads that serve the development and which have a severe traffic impact will not be supported”*.

Assessment

- 9.90. The Local Highway Authority (LHA) has assessed the application and raises no objections subject to several conditions to secure further information and details in relation to the proposed access, driveway and turning area and cycle parking provision and further ensuring the provision of new permanent public footpaths and a construction management plan; and further to secure commitment to secure entry into a S278 agreement (Highways Act 1980) to secure mitigation/improvement works, including: Formation of a new site access and provision of a footway link on the Heyford Road to the existing footway network within the village. The LHA advises that, subject to acceptable details being approved, the proposals would not have an adverse impact on local highway safety.
- 9.91. As noted by the case officer in considering the previous application, concerns were previously raised during the earlier applications with regards to the proposed access to the development not being acceptable and the lack of pedestrian connectivity from the site back into the village. These matters have been addressed in the previous and current submission, with the plans demonstrating that safe access with appropriate vision splays and can be achieved, and further a pedestrian link could be achieved, details of which are included within the submitted Transport Statement (TS).
- 9.92. In the assessment of 19/01601/F and 20/00964/OUT officers considered that, subject to the requirements of the LHA being secured by way of appropriate conditions and legal agreements, the proposals would be acceptable in terms of

highway safety. As with the previous application it is noted that the proposed access plan 200388-02 Rev. B within the TS is an older version than that previously considered Rev. C during 19/01601/OUT; however, this is not considered to significantly to alter the access arrangements, with the revision largely relating to the removal of grey shading from the drawing (denoting tree coverage). Given that the proposals are essentially as previously assessed in terms of potential transport impacts, with no objection from the LHA, it is considered that the proposals could be considered acceptable in terms of highway safety.

Conclusion

- 9.93. The LHA concludes that the proposal would not have a significant adverse impact upon the safe and efficient operation of the highway network subject to conditions and an obligation to enter into a S278 agreement. Whilst officers acknowledge the concerns of the local residents in respect of potential increase traffic movement and the speed of such through the village, given that it is considered that the proposals would not result in a significant increase in traffic movements officers see no reason to disagree with the LHA's assessment.

Impact on Residential Amenity:

Policy Context

- 9.94. Para. 180 of the NPPF advises of the need Planning policies and 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.
- 9.95. Policy C30 of the CLP 1996 requires that a development must provide standards of amenity and privacy acceptable to the Local Planning Authority. These provisions are echoed in Policy ESD15 of the CLP 2031 which states that: '*new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space*'.

Assessment

- 9.96. The application is in outline only. Any detailed proposals would need to have due regard to requirements of Section 6 of the Cherwell Residential Design Guide SPD (CRDG) with regard to appropriate standards of amenity for both existing and future residents. Whilst the indicative layout appears to demonstrate that an acceptable living environment could potentially be developed, appropriate positioning and scale of dwellings, boundary treatments and the nature of such treatments could be given due consideration at reserved matters stage.
- 9.97. As noted above the majority of the proposed development would be physically divorced from existing properties and would not likely have a direct impact on the amenity of neighbours to the site or other local residents.
- 9.98. The plots considered to have the greatest potential impact on neighbouring properties would be plots 1 & 2 which would be sited in excess of 35m south-west from the rear of 29a Heyford Road (nearest property to the north of site). This separation distance is considered appropriate having regard to the guidance within the CRDG. As noted above the proposed site is bounded by existing hedgerows and trees along the northern boundary and it is indicated that this boundary is to be retained going forward; this would provide natural screening of the site and assist in providing appropriate levels of privacy to both existing neighbouring residents and potential future occupants.
- 9.99. In respect of noise and disruption during construction it is considered that such impacts are unlikely to be significant and would only likely be short-term in their

nature, and not something that would warrant a reason to refuse the application; and should the Council be minded to approve the application that an appropriate Construction Environment Management Plan could be secured by way of condition to satisfactorily address such matters.

Conclusion

- 9.100. Based on the information submitted it is considered that, given its context and its relationship with neighbouring properties, the site could be developed for 10 no. dwellings without it resulting in any significant impact on neighbour amenity in terms of loss of light, loss of privacy or over domination as a result of the proposed development. Further that, subject to detailed design, the proposed development would likely provide an acceptable standard of living for potential future occupants.

Ecology Impact

Legislative context

- 9.101. The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose European Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.
- 9.102. Under the Regulations, competent authorities i.e. any Minister, government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive.
- 9.103. The Regulations provide for the control of potentially damaging operations, whereby consent from the country agency may only be granted once it has been shown through appropriate assessment that the proposed operation will not adversely affect the integrity of the site. In instances where damage could occur, the appropriate Minister may, if necessary, make special nature conservation orders, prohibiting any person from carrying out the operation. However, an operation may proceed where it is or forms part of a plan or project with no alternative solutions, which must be carried out for reasons of overriding public interest.
- 9.104. The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of the 3 strict legal derogation tests:
- (1) Is the development needed to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment?
 - (2) That there is no satisfactory alternative.
 - (3) That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.
- 9.105. The Regulations require competent authorities to consider or review planning permission, applied for or granted, affecting a European site, and, subject to certain exceptions, restrict or revoke permission where the integrity of the site would be adversely affected. Equivalent consideration and review provisions are

made with respects to highways and roads, electricity, pipe-lines, transport and works, and environmental controls (including discharge consents under water pollution legislation).

Policy Context

- 9.106. Paragraph 170 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.
- 9.107. Paragraph 175 states that when determining planning applications, local planning authorities (LPAs) 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.
- 9.108. Paragraph 180 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.
- 9.109. 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.
- 9.110. 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.
- 9.111. These policies are both supported by national policy in the NPPF and also, under Regulation 43 of Conservation of Habitats & Species Regulations 2017, it is a criminal offence to damage or destroy a breeding site or resting place, unless a licence is in place.
- 9.112. 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 LPAs 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.

Assessment

- 9.113. Natural England's Standing Advice states that an LPA only needs to ask an applicant to carry out a survey if it's likely that protected species are:
- present on or near the proposed site, such as protected bats at a proposed barn conversion affected by the development

It also states that LPAs can also ask for:

- 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
 - 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’)
- 9.114. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site whilst not considered to contain any significant features of ecological and biodiversity value there are a number of mature trees and hedgerows that bound the site, and therefore has the potential to be suitable habitat for bats, breeding birds and badgers.
- 9.115. In order for the LPA 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, LPAs must firstly assess whether an offence under the Regulations is likely to be committed. If so, the LPA should then consider whether Natural England (NE) 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.
- 9.116. 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 NE will not grant a licence then the Council should refuse planning permission; if it is likely or unclear whether NE will grant the licence then the Council may grant planning permission.
- 9.117. The site is considered to be of some ecological potential and offers opportunities for biodiversity at the site. The proposals are supported by a detailed Ecological Impact Assessment (EIA) and Biodiversity Impacts Assessment (BIA) prepared by ‘Ecolocation’ which identified that the site was found to have potential to support a number of protected species including badgers and bats and nesting birds. The EIA is also supplemented by Bat Assessment again prepared by ‘Ecolocation’.
- 9.118. The Council’s Ecologist (CE) has reviewed the submitted ecological information, noting that whilst there are no significant protected species issues on site there are however habitats of value. The CE advises that should permission be granted a Construction Environmental Management Plan (CEMP) for biodiversity would be required. This would need to outline which areas would be protected during construction and how, timings of works to avoid harm to species on site, sensitive methods of working etc.. Further it should also include the measures outlined in sections 5.1 and 5.2 of the Bat Assessment which include those on lighting; to ensure no adverse impacts on ecology during any such construction phase.
- 9.119. The CE notes that whilst the BIA outlines the habitats currently on site and those to be created and suggest a good level of nett gain in biodiversity no specific calculations have been included so it is difficult to check the actually check. The CE therefore recommends that, should permission be granted, the submission of a Landscape Environmental Management Plan (LEMP) (including a metric to show the level of nett biodiversity gain) would need to be required by condition so that full details of all retained and created habitats and how they will be managed and monitored is secured, to ensure that proposals actually result in a nett gain in biodiversity opportunities at the site.

Conclusion

- 9.120. Officers are satisfied, on the basis of the advice from the Council’s Ecologist subject to conditions, that the welfare of any European Protected Species found to be present at the site and surrounding land would 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. Further that

the proposals could demonstrate a nett gain in biodiversity at the site in accordance with the provisions and aims of Policy ESD10 of the CLP 2031 and Government guidance within the NPPF in respect of Conserving and enhancing the natural environment.

Flooding Risk and Drainage

Policy Context

- 9.121. Policy ESD6 of the CLP 2015 essentially replicates national policy contained in the NPPF with respect to assessing and managing flood risk. In short, this policy resists development where it would increase the risk of flooding and seeks to guide vulnerable developments (such as residential) towards areas at lower risk of flooding.
- 9.122. Policy ESD7 of the CLP 2015 requires the use of Sustainable Drainage Systems (SuDS) to manage surface water drainage systems. This is with the aim to manage and reduce flood risk in the District.

Assessment

- 9.123. A site-specific Flood Risk Assessment & Drainage Strategy (FRA) prepared by Wardell Armstrong has been submitted in support of the application. The Environment Agency's flood maps indicate that site is not within a higher risk flood zone and are within Flood Zone 1 where residential development is acceptable in principle subject to no increased flood risk elsewhere as a result of proposal.
- 9.124. The site is in a location that is not identified as being at higher risk of flooding. The FRA includes a drainage strategy for the site which has been assessed by the County Council as LLFA. The LLFA considers that '*insufficient information has been provided to enable a technical assessment of the proposal in order to ensure a sustainable drainage strategy for the site can be delivered*'.
- 9.125. Policy ESD 7 sets out the Council's approach to Sustainable Drainage Systems (SuDS). Managing drainage more sustainably can ensure that developments are better adapted to the predicted impacts of climate change which include more intense rainfall events. To ensure that the development does not have any adverse offsite impacts and increase flood risk elsewhere it is necessary to demonstrate that the sustainable drainage of surface water and foul drainage from the proposed development can be achieved.
- 9.126. The drainage strategy submitted with the application proposes the use of on plot lined soakaways and permeable access road; a scheme which would potentially accord with the principles of a sustainable drainage strategy. However, preliminary infiltration tests have not been carried out to date. The LLFA advises that further ground investigation tests need to be carried out to confirm the ground is suitable for on land soakaways and further information is considered necessary to show how overland flow would be mitigated. In the absence of such information the LLFA advises that it is unclear as to whether the proposed drainage strategy is appropriate for the site and that a sustainable drainage strategy for the site can be delivered.
- 9.127. The applicant indicates that sewerage would be disposed of by way of mains sewer. The LLFA notes that proof of confirmation from Thames Water (TW) accepting the connection into their drainage network has not been provided. Any connection to the existing sewerage system would require TW's permission, which is presumed would not be granted if there was a capacity issue. In its response to consultation on the application TW has raised no objection to the proposals with regard to wastewater network and sewage treatment works infrastructure capacity.

Conclusion

- 9.128. Officers consider that, in light of the technical objection raised by the LLFA, the proposals have failed to demonstrate that appropriate surface water drainage scheme for the site, based on sustainable drainage principles, can be achieved; the proposals are therefore not considered to be in accordance with the Development Plan policies identified above and are not acceptable in terms of flood-risk and drainage.

Impact on Local Infrastructure

Policy Context

- 9.129. Policy INF1 of the CLP 2015 states that: *“Development proposals will be required to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.”*
- 9.130. Policy BSC11 of the CLP 2015 states that: *“Development proposals will be required to contribute to the provision of open space, sport and recreation, together with secure arrangements for its management and maintenance. The amount, type and form of open space will be determined having regard to the nature and size of development proposed and the community needs generated by it. Provision should usually be made on site in accordance with the minimum standards of provision set out in ‘Local Standards of Provision – Outdoor Recreation’. Where this is not possible or appropriate, a financial contribution towards suitable new provision or enhancement of existing facilities off site will be sought, secured through a legal agreement.”*
- 9.131. The Council has an adopted Supplementary Planning Document (SPD) setting out its position in respect of requiring financial and on site contributions towards ensuring the necessary infrastructure or service requirements are provided to meet the needs of development, and to ensure the additional pressure placed on existing services and infrastructure is mitigated. This is the starting point for negotiations in respect of completing S106 Agreements.

Assessment

- 9.132. Where on- and off-site infrastructure/measures need to be secured through a planning obligation (i.e. legal agreement) they must meet statutory tests set out in regulation 122 of the Community Infrastructure Ley (CIL) Regulations 2010 (as amended). These tests are that each obligation must be:
- Necessary to make the development acceptable in planning terms;
 - Directly related to the development;
 - Fairly and reasonably related in scale and kind to the development.
- 9.133. Where planning obligations do not meet the above statutory tests, they cannot be taken into account in reaching a decision. In short, these tests exist to ensure that local planning authorities do not seek disproportionate and/or unjustified infrastructure or financial contributions as part of deciding to grant planning permission. Officers have had regard to the statutory tests of planning obligations in considering the application and Members must also have regard to them to ensure that any decision reached is lawful.
- 9.134. Having regard to the above, in the event that Members were to resolve to grant planning permission, the following items would in officers’ view need to be secured via a legal agreement with both Cherwell District Council and Oxfordshire County Council in order to secure an appropriate quality of development as well as adequately mitigate its adverse impacts:

Cherwell District Council

- Provision of public open amenity space and future maintenance arrangements;

- Provision of a combined on-site LAP together with future maintenance arrangements;
- Maintenance arrangements for on-site trees, hedgerows, and drainage features;
- Payment of a financial contribution towards the provision of refuse/recycling bins for the development.
- Financial contributions towards improvements to off-site indoor and outdoor sports facilities;
- Financial contribution towards the provision of new community hall facilities or the improvement/expansion of existing facilities where there is not enough space capacity in existing appropriate facilities.

Oxfordshire County Council

- Education - Financial contribution of £56,013.00 toward expansion of secondary capacity serving the proposed development.
- Transport - To secure entry into a S278 agreement (Highways Act 1980) to secure mitigation/improvement works, including: Formation of a new site access and provision of a footway link on the Heyford Road to the existing footway network within the village.

Conclusion

9.135. A number of items would need to be secured via a legal agreement with both Cherwell District Council and Oxfordshire County Council, in order to secure an appropriate quality of development as well as adequately mitigate adverse impacts that would otherwise occur.

Other matters

Contamination

9.136. The Environmental Protection Team notes the potential for land contamination arising from historic use at the site. Further investigation is recommended to further assess potential risks. Given this conclusion, planning conditions could be recommended to require further contaminated land assessment and to secure appropriate mitigation if this application were to be recommended for approval and as recommended by the Council's Environmental Protection Team.

Human Rights and Equalities

9.137. The Human Rights Act 1998 ("HRA") sets out fundamental freedoms which have been laid out by the European Convention on Human Rights ("ECHR"). In making any decisions, Cherwell District Council ("the Council") should have due regard to and take into account any implications that may arise under the HRA. As a public authority, it is unlawful for the Council to act in a manner which is incompatible with the ECHR.

9.138. The rights under the ECHR which the Council views as being the most likely to affect planning matters are Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

9.139. Officers have considered the duties under both Article 8 and Article 1 of the First Protocol and have resolved that the application does respect the private and family life of neighbours and does not fail to protect the neighbours' property.

9.140. S149 of the Equalities Act 2010 ("EA") sets out what is known as the Public Sector Equality Duty ("PSED"). Under the PSED, the Council, as a public authority, must have due regard to the need to, inter alia, advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not

share it and has to foster good relations between persons who share a relevant protected characteristic and persons who so not share it. The protected characteristics to which the PSED refers are: (a) age; (b) disability; (c) gender reassignment; (d) pregnancy and maternity; (e) race; (f) religion or belief; (g) sex; (h) sexual orientation.

- 9.141. Officers have considered the application and resolved that none of the protected characteristics is affected or potentially affected by the application.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.
- 10.2. Given the above assessment in the light of current guiding national and local policy context it is considered that the proposals represent an inappropriate form of development beyond the built-up limits of the village, which would not make effective and efficient use of land and for which no essential or identified need has been demonstrated. Whilst the proposals could be considered acceptable in terms of highway safety, residential amenity and any potential neighbour impacts, and could likely be made acceptable in terms of biodiversity enhancements, it is considered that they fail to preserve the overriding character and appearance of the area or reflect or reinforce local distinctiveness by introducing residential development which would be contrary to the existing pattern of development within the area and would visually intrude into the open countryside. Further, it has not been demonstrated that an appropriate sustainable drainage strategy could be achieved at the site.
- 10.3. There remains a need to undertake a balancing exercise to examine whether the adverse impacts of a development would be outweighed by the benefits such that, notwithstanding the harm, it could be considered sustainable development within the meaning given in the NPPF. In carrying out the balancing exercise it is, therefore, necessary to take into account policies in the development plan as well as those in the NPPF. It is also necessary to recognise that Section 38 of the Act continues to require decisions to be made in accordance with the development plan and the NPPF highlights the importance of the plan led system as a whole.
- 10.4. The proposals would provide additional housing (attracting significant weight) and likely to provide some economic benefits to the local construction industry during construction (limited to moderate weight). However, it is considered that the proposals demonstrate clear conflict with the provisions and aims of the housing policies of the Development Plan, including those of the recently adopted Mid-Cherwell Neighbourhood Plan (attracting substantial weight), and the proposals do not include the provision of affordable housing, and so the weight to be attributed to the benefit of providing additional housing is reduced. In addition to this conflict, it is considered that there would be significant adverse impacts to the natural environment (substantial weight), through intrusive development which fails to reflect or reinforce the local distinctiveness, and lack of appropriate drainage which further conflicts with the environmental and sustainability policies of the Development Plan.
- 10.5. In this instance it is considered the proposal is at odds with the overall rural housing strategy of the district and the scheme's benefits would be significantly and demonstrably outweighed by the harm identified; and as such do not represent a sustainable form of development. The proposals are therefore considered contrary to the above-mentioned policies and as such the application is therefore recommended for refusal for the reasons set out below.

11. RECOMMENDATION - REFUSAL FOR THE REASONS SET OUT BELOW

1. The proposed development would not make effective and efficient use of land and would significantly encroach into the countryside beyond the built-up limits of Steeple Aston; contrary to the housing strategy of the Development Plan for the area, for which it has not been demonstrated that there is a justified need. In its proposed location the development would therefore be an unjustified and unsustainable form of development. As such the proposal is contrary to Policies BSC2, ESD1, Villages 1 and Villages 2 of the Cherwell Local Plan 2011-2031 Part 1, Saved Policy H18 of the Cherwell Local Plan 1996, Policy PD1 of the Mid Cherwell Neighbourhood Plan 2018 and Government guidance contained within the National Planning Policy Framework.
2. The proposed development represents inappropriate 'back-land' development that would fail to relate well to the pattern of development in the area and would appear as an intrusion of built form into the countryside, detracting from the rural character and quality of the area the setting of the village. As such the proposal is contrary to Policies ESD13 and ESD15 of the Cherwell Local Plan 2011 - 2031 Part 1, Saved Policies C28 and C30 of the Cherwell Local Plan 1996, and Government guidance contained within the National Planning Policy Framework.
3. By virtue of a lack supporting information to enable an appropriate technical assessment the proposals have failed to demonstrate that an appropriate sustainable drainage strategy for the site utilising sustainable drainage systems (SuDS) can be delivered. As such the proposal is contrary to Policy ESD7 of the Cherwell Local Plan 2011 - 2031 Part 1 Government guidance contained within the National Planning Policy Framework.
4. In the absence of the completion of a satisfactory Section 106 Agreement, the Local Planning Authority is not convinced that the necessary infrastructure directly required as a result of this development, in the interests of supporting the sustainability of the village and the development, and in the interests of safeguarding public infrastructure and securing on site future maintenance arrangements, will be provided. This would be contrary to Policies INF1, PSD1, BSC3, BSC10, BSC11 and BSC12 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

CASE OFFICER: Bob Neville

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Cherwell District Council

Planning Committee

05 November 2020

Appeal Progress Report

Report of Assistant Director Planning Development

This report is public

Purpose of report

This report aims to keep members informed upon applications which have been determined by the Council, where new appeals have been lodged. Public Inquiries/hearings scheduled or appeal results achieved.

1.0 Recommendations

The meeting is recommended:

- 1.1 To accept the position statement.

2.0 Introduction

- 2.1 This report provides a monthly update regarding planning appeals, including new appeals, status reports on those in progress and determined appeals.

3.0 Report Details

3.1 New Appeals

19/01542/F – Aviyal, Station Road, Ardley, OX27 7PQ - Change of use from Equestrian to Dog Agility Training Centre and extension of the domestic curtilage of Aviyal to include the existing land to the north enabling the existing stable block to be used as ancillary outbuilding.

Officer recommendation – Refusal (Delegated)

Method of determination: Written Representations

Start Date: 06.10.2020 **Statement Due:** 03.11.2020 **Decision:** Awaited

Appeal reference – 20/00026/REF

19/02550/F - Land to the east of M40 and south of A4095, Chesterton, Bicester
- Redevelopment of part of golf course to provide new leisure resort (sui generis) incorporating waterpark, family entertainment centre, hotel, conferencing facilities and restaurants with associated access, parking and landscaping

Officer recommendation – Refusal (Committee)

Method of determination: Public Inquiry

Start Date: 23.10.2020 **Statement Due:** 27.11.2020 **Decision:** Awaited
Proposed Inquiry start date – Tuesday 9th February 2021
Appeal reference – 20/00030/REF

20/00675/CLUE - The Lodge, Swift House Farm, Stoke Lyne, OX27 8RS -
Certificate of Lawfulness of Existing Use for the use of the annex building as an independent, self-contained dwelling (Class C3).

Officer recommendation – Refusal (Delegated)

Method of determination: Written Representations

Start Date: 01.10.2020 **Statement Due:** 12.11.2020 **Decision:** Awaited

Appeal reference – 20/00028/REF

20/00962/F - 101 Cromwell Road, Banbury, OX16 0HF - Single storey rear extension with associated internal and external works. (Re-submission of 19/02295/F)

Officer recommendation – Refusal (Delegated)

Method of determination: Householder (Fast Track)

Start Date: 29.09.2020 **Statement Due:** N/A **Decision:** Awaited

Appeal reference – 20/00027/REF

3.2 New Enforcement Appeals

19/00128/ENFC – OS Parcel 3349, Spruce Meadows, Cropredy Lane, Williamscot.

Appeal against the enforcement notice served for change of use of the Land to use as a caravan site accommodating one mobile home type caravan designed and used for human habitation together with associated parking and storage of motor vehicles and a trailer, storage of shipping containers, erection of a summer house/shed type wooden structure, erection of a free-standing canvas shelter and associated domestic paraphernalia

Method of determination: Hearing

Key Dates:

Start Date: 06.10.2020 **Statement Due:** 17.11.2020 **Hearing date:** TBC

Decision: Awaited

Appeal reference: 20/00019/ENF

3.3 Appeals in Progress

19/00969/F - Bowler House, New Street, Deddington, OX15 0SS – Single storey rear extension forming new Sun Room

Officer recommendation – Refusal (Delegated)

Method of determination: Written Representations

Key Dates:

Start Date: 02.03.2020 **Statement Due:** 07.04.2020 **Decision:** Awaited

Appeal reference – 20/00009/REF

19/00970/LB – Bowler House, New Street, Deddington, OX15 0SS - Single storey rear extension forming new Sun Room

Officer recommendation – Refusal (Delegated)

Method of determination: Written Representations

Key Dates:

Start Date: 20.02.2020 **Statement Due:** 26.03.2020 **Decision:** Awaited

Appeal reference – 20/00008/REF

20/00674/F - Land Adjoining And West Of The Kings Head, Banbury Road, Finmere - Erection of 5no dwellings, formation of new vehicular access and associated hardstanding for parking

Method of determination: Written Representations

Key Dates:

Start Date: 18.09.2020 **Statement Due:** 23.10.2020 **Decision:** Awaited

Appeal reference – 20/00025/REF

20/01232/DISC - Land To The Rear And North Of 29 To 33, Quarry Close, Bloxham - Discharge of condition 22 (Car Park Management Plan) of 13/00496/OUT.

Method of determination: Written Representations

Key Dates:

Start Date: 26.08.2020 **Statement Due:** 30.09.2020 **Decision:** Awaited

Appeal reference – 20/00024/REF

Enforcement appeals

None

3.4 Forthcoming Public Inquires and Hearings between 6th November to 10th December 2020.

None

3.5 Results

Inspectors appointed by the Secretary of State have:

- 1. Dismissed the appeal by Mr & Mrs A Pasteur for Creation of jib door and stair, and associated works to include the removal of ceiling joists. Cedar Lodge, North Side, Steeple Aston, OX25 4SE. 19/02465/LB
Officer recommendation – Refusal (Delegated)
Appeal reference – 20/00021/REF**

Appeal decision summary to follow in next months' Appeals Progress Report

- 2. Allowed the appeal by Harcourt Deddington Limited for OUTLINE - Residential development of up to 15 dwellings. Land South Of Home Farm House, Clifton Road, Deddington. 19/00831/OUT
Officer recommendation – Refusal (Committee)
Appeal reference – 20/00007/REF
The Planning Inspectorate refused an application for costs made by the appellant regarding this application.**

The Inspector considered the main issues to be the effect of development on the character and appearance of the area, including Deddington Castle and the Deddington Conservation Area; and whether a satisfactory and executed planning obligation exists to deliver infrastructure necessary to support the development.

The Inspector noted that there were commercial operations and several residential dwellings in the vicinity, and that the site was of similar depth to its neighbours. He

found that these existing uses form “a cluster of development peripheral to Deddington’s central village core”. The Inspector considered that the dwellings and commercial operations close to the site were not separate from the built form of Deddington but formed part of the village’s “wider pattern of development and identity”, and that the site was “well related to its neighbours” and not detached from the village or in an isolated rural context. He held that development of the site would “avoid harmful effects on the open countryside”.

The Inspector disagreed with the Council that the differentiation of this local development cluster from the village was dependent on the existence of undeveloped field parcels within the peripheral cluster, but conceded that “the visual differentiation is important to preserve, and the high density nature of the village core should not be allowed to sprawl outward to lower density locations such as the peripheral cluster”. He agreed with the Council that ribbon development should be avoided but disagreed with the Council that the proposal would itself result in ribbon development, noting that there would remain other field parcels interspersed with development along Clifton Road. He placed importance on the proportion of unbuilt v built form on the Clifton Road, on density remaining low and was concerned that allowing the appeal should not set a precedent, stating that “any future development proposals would need to account for the subsequent and cumulative loss of any field parcels and any consequential effects.”

The Inspector held that while development of the site was acceptable in principle, it may be that 15 dwellings could not be achieved, that scale and landscaping were key to the appropriateness of any development of the site, that the peripheral nature of the site’s location should be preserved and that the layout, which he noted was a reserved matter, should preserve gaps and views through the site. The Inspector disagreed with the Council that the access design would dictate the configuration of development, noting again that layout was a reserved matter and the positions of “buildings, routes and open spaces”, and their relationship to each other and to buildings and spaces outside the site was yet to be determined. In essence, the Inspector placed great importance on the Reserved Matters application.

The Inspector held that Deddington Castle could not be appreciated from the site. He accepted that views of the site may be available from the castle itself and from footpaths close to it but held that in these views the proposed development would be seen in the context of the substantial commercial operation directly to the north. He disagreed with the objection from Historic England and found no harm to the settings of either the Deddington Conservation Area or Deddington Castle. His conclusion on this matter disagrees sharply with the conclusion of another Inspector in dismissing an appeal relating to a smaller site to the other side of the castle, closer to the village. The Inspector had found that site to be open and isolated. This Inspector held the appeal site was not in an open or isolated location. There is a level of undesirable inconsistency between the two decisions.

The Inspector noted that a Section 106 agreement had been signed and agreed by the Appellant and the Council. He agreed that affordable housing provision was policy compliant and necessary because it contributed to the proposal’s social sustainability. He found acceptable all of the other provisions in the agreement, including contributions towards open space, a local area of play, indoor and outdoor sports facilities, community hall facilities, refuse and recycling, education, libraries and highways infrastructure. He found that other contributions, e.g. to Holly Tree

Club, were not appropriate and would fail legal tests. The Inspector agreed with all of the Council's suggested conditions.

The Inspector dismissed the Appellant's application for award of costs against the Council. The Appellant contended that the Council had not engaged proactively, and that having to address issues at appeal rather than during the planning application was more onerous. The Inspector found no evidence of either, or any evidence of unnecessary expense or unreasonable behaviour.



3. **Allowed the appeal by Harcourt Deddington Limited for Outline planning permission for the residential development of up to 14 dwellings - all matters save for the means of access are reserved for subsequent approval - revised scheme of 19/00831/OUT. Land South Of Home Farm House, Clifton Road, Deddington, OX15 0TP. 19/02444/OUT
Officer recommendation – Refusal (Committee)
Appeal reference – 20/00010/REF**

See Appeal Summary above for Application Ref: 19/00831/OUT

4.0 Conclusion and Reasons for Recommendations

4.1 Members are asked to note the report.

5.0 Consultation

None

6.0 Alternative Options and Reasons for Rejection

- 6.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: To accept the position statement.

Option 2: Not to accept the position statement. This is not recommended as the report is submitted for Members' information only.

7.0 Implications

Financial and Resource Implications

- 7.1 The cost of defending appeals can normally be met from within existing budgets. Where this is not possible a separate report is made to the Executive to consider the need for a supplementary estimate.

Comments checked by:

Karen Dickson, Strategic Business Partner, 01295 221900,

karen.dickson@cherwell-dc.gov.uk

Legal Implications

- 7.2 There are no additional legal implications arising for the Council from accepting this recommendation as this is a monitoring report.

Comments checked by:

Matthew Barrett, Planning Solicitor, 01295 753798

matthew.barrett@cherwell-dc.gov.uk

Risk Implications

- 7.3 This is a monitoring report where no additional action is proposed. As such there are no risks arising from accepting the recommendation.

Comments checked by:

Matthew Barrett, Planning Solicitor, 01295 753798

matthew.barrett@cherwell-dc.gov.uk

8.0 Decision Information

Key Decision

N/A

Financial Threshold Met:

N/A

Community Impact Threshold Met:

N/A

Wards Affected

All

Links to Corporate Plan and Policy Framework

A district of opportunity

Lead Councillor

Councillor Colin Clarke, Lead member for Planning

Document Information

Appendix number and title

None

Background papers

None

Report Author and contact details

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