

**Case Officer:** Andrew Lewis

**Applicant:** Pye Homes Ltd

**Proposal:** Erection of 89 dwellings, creation of new access arrangement from Camp Road, creation of open space, hard and soft landscaping and associated ancillary works and infrastructure

**Ward:** Fringford And Heyfords

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

**Reason for Referral:** Major development

**Expiry Date:** 21 January 2022

**Committee Date:** 13 January 2022

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## **SUMMARY OF RECOMMENDATION: DELEGATED AUTHORITY TO GRANT PERMISSION SUBJECT TO A S106 LEGAL AGREEMENT AND CONDITIONS**

### **1. APPLICATION SITE AND LOCALITY**

- 1.1. The land subject of this application is approximately 3.2 hectares in size and an open green field site located to the east of the former RAF/USAF Upper Heyford base on the north side of Camp Road. Its actual western boundary is a track that leads to a group of residential buildings to the north of the site that are collectively known as Letchmere Farm. On the other side of the track is a strong green boundary of trees and hedging. This forms the eastern edge of the former Heyford base. This area consists of a mix of former officer's housing built of red brick in an arts and crafts style with large gardens accessed off Larsen Road that leads on to Trenchard Circle and a group of more American style bungalows.
- 1.2. The land slopes down to its eastern boundary to Sor Brook and hedging. Beyond that are a small group of ponds and beyond that another open field. There is a hedge to the front of the site with a track behind that also leads to the Letchmere Farm buildings. On the south side of Camp Road is the Duvall Mobile Home Park.
- 1.3. In terms of the uses on the adjacent former RAF/USAF site, military use ceased in 1994. Since 1998 the site has accommodated a number of employment uses in existing buildings on the flying field and in the technical area, first under temporary planning permissions and latterly under a permanent permission granted on appeal and by subsequent applications.
- 1.4. Over the last 20 years numerous applications have been made seeking permission to either develop the whole base or large parts of it and numerous of them have gone to appeal. The most significant was application ref 08/00716/OUT. Following a major public inquiry that commenced in September 2008 the Council received the appeal decision in January 2010 that allowed "A new settlement of 1075 dwellings, together with associated works and facilities including employment uses, community uses, school, playing fields and other physical and social infrastructure (as amended by plans and information received 26.06.08)." This permission included the flying field and the uses and development permitted upon it at the appeal have been implemented under the appeal permission.

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

## **2. CONSTRAINTS**

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

### 3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. This application has been in abeyance for some time. It was previously considered on 28 September 2017 as a proposal for 79 dwellings when the Committee resolved to approve the application subject to resolving the objections of the highway authority, for conditions and for a s106 agreement.
- 3.2. Since then, considerable time has been spent on addressing the concerns of the Highway Authority mainly in negotiations on the masterplan application (ref 18/00825/HYBRID) submitted by the Dorchester Group, which seeks to implement Policy Villages 5 of the Local Plan. These matters are close to being resolved and the main issues of principle are now set out in a s106 agreement currently being negotiated. The current application must, however, be considered on its own merits.
- 3.3. The application now presented has been revised and re-registered, the number of units proposed increased to 89, modifications made to the layout and house designs and revised plans submitted. Subsequently, further changes have been made to further improve the efficiency of the layout notably in relocating the proposed bungalows from the rear to a more accessible location nearer the front of the site.
- 3.4. Twenty-seven of the homes (30%) would be affordable. The house type schedule for the 89 dwellings is:

House Type	Initials	No. Units	No. bed/No. persons (NDSS)	Total %
1-bed flat	F	6	1b/2p	11
Kennington	Ke	4	1b/2p	
Kensington	K	19	2b/3p	32
Kensington 2	K2	8	2b/4p	
Bungalow	Bu	2	2b/4p	
Beechwood	Bu	33	3b/5p	48
Richmond	R	9	3b/5p	
Dashword	D	6	4b/8p	9
Winnersh	W	2	4b/8p	
TOTAL		89		100

**Table 1: Overall housing mix**

- 3.5. The main proposed access would be direct to Camp Road with a long, straight, tree lined avenue although there would be two secondary accesses for the houses fronting Camp Road. A series of short roads serving the majority of the houses would come off the spine road providing a fairly rigid layout. A shared cycle/footway is proposed alongside Camp Road. There is potential to connect either to the existing settlement to the west and to future development plots to the north. At the heart of the new development would be an area of open space on which would be a play area fronted by formal groupings of houses. The eastern boundary would also have a less formal layout with a strong landscaped buffer proposed to the rural edge.
- 3.6. The scheme was subject of substantial informal pre-application discussions which took place with regard to this proposal even before the site was allocated for development in the Local Plan. The application was submitted at the time of Local Plan adoption in July 2015. In the intervening period the application has been held in

abeyance pending discussions on a new masterplan for Heyford further to Policy Villages 5 and leading to application 18/00825/HYBRID. And since the application's resubmission the scheme has been modified in a number of ways as described above.

- 3.7. The designs of the proposed buildings would be reflective of the style of military housing on the base with a much pared-down aesthetic. The main facing material would be a red facing brick as used elsewhere although contrasted by elements of render, for example with the bungalows, which is reflective of the refurbished style in Trenchard Circle. All building roofs would be slated. Bay windows and simple porches would be used as a design feature and to give the streets a greater feeling of surveillance.
- 3.8. The revised application is supported by a considerable amount of updated documentation including:
  - Planning Statement Addendum
  - Heritage Statement Update (within Planning Statement)
  - Affordable Housing Statement Update (within Planning Statement)
  - Design & Access Statement Addendum
  - Landscape & Visual Impact Assessment Addendum
  - Updated Arboricultural Impact Statement
  - Update Ecology Appraisal
  - Flood Risk Assessment (FRA) and Drainage Statement
  - Transport Appraisal

#### **4. RELEVANT PLANNING HISTORY**

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

##### 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. Decision – Permitted

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: 18/00825/HYBRID

The application is a Hybrid application seeking approval in principle for: 1,175 dwellings, 348 (30%) are proposed to be affordable and 60 will be close care; 11.1 hectares is set aside for Creative City, an area of potential high-tech employment based on film industry production, and which will also use areas of the flying field for filming; a commercial area of 2.3 hectares to the south of Creative City is also allocated for employment use; at the heart of the flying field will be the creation of a park (parcels 28 and 30); a 30m observation tower with zipwire with ancillary visitor facilities of up to 100 m<sup>2</sup>, a visitor destination centre; an education site designed for primary and potentially early years provision; provision for up to 2,520 m<sup>2</sup> 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 m<sup>2</sup> (described as Class D1) on Parcel 20; an energy facility of up to 1000 sq m; the existing consented Village Centre is being extended by the provision of a further mixed-use area comprising a variety of A1-A5, D1 and D2 uses on Parcel 38. This includes provision of up to 925 sq.m of community buildings (Class D2) located on Parcel 38 and also Parcel 34 adjacent to the proposed Sports Park. Decision - Currently pending-approved subject to a s106 agreement and conditions.

Application ref: 21/03523/OUT: Outline planning application for the erection of up to 31 dwellings, public open space, landscaping, associated parking, vehicular access and ancillary works (all matters reserved except means of access) - This application remains under consideration

## **5. PRE-APPLICATION DISCUSSIONS**

- 5.1. The site was originally seen as greenfield, outside the settlement envelope and therefore unsuitable for development. However, its subsequent allocation as part of Policy Village 5 resulted in a more positive approach to its proposed development.
- 5.2. More recently, the developer entered into negotiations with officers on reactivating the application when the fundamental issue remained of mitigating the impact of traffic on the local highway network. In terms of on-site considerations, officers remained supportive of the scale and form of development of which the issues had largely been resolved in earlier discussions. No objection was raised in principle with the increase in the number of units proposed subject to detailed matters on design, parking, privacy, etc being satisfactory.

## 6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice 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. The final date for comments was **9 November 2021**
- 6.2. The comments raised by third parties on the application as revised are summarised as follows:

### HEYFORD PARK RESIDENTS AND COMMUNITY DEVELOPMENT ASSOCIATION: **Object:**

- Wrong to use greenfield land for development when a substantial area of spoiled (brownfield) land is available for development in close proximity to the development site
- The development would create a “hard,” obtrusive, developed eastern edge to the settlement.
- Minimal landscaping is proposed on the eastern edge of the development site and this will exacerbate the problem. The present eastern edge of the settlement (Larsen Road) is well screened by a mature hedgerow and trees.
- the chosen access point from Camp Road is unsafe as it is in a dip and not readily visible to traffic approaching from the west.
- Currently no pavement
- Prefer access from Larsen Road
- Letchmere Farm should be accessed through new development, existing access closed
- Cycle/pedestrian connections should be made to the rest of the settlement
- Provision needs to be made for access to the north

### OCCUPIER OF 6 SODEN ROAD - **Object:**

- All the previous comments made by objectors still stand and even more so now with the potential increases in numbers.
- If the project receives approval, then this makes a precedent for any of the green fields to be sold and developed around Heyford Park
- there will be enough new houses provided by Dorchester and Bovis.
- This development would not be of a similar type of property to the site's immediate surroundings such as the properties along Larsen Road, the dwellings at Letchmere Farm or the properties built by Dorchester Living to the eastern end of Camp Road.
- The proposed access road and access to driveways along the frontage is in a dangerous dip, this is possibly the worst place on the whole site for an estate of new houses.
- This development takes no account of the increase in traffic from the proposed leisure centre being built at the rear of Heyford Leys opposite

### LONE STAR LAND:

- No objection in principle to this planning application or the modest increase in the number of dwellings proposed by amendment.
- Concerned that the layout as proposed cannot be constructed in accordance with the submitted plans for legal reasons. Developer has to provide 6m driveway from Camp Road

### DORCHESTER LIVING:

In applying Policy Villages 5 to applications 15/01375/F and 21/03523/OUT, it is highlighted that relevant and reasonable financial obligations should be secured

towards the provision of this infrastructure to secure its onward delivery by either public bodies or other third-party developers:

- M40 Junction 10
- Bus Services
- Bus Infrastructure
- Junction Safety improvements to A4260 /B4027
- HGV restrictions
- Hopcrofts Holt
- Middleton Stoney Bus Gate or other solution
- Cycle link connection between Camp Road and B430
- Bridleway upgrade between B430 and Bicester
- Signalisation of Ardley Road/Bucknell Road/B430 Junction
- Signalisation of B430/Unnamed Road Junction
- Junction of Chilgrove Drive and Camp Road
- Upgraded Chilgrove Drive and new bus route
- Village Traffic Calming
- Junction Safety Improvements A420/North Aston Road
- Camp Road Improvements
- New School crossing
- Travel Planning
- New Primary School
- Primary School Land
- Secondary Education
- SEN Education
- Allotments
- Sports Pitches
- Indoor sports
- Community Hall
- Park creation
- Heritage Centre
- Heritage Buildings
- Grassland habitat creation

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

## 7. RESPONSE TO CONSULTATION

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

### PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

7.2. HEYFORD PARK PARISH COUNCIL: **Concerned** for the following reasons:

- The proposed roads access layout would promote vehicle ingress and exit adjacent to current traffic calming measures
- A review should be considered of the impact of the traffic increases that would result with the implementation of the sports facility. The proposed entry/exit road is less than 100 metres away.
- The development makes no provision to support cycle traffic to and from the village, without significant infrastructure changes would substantially increase the level of risk to cyclists travelling to and from Bicester.
- The developers should seek an alternative route for construction traffic other than from Camp Road as proposed within the latest road layout plans.

- The current traffic calming measures at this point on Camp Road are at the end of a series of raised road traffic calming measures that run through the centre of the village. As a result, there has been a reported problem with vehicles speeding after clearing the previous section of raised road calming measures and travelling through the restricted width point at high speed.
- The level of traffic has increased significantly in recent years. At peak times traffic queues entering the village would extend across the entire front of the proposed development. Therefore, alternative access should be considered e.g. having an entrance and exit off Larsen Road, and controlled lights, if necessary, at the junction between Camp Road and Larsen Road.
- The traffic report does not give any consideration to how the traffic will change when the full impact of previous approved development is completed.
- Heyford Park Parish Council seeks access to S106 funding to enable land to be passed to the PC for a play area/public park, and possibly a small plot of land on which we could build a PC office and meeting room. It should be noted that currently all public parks and play areas are privately owned and maintained by Dorchester Living through management charges.

### CONSULTEES

#### 7.3. CDC- ENVIRONMENTAL PROTECTION OFFICER:

- No comments on lighting, air quality, odour
- Recommends conditions to secure a Construction Environmental Management Plan and electrical vehicle charging

#### 7.4. CDC-STRATEGIC HOUSING OFFICER: **No objection in principle**

- 30% affordable is proposed in compliance with CLP PV5 and the dwelling mix is acceptable
- The majority of rented affordable housing across the wider former RAF Upper Heyford site has been provided as Affordable Rent. Whilst our preference would be to provide social rent tenure, to ensure that Affordable Rent tenure is as affordable as possible to meet identified housing need, we would expect that the Affordable Rent is no more than 80% of local market rent or capped at Local Housing Allowance levels whichever is the lower figure. This would be secured through the S.106 Agreement.
- Detailed agreement on affordable housing dwelling and tenure split
- Bungalows should be repositioned to improve accessibility and level access.
- Internal layout needs tweaking to ground floor flats

#### 7.5. CDC-COMMUNITY INFRASTRUCTURE OFFICER: Contributions sought for:

- Community Hall facilities – £118,260.00
- Outdoor Sport – £179,515.67
- Indoor Sport - £73,414.96
- Public Art- £19,936.
- Community Development: A community development worker- proportionate cost of £6,243.38.

#### 7.6. CDC-ECOLOGY OFFICER

- The updated ecological appraisal for this site is satisfactory in scope and depth in terms of assessing the species and habitats present.
- There are no major protected species issues on site. They are pursuing a district licence for Great Crested Newts for which the certificate has been obtained. The conditions within the certificate must be attached to any permission.
- It is recommended conditions are also imposed to secure:
  - A CEMP for biodiversity

- A lighting strategy
- an updated badger survey.
- Biodiversity enhancement scheme
- A LEMP

7.7. CDC LANDSCAPE OFFICER: The landscape officer is broadly supportive of the scheme. Conditions are recommended to secure details for approval of the LAP/LEAP and some of the landscaping together with s106 contributions towards maintenance of open space, the brook etc.

7.8. OXFORDSHIRE COUNTY COUNCIL:

LEAD LOCAL FLOOD AUTHORITY (revised comment) - **No objection** subject to conditions

TRANSPORT AND HIGHWAYS - **No objection** subject to the following.

- S106 Contributions.
- An obligation to enter into a S278 agreement
- Planning Conditions and informatives

This development, together with the adjacent Phase 2 (21/03523/OUT), will need to contribute proportionately to the off-site mitigation measures for Heyford Park as agreed in the main Policy Villages 5 planning application 18/00825/HYBRID. Specifically, this will include contributions towards the following measures.

- M40, Junction 10
- Bus service contribution
- Junction safety improvements A4260 / B4027
- HGV restrictions on the B4030
- Capacity improvements at Hopcrofts Holt
- Middleton Stoney Bus Gate or other scheme to relieve congestion
- Cycle link between Camp Road and B430
- Bridleway upgrade between B430 and Bicester
- Signalisation of Ardley Road/Bucknell Rd/B430 junction
- Signalisation of B430/unnamed road junction
- Junction of Chilgrove Drive and Camp Road
- Upgraded Chilgrove Drive and masterplan bus route
- Village traffic calming
- Junction safety improvements A4260/North Aston Road
- Camp Road improvements
- Crossing by school

A travel plan is required. Details are not provided how the site will link to walking and cycle networks. Space is required along the frontage for cycleway/footway  
Parking layout needs to be improved

EDUCATION - **No objection** subject to s106 contributions of:

- Primary and nursery education £639,375 327
- Primary school land contribution £60,158
- Secondary education capacity serving the development
- SEN £37,757
- Total £1,019,150

The total development proposed and underway within the Heyford Park masterplan area, including the developments outside this application, have been assessed to estimate the total pupil generation which is expected for each age range. Part of this

provision is already delivered through the existing Heyford Park School and, for early years education, the Old Station Nursery. The balance of provision required has been calculated and the cost equalised across the different developments on a pro rata basis. In making this calculation, an allowance has been included for the expected pupil generation from the parcel not yet submitted for planning permission (Parcel 15) to avoid those applications currently under consideration being over-burdened.

INFRASTRUCTURE FUNDING - **No objection** subject to S106 contribution of £9,559 towards library service

WASTE MANAGEMENT - **No objection** subject to S106 contribution of £8,362 towards Household Waste Recycling Centres

7.9. THAMES WATER: **No objection** as surface and foul water will not be discharged to public network. Recommends condition on water supply

7.10. ENVIRONMENT AGENCY: **No objection** subject to condition on contamination.

7.11. NATURE SPACE PARTNERSHIP: A Great Crested Licence has been issued and any permission must be subject to mandatory conditions of the licence.

7.12. CLINICAL COMMISSIONING GROUP (CCG): **Object** in the absence of mitigation for the health requirements of the additional population associated with this development.

- OCCG notes that primary medical care serving the Heyford Park settlement (GP practices located in Deddington and Bicester) is at capacity, and further housing growth will require additional or expanded infrastructure to be in place. The previous development at Heyford Park has placed additional pressure on primary care capacity.
- We would be seeking a developer contribution of £76,896 to support improvement of local primary care infrastructure if this development were to go ahead. This sum is based on OCCG's adopted policy to use a calculation of 2.4 x number of dwellings x £360 for contributions to health infrastructure. (From OCCG's adopted Primary Care Estates Strategy 2020-2025.)
- The size of this development does not justify a new separate health centre or equivalent, so we would anticipate funds being used for enhancing existing primary care medical infrastructure to meet the needs of a growing population.
- OCCG therefore object to this application pending agreement of appropriate contributions to primary care infrastructure.

7.13. OXFORD TRUST FOR CONTEMPORARY HISTORY:

- Surprising to see proposed compliance with Part L of the Building Regulations and not net zero carbon construction
- The proposed market housing would be bigger than affordable
- Contributions required to support heritage centre and its operation

7.14. THAMES VALLEY POLICE CPDA: **Objects** to excessive permeability. Recommends conditions to require further information on lighting, LAP/LEAP and treatment plant and suggests changes to some entrances and boundary treatment.

7.15 HISTORIC ENGLAND: Did not wish to comment on the amended proposal. On the original proposal it advised "*Development on this site would have a minimal impact on the significance or setting of the Flying Field, which forms the core of the heritage interest at Upper Heyford and is of outstanding importance. The current Cherwell Local Plan includes an ambitious target in terms of numbers of units for housing on the site as a whole. If this target cannot be met on the sites allocated our view is that*

*development of this site would be far less harmful to the significance of the Conservation Area than development on any part of the Flying Field itself.”*

## **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 adopted in July 2015 and provides the strategic planning policy framework for the District to 2031. It 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)

- ESD15 - The Character of the Built and Historic Environment
- VIL5 - Former RAF Upper Heyford
- PSD1 - Presumption in Favour of Sustainable Development
- INF1 - Infrastructure
- SLE4 - Improved Transport and Connections
- BSC1 - District Wide Housing distribution
- BSC2 - The Effective and Efficient Use of Land
- BSC3 - Affordable Housing
- BSC4 - Housing Mix
- BSC7 - Meeting Education Needs
- BSC8 - Securing Health and Well Being
- BSC9 - Public Services and Utilities
- BSC10 - Open Space, Outdoor Sport & Recreation Provision
- BSC11 - Local Standards of Provision - Outdoor Recreation
- BSC12 - Indoor Sport, Recreation and Community Facilities
- ESD1 - Mitigating and Adapting to Climate Change
- ESD2 - Energy Hierarchy
- ESD3 - Sustainable Construction
- ESD6 - Sustainable Flood Risk Management
- ESD7 - Sustainable Drainage Systems (SuDS)
- ESD8 - Water Resources
- ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 - Local Landscape Protection and Enhancement
- ESD15 - The Character of the Built Environment
- ESD17 - Green Infrastructure

### CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 - Layout, design and external appearance of new development
- C23: Presumption in favour of retaining features making a positive contribution to the character or appearance of a conservation area
- C30 - Design Control
- C31: Compatibility of proposals in residential areas
- C32: Provision of facilities for disabled people
- TR1-Transportation Funding
- ENV1: Pollution
- ENV12: 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 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 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
- Cherwell Residential Design Guide SPD 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)

## 9. APPRAISAL

### Relevant Background

9.1. The submission of planning application 18/00825/HYBRID, further to Local Plan Policy Villages 5, and the Planning Committee's resolution resolved to conditionally approve that application (subject to legal agreement) have led to the detailed consideration of a number of outstanding issues particularly highways, traffic and transport matters. As a result, the applicant has brought forward the current proposal for 89 homes with modest alterations to the original layout and house designs coupled with a slight increase in number of units proposed. But the concept and principle of development remain very much as they were before.

9.2. Officers consider the following matters to be relevant to the determination of this application:

- Planning Policy and Principle of Development.
- Housing
- Design Layout, Appearance Phase 2
- Impact on Heritage Assets
- Ecology Impact
- Landscape Impact.
- Flood Risk and Drainage.
- Traffic, Transport, Accessibility, Highway Safety and Parking.
- Planning Obligations

## Planning Policy and Principle of the Development

- 9.3. The Development Plan for Cherwell District comprises the saved policies in the adopted Cherwell Local Plan 1996, the adopted Cherwell Local Plan 2011-2031 (CLP 2031 Part 1) and the Mid Cherwell Neighbourhood Plan. Section 70(2) of the Town and Country Planning Act 1990 provides that in dealing with applications for planning permission the local planning authority shall have regards to the provisions of the development plan in so far as is material to the application and to any material considerations. Section 38 of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination shall be made in accordance with the development plan unless material considerations indicate otherwise. This is also reflected in the National Planning Policy Framework (NPPF) at paragraph 12 which makes it clear that the starting point for decision making is the development plan.
- 9.4. 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.
- 9.5. Policy Villages 5 of the CLP 2031 Part 1 identifies the former military base as a strategic site in the rural area for a new settlement. The land subject of this application is identified within that allocation as part of a potential development area. The policy seeks to achieve a settlement of approximately 1600 dwellings in addition to those already approved. The policy also goes on to lay down specific design and place making principles including avoiding development on more sensitive and historically significant sites, retain features that are important for the character and appearance of the site, encourage biodiversity enhancement, environmentally improve areas, integrate the new and existing communities and remove structures that do not make a positive contribution to the site's special character.
- 9.6. The plans and supporting documentation demonstrate its general conformity with the development plan. The significant elements are:
- Provision of further housing in order to meet the housing target and trajectory
  - Provision of over 30% affordable housing
  - A satisfactory mix of dwellings including smaller units
  - The environmental improvement of the locality
  - A commitment to quality design and finishes reflective of the style seen at RAF Heyford
  - Scale and massing of new buildings to reflect their context
  - Integration and connectivity to the surrounding development.
  - Retention of the main hedging and trees
- 9.7. The main issues will be discussed in more detail below but in principle the application is seen to broadly conform to Policy Villages 5.

## Design Layout, Appearance, Phase 2

### Policy Context

- 9.8. 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 schedule ancient monument Policy C25; Layout, design and

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

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

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

#### Assessment

9.10. Prior to the original application's submission, extensive work and discussions were held with the developer to establish a layout and architectural vocabulary for the site to reinforce and reflect its heritage value albeit that it is outside the conservation area. In terms of design, the Council's Design Consultant secured substantial revisions in the architectural styles proposed here both prior to and during the processing of the application.

9.11. There are four access points to Camp Road, 3 serving the groups of housing facing Camp Road and acting as mini service roads in a similar fashion to the first phase of Development by Dorchester on the south side of Camp Road. These would be set back behind a hedge and foot/cycle path.

9.12. The main access point would become a main spine road, 5.5m wide, lined with trees and verges reflecting the layout of Soden and Larsen Roads. A swale would run along the eastern boundary leading through to a main area of open space, again, like Soden Road. Small spur roads with a reduced width would give it a rigid almost grid like

layout (sympathetic to the wider heritage context) although this would be softened to the eastern boundary adjacent to Sor Brook where the layout is more informal reflecting its rural edge setting. The houses here would also be slightly larger and have larger plots. That would also be the case around the open space although the houses here would have a more formal layout. This layout is considered to appropriately reflect that of the adjacent former base yet create a neighbourhood with its own sense of place and character. There would be a clear block structure with private and public spaces clearly defined set within a green landscaped setting.

- 9.13. The layout has been amended to provide opportunities to access adjacent sites in particular to create routes through to Larsen Road for pedestrians and cyclists. Also to provide access through to the north and to the land now proposed for housing under reference 21/03523/OUT. That application (21/03523/OUT) is an outline proposal so details are limited. However, detailed proposals would be informed by principles established by the current application including site connectivity, accessible open space at the heart of the site, a green corridor along Sor Brook, and 30% social housing. Subject to its consideration and approval, a requirement to make similar and proportionate section 106 contributions could be expected.
- 9.14. In terms of design, the proposed housing would be two storey in height and very much of a scale and design reflective of the housing of the former military base. The architect was encouraged to study the arts and crafts style of buildings on Larsen and Soden Road. This has resulted in housing, after some modest revisions that would have a simple building form, steep pitched roofs, low eaves, prominent chimneys constructed predominantly of brick and with limited features such as canopies and projecting windows. There would be a mix of detached, semi-detached and terraced housing. In contrast, 2 bungalows are proposed to reflect the Airmen's bungalows in Trenchard Circle. There would be one block of 6 flats, again 2 storied, with chimneys and steep roof, and constructed in brick. All dwellings would be orientated to have active frontages and to turn the street where they are on corners making sure streets have surveillance.
- 9.15. In terms of density, what is proposed reflects the CLP 2031. Taking the site area as a whole the density is about 30 dwellings per hectare. To reduce the density would be tantamount to being an under-development. It could have been higher than the revised submission proposes but the site includes a disproportionate amount of highway within the red line application site and it retains strong green corridors to the east and along the main access road, and a large area of open space at the heart of the site. Furthermore, special attention has to be paid to "the desirability of new development making a positive contribution to local character and distinctiveness" in historic environments (NPPF - para 197) In this case the proposed development is reflecting the character in this location, at a reasonable density and avoiding harm. It is therefore, in this case, compliant with the NPPF and the design and conservation policies of the Council and with policy BSC2.
- 9.16. In terms of sustainability the Design and Access Statement advises the
- "the proposed road network is an efficient option with drainage built into the proposal.
  - The road network allows for bins stores which are sized to accommodate the current recycling criteria for Cherwell.
  - Heyford Park has been design to include many amenities including a mix of uses reducing the need for travel. Heyford Park also contains the infrastructure required to support this residential site, a bus route just outside the site.
  - The Houses are design to current standards and have the future flexibility to be upgraded to the incoming Part L requirements. The high proportion of terraced units, gridded street pattern and east-west road orientation all help build in passive energy saving measures.

- On site sewage treatment and sustainable drainage scheme reduce the environmental impact of the proposal elsewhere.
- The ecology corridor along the eastern boundary, allows for the integration of wildlife into the proposal and aligns with the wider strategy for Heyford Park.
- Ducting will be provided within the scheme for car charging points – each resident will have the option to add an electric car charging point within their demise or to their designated parking area”.

#### Conclusion

- 9.17. Officers conclude that what is proposed conforms to CLP 2031 policies Villages 5, BSC2 and ESD 15, and CLP96 policies C28 and C30 6 together with relevant national policy set out within the NPPF.

#### Housing

##### Policy Context

- 9.18. Policy BSC1 of the CLP 2015 states that Cherwell District will deliver a wide choice of high quality homes by providing for 22,840 additional dwellings between 1 April 2011 and 31 March 2031. In doing so, housing is expected on this allocated site.
- 9.19. Cherwell’s position on five-year housing land supply has recently been reviewed by officers for the emerging 2021 Annual Monitoring Report (AMR) which is to be presented to the Executive on 10 January 2022. Despite a strong record of delivery since 2015, the draft AMR presents a 3.8 year supply position for 2021-2026 and 3.5 years for the period 2022-2027 (the latter being effective from 1 April 2022). This compares to the 4.7 year housing land supply for the period 2021-2026 reported in the 2020 AMR. Delivery of the application site is expected to contribute to the district’s five-year housing land supply position. According to the draft AMR, an additional 1,864 homes would need to be shown to be deliverable within the current 2021-2026 five-year period to achieve a five-year supply as required by the NPPF. The Committee will be updated on the Executive’s consideration of the AMR at its meeting.
- 9.20. New residential development is expected to provide a mix of homes under Policy BSC 4: Housing Mix to meet housing need and creating socially mixed and inclusive communities.
- 9.21. 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.
- 9.22. 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 principle of housing development on the site is established. The application proposes that 30% (27) of the total number of dwellings proposed will be affordable housing, provided in a series of clusters in compliance with Policy Villages 5. The revised planning application in November 2021 suggests that all 27 affordable homes will be rented however the DAS Addendum suggests that the tenure will be negotiated with the Local Authority. The previous Strategic Housing Officer comments on this application have indicated a tenure split of 70% Affordable Rent and 30% Shared

Ownership tenure in line with Local Plan Policy BSC3. Whilst National Planning Policy Guidance has introduced a requirement from June 2021 for all qualifying sites to deliver 25% First Homes, this does not need to apply to planning applications that have significantly progressed prior to the national policy being introduced (as in the case of this application), therefore a policy compliant tenure split on this site would include 70% social or affordable rented homes and 30% intermediate tenure (e.g., shared ownership) homes. NPPF requires 10% of dwellings (i.e. 9 out of 89 homes) to be affordable home ownership.

- 9.24. The Council's Strategic Housing Officer has advised that notwithstanding a preference for social rented tenure, to ensure that Affordable Rented tenure is as affordable as possible to meet identified housing need, it should be charged at no more than 80% of local market rent or capped at Local Housing Allowance levels whichever is the lower figure. This can be secured through the S.106 Agreement.
- 9.25. She has also confirmed that the proposed housing mix is acceptable with the following policy compliant tenure mix for affordable housing:

Affordable Rent – Total 18 dwellings

- 6 x 1-bedroom 2-person flats (NB\* ground floor flats should have a level access shower installed from the outset to avoid the need for adaptations in future to meet the needs of people with limited mobility).
- 2 x 1-bedroom 2-person houses
- 4 x 2-bedroom 4-person houses
- 2 x 2-bedroom 4-person bungalows (NB\* to be developed to Building Regulations Part M4 Category 3: Wheelchair User dwellings and built with a wet room installation (not bath) from the outset.
- 3 x 3-bedroom 5-person houses
- 1 x 4-bedroom 7 or 8-person house

Shared Ownership - Total 9 dwellings

- x 2-bedroom 3-person houses
- x 3-bedroom 5-person houses

Conclusion

- 9.26. The proposal would deliver 89 dwellings of the 1,600 allocated in Policy Villages 5. Of these dwellings, the 30% affordable housing would be secured (including their mix) by a s106 agreement.
- 9.27. 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.

Impact on Heritage Assets

Legislative and policy context

- 9.28. The site is adjacent to the RAF Upper Heyford Conservation Area, designated for the importance of its cold war landscape. It contains five scheduled ancient monuments, including of International Significance, together with three Listed Buildings and other non-designated buildings of national and local significance.
- 9.29. 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.

9.30. Conservation Areas, Listed Buildings and Scheduled Ancient Monuments are designated heritage assets. Para 197 of the Framework states:

*“In determining applications, local planning authorities should take account of:*

- a. the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b. the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c. the desirability of new development making a positive contribution to local character and distinctiveness.”*

9.31. Paragraph 199 advises that: when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

9.32. Policy ESD15 of the CLP 2031 Part 1 is consistent with this guidance. The NPPF also states that, where a development proposal leads to harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal.

9.33. Policy Villages 5 includes some specific guidance including:

- Proposals must demonstrate that the conservation of heritage resources, ... and other environmental improvements will be achieved across the whole of the site identified as Policy Villages 5
- In order to avoid development on the most historically significant and sensitive parts of the site, new development is to be focused to the south of the flying field...
- The release of greenfield land within the allocated site Policy Villages 5 will not be allowed to compromise the necessary environmental improvements and conservation of heritage interest of the wider site
- The construction of the settlement on the former technical core and residential areas should retain buildings, structures, spaces and trees that contribute to the character and appearance of the site and integrate them into a high quality place that creates a satisfactory living environment
- The preservation of the stark functional character and appearance of the flying field beyond the settlement area, including the retention of buildings of national interest which contribute to the area’s character (with limited, fully justified exceptions) and sufficient low key re-use of these to enable appropriate management of this area
- The achievement of environmental improvements within the site and of views to it including the removal of buildings and structures that do not make a positive contribution to the special character or which are justified on the grounds of adverse visual impact, including in proximity to the proposed settlement, together with limited appropriate landscape mitigation, and reopening of historic routes
- New development should reflect high quality design that responds to the established character of the distinct character areas where this would preserve or enhance the appearance of the Former RAF Upper Heyford Conservation Area
- New development should also preserve or enhance the character and appearance of the Rousham, Lower Heyford and Upper Heyford Conservation Area, as well as the Oxford Canal Conservation Area, and their settings

- Landscape/Visual and Heritage Impact Assessments should be undertaken as part of development proposals and inform the design principles for the site
- The scale and massing of new buildings should respect their context. Building materials should reflect the locally distinctive colour palette and respond to the materials of the retained buildings within their character area, without this resulting in pastiche design solutions

#### Assessment of Significance

- 9.34. The application site comprises an undeveloped field outside the former military base. It has no heritage assets upon it and its impact will be very limited on the conservation area or other assets of historic importance. Nevertheless, all schemes at Heyford must contribute towards the conservation of heritage resources and restoration across the wider site and a financial contribution will be required from the developer.
- 9.35. Turning to the guidance to Planning authorities contained in the Framework and the PPG on the historic environment, the applicants have produced a heritage statement concluding that *“The proposal does not alter anything within the area and views into the area are limited. The areas self-containment and individual identity is therefore unharmed.”* They point out that heritage assets outside the application site are separated by distance, verges, trees, etc. This physical separation is also extended by a landscape character and functional separation as set out in the 2006 Character Assessment. They conclude that the setting changes but their individual or collective heritage, historic or functional value remains. Historic England has not raised any specific concerns in commenting on the original proposal.
- 9.36. The main elements of significance are the new road layout and its reinforcement by strong avenues of trees. These are maintained and reinforced by this scheme therefore, preserving and enhancing the character and appearance of the Conservation Area. It is concluded the proposal broadly complies with the policies of the development plan relating to the historic environment.

#### Conclusion

- 9.37. Overall, it is considered that the proposed development would make a positive contribution to preserving and enhancing the character and appearance of the Conservation Area and does not cause harm to any individual heritage assets. Furthermore, it is also considered the main heritage tests set out in Policy Villages 5 are complied with for the reasons explained and as assessed in the submitted Landscape/ Visual impact and Heritage Impact Assessments.

#### Traffic, Transport, Accessibility, Highway Safety and Parking.

#### Policy Context

- 9.38. 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.
- 9.39. 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.

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

9.41. MCNP contains objectives that seek:

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

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

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

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

## Assessment

- 9.44. Previously this was the main issue that was contentious, particularly with regard to off-site measures. However, the reasons that caused the Highway Authority to object have now been overcome.
- 9.45. Dealing first with the site itself, the Highway Authority preferred a single engineered access into the site. The agreed solution however provides for an additional two access points on to Camp Road to be shared by the houses that front it. The additional accesses increase the permeability and the Planning Officer believes will add to the calming effect on traffic. There have been third party objections to the access and its conflict with the existing traffic measures on Camp Road, but the latter will be removed and replaced with more appropriate calming features. A route through Larsen Road was also requested but this has not proved a realistic option because of differences in land ownership and in any case, the access is also in the best position for visibility.
- 9.46. The main footpath would be widened to allow for it be shared with cyclists as happens along the south side of Camp Road. There are also designated routes shown through to the base for cyclists and pedestrians. This will need the agreement of the main developer at Heyford, Dorchester, and the owner of the Letchmere Farm track that separates the two site. And an access route through to the north is proposed to allow a potential second phase of development. Future connectivity through the site cannot yet be secured. However, on balance it is considered that the shared route along Camp Road ensures that an acceptable solution can be provided.
- 9.47. The internal layout is now generally acceptable as is the level and distribution of car parking following revisions. Parking is reflective of the standard previously agreed in the Design Code for the developing settlement. The scheme will provide a total of 139 allocated car parking spaces and 28 visitor spaces. A mix of cycle parking facilities will be delivered on site that accord local standards and designed to the likely needs of future residents.
- 9.48. The applicants have submitted an updated transport assessment and it is now considered to be at the level of detail required to give the comprehensive integrated approach required by the Local Plan. At the time the CLP went through its public examination a certain level of work had been undertaken to demonstrate the overall site could accommodate an additional 1600 dwellings and increase employment by an additional 1500 jobs but only by increasing the provision of sustainable transport measures and by mitigating the impact of traffic on the local highway network.
- 9.49. Modelling work on traffic and transport has been undertaken by consultants retained by the lead developer at Heyford, the Dorchester Group, as part of a larger masterplan exercise. That application was achieved a committee resolution to grant in November 2020 and subsequently the two Councils have been working with Dorchester on an agreed package of measures to mitigate the impact of traffic from Heyford Park and to improve the level of sustainable transport measures. The costs have largely been calculated and the applicant on this scheme, Pye Homes, has agreed in principle to make the necessary contributions proportionate towards those costs. These are set out below under Planning Obligations.
- 9.50. 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.

## Landscape Impact

### Policy Context

- 9.51. 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.
- 9.52. 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.
- 9.53. 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."
- 9.54. 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.
- 9.55. 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.

9.56. Policy Villages 5 of CLP 2031 Part 1 requires

- proposals must demonstrate that the conservation of heritage resources, landscape, restoration, enhancement of biodiversity and other environmental improvements will be achieved across the whole of the site identified as Policy Villages 5.
- The achievement of environmental improvements within the site and of views to it including the removal of buildings and structures that do not make a positive contribution to the special character or which are justified on the grounds of adverse visual impact, including in proximity to the proposed settlement, together with limited appropriate landscape mitigation, and reopening of historic routes.
- Landscape/Visual and Heritage Impact Assessments should be undertaken as part of development proposals and inform the design principles for the site

9.57. MCNP Policy PD4 seeks to protect views and vistas including several around RAF Upper Heyford and Rousham although none are believed to be affected by this proposal.

Assessment

9.58. The landscape setting is an important part of the character of Heyford. The existing roads are lined with verges and mature trees which are generally being retained within and supplemented by additional planting. This character would be extended onto the streets within the application site by tree planting in strategic positions and by blocks of development being slotted into landscaped areas. An open space would be created with play area to enhance the visual environment and in addition for use as amenity area. A wildlife corridor would be created along Sor Brook on the eastern boundary. A new hedge would be created along the frontage to Camp Road to replace the existing and to reflect the planting scheme further west along the road. The submitted landscape assessment considers the impact to be minor, localised and will diminish over time as the planting becomes established.

Conclusion

9.59. The Landscape and Visual Assessment addendum provides a comprehensive assessment of the 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 PD4, and the guidance in NPPF Core Principles. Together with the principles set out in the submitted planting scheme it is concluded that what is proposed would represent an environmental enhancement in compliance with Policy Villages 5 and other policies listed above.

Flood Risk and Drainage

Policy Context

9.60. Policy ESD 6: Sustainable Flood Risk Management requires the application of the sequential approach to managing flood risk in accordance with the NPPF and NPPG; policy ESD 7: Sustainable Urban Drainage requires the implementation of surface water drainage system (SUDS) to manage surface water run-off and Policy ESD 8: Water Resources seeks to protect water quality, ensure adequate water resources and promote sustainability in water usage. CLP 2031 Policy Villages 5 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 and Conclusion

- 9.61. The site lies within Flood Zone 1 (low risk). A Flood risk assessment and Drainage Statement has nevertheless been undertaken by the applicants. As the site is in Zone 1 redevelopment of the site for residential development is not precluded. Surface water discharge from the site could be discharged to a new drainage system that can be suds compliant and submitted drawings show new swales alongside the main spine road. OCC, the local flood risk authority, had initial concerns but soil infiltration investigations demonstrated there should not be a problem and their objection has been withdrawn although conditions are still requested to be imposed. A separate foul drainage system is proposed. Neither the Environment Agency (EA) nor TWU have any in principle objections. The Environmental Officer and EA suggest a condition is imposed on contamination.

## Ecology Impact

### *Legislative context*

- 9.62. 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.
- 9.63. 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.
- 9.64. 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.
- 9.65. 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.

9.66. 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*

9.67. Paragraph 174 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

9.68. Paragraph 180 states that when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

9.69. Paragraph 185 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

9.70. 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.

9.71. 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.

9.72. 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.

9.73. 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*

- 9.74. 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:
- a. present on or near the proposed site, such as protected bats at a proposed barn conversion affected by the development

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

- b. a scoping survey to be carried out (often called an 'extended phase 1 survey'), which is useful for assessing whether a species-specific survey is needed, in cases where it's not clear which species is present, if at all
  - c. an extra survey to be done, as a condition of the planning permission for outline plans or multi-phased developments, to make sure protected species aren't affected at each stage (this is known as a 'condition survey')
- 9.75. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site is close to a stream and there are a number of mature trees and hedgerows within and adjacent the site, and therefore has the potential to be suitable habitat for bats, breeding birds, badgers, reptiles, great crested newts, water voles and invertebrates.
- 9.76. In order for the local planning authority to discharge its legal duty under the Conservation of Habitats and Species Regulations 2017 when considering a planning application where EPS are likely or found to be present at the site or surrounding area, local planning authorities must firstly assess whether an offence under the Regulations is likely to be committed. If so, the local planning authority should then consider whether Natural England would be likely to grant a licence for the development. In so doing the authority has to consider itself whether the development meets the 3 derogation tests listed above. In this case the developer has already entered into the Great Crested Newt District Licencing Scheme and that the necessary certificate has been obtained and submitted.
- 9.77. 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.
- 9.78. The application is supported by a detailed protected species survey which concluded that no statutory or non-statutory nature conservation designations are present within or adjacent to the site, and none of the designations within the surrounding area are likely to be adversely affected by the proposals. The Phase 1 habitat survey has established that the site is dominated by habitats not considered to be of ecological importance, whilst the proposals have sought to retain those features identified to be of value. Where it has not been practicable to avoid loss of habitats, new habitat creation has been proposed to offset losses, in conjunction with the landscape proposals.
- 9.79. The habitats within the site may support a small number of protected species, including species protected under both national and European legislation. Accordingly, a number of mitigation measures have been proposed to minimise the risk of harm to protected species, with compensatory measures proposed, where appropriate, in order to maintain the conservation status of local populations. In conclusion, the proposals have sought to minimise impacts and subject to the implementation of appropriate avoidance, mitigation and compensation measures, it is considered unlikely that the proposals will result in significant harm to biodiversity.

On the contrary, the opportunity exists to provide a number of biodiversity benefits as part of the proposals

#### Conclusion

- 9.80. 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.

#### Planning Obligations

- 9.81. 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.
- 9.82. 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; and fairly and reasonably related in scale and kind to the development.
- 9.83. 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.
- 9.84. 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.
- 9.85. Pye Homes accepts their application should be determined in accord with the Development Plan, unless material considerations indicate otherwise, and acknowledge the requirements of Policy Villages 5 to require delivery of infrastructure provision. Heads of terms have broadly been agreed between the applicant, the Council and County Council which are set out below:
- 9.86. In order for the proposed development to be acceptable having regard to local and national planning policy requirements, officers recommend that the following items need to be secured via planning obligations within a legal agreement (with both Cherwell District Council and Oxfordshire County Council) in order to mitigate the impact of the proposed development. The applicant has agreed to these financial obligations and to the heads of terms set out below

#### Affordable Housing:

- 27 units to be delivered
- Affordable mix to be agreed with CDC
- 50% of the affordable rented units must meet the Building Regulations Requirement M4(2) Category 2: Accessible and Adaptable Dwellings requirement. Additionally, 100% of the affordable housing units are to be built

the government's Nationally Described Space Standard (Technical Housing Standards). The wheelchair unit should conform to M4 (2) Category 3 of building regs accessibility requirement.

- The selection of the RP who will take on the affordable units should be agreed with the Council.
- The Council are currently reviewing its Affordable Housing Policies following the Governments initiative on First Homes and the Ministerial Statement On 24th May 2021

#### Household Waste Recycling Centres

- Expansion and efficiency of Household Waste Recycling Centres (HWRC)- a contribution of £8,362

#### Apprenticeships & Skills

- The submission of an Employment Skills and Training Plan which would state the target number of apprenticeships within it and will require that it also sets out the arrangements through which the apprenticeships will be provided.
- Provision of 4 apprenticeships

Conservation of heritage interests - financial contribution in the region of £300,000

Biodiversity enhancement towards and/or provision of off-site ecological mitigation measures to an agreed specification and quantum;-Financial contribution in the region of £225,000

Support Improvement of local primary care infrastructure (OCCG) based on OCCGs adopted policy to use a calculation of 2.4 x number of dwellings x £360 for contributions to health infrastructure.-£76,896.

#### Contributions towards community infrastructure and open space:

- Indoor Sports Provision-£73,414.96
- Outdoor Sport Provision-£79,515.67
- Community Hall Facilities-£118,260
- Public Art/Public Realm-£189,936
- Community Development Worker-£6,243.38.
- Allotments-£64,856 capital sum to build out allotments and £4,888.00 maintenance sum
- Cemetery Provision - tbc
- POS-maintenance for 15 years at £20.49 m2
- Tree/hedgerow maintenance for 15 years-£198.82 per tree/£20.49m2 per hedge (to be measured)
- Combined LAP/LEAP with 3 pieces of equipment provided. Commuted maintenance/inspection sum for 15 years-contribution of £138,352.65
- Commuted sum for maintenance of watercourse and swales (for 15 years)- Total length of watercourse to be measured and multiplied by £116.98/m2/Swales £97.71 per m2
- Attenuation Pond-To be measured - £50.98 m2

Library-Funding of Bicester library-financial contribution-£9,559

#### Education:

- Primary and nursery education serving the development- £639,375
- Primary school land contribution-£60,158
- Secondary education capacity serving the development-£281,860
- SEN capacity serving the development-£37,757

#### Traffic and Transport

- 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;

CDC S106 Monitoring fee - TBC

#### **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 residential development considered to accord with the policy for which the site is allocated for by Policy Villages 5. The provision of housing would contribute to the District's Housing Land Supply and this, as well as the provision of affordable housing weighs in favour of the proposal.
- 10.4. 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 acceptable walking and cycling links. On this basis, the proposal is considered to comply with Policies Villages 5, SLE4 and the NPPF.
- 10.5. Aside from these issues, Officers do not consider there are any other material considerations of significant weight, including matters raised in response to consultation/publicity, that would justify departing from the decision that should be taken against the Development Plan which allocates the former RAF Upper Heyford and additional land as a strategic development site.

- 10.6. It is considered this scheme would help contribute to the 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.
- 10.7. It is considered this scheme would form an area of a distinct character appropriate to its setting and surroundings and that reflects the policies of the Development Plan. The buildings are of a scale and have a variety of designs reflecting a contemporary style reflecting the arts and crafts and military style seen elsewhere that is reflective of the character of Heyford. Taken together they form an appropriate form of development. They provide a decent standard of amenity inside and outside the properties. As a result, officers have concluded that Committee should be minded to approve the application and planning permission be granted subject to conditions and the completion of a legal agreement. In coming to this conclusion officers are conscious that further negotiation needs to take place on the agreement before the permission can be issued.

## **11. RECOMMENDATION**

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

- i. CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY); AND**
- ii. THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991, TO SECURE THE HEADS OF TERMS LISTED AT PARAGRAPH 9.86 OF THE PUBLICHEAS AGENDA REPORT (AND ANY AMENDMENTS AS DEEMED NECESSARY)**

### CONDITIONS

#### **Statutory Time Limit (full)**

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.

#### **Approved Documents**

2. Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following documents:
  - Application forms,
  - Planning Statement and Addendum including Heritage Statement Update and Affordable Housing Statement Update
  - Landscape and Visual Impact Assessment and Addendum,
  - Geophysical Survey,
  - Transport assessment and Appraisal
  - Design and Access Statement and Addendum,
  - Update Ecology Appraisal
  - Flood Risk Assessment (FRA) and Drainage Statement

and drawings numbered:

- Location Plan 2105 – 001
- Proposed Site Plan 2105- 002 D
- House Types Plan 2105- 004 D
- Building Heights Plan 2105- 005 D
- Parking, Cycle Store & Refuse Management 2105- 006 D
- Frontages & Surveillance Plan 2105- 007 D
- Affordable House Plan 2105 – 009 B
- BBHouse Type Floor Plans 2105 – 015
- BBHouse Type Elevations 2105 – 016
- BBHouse Type Roof Plan & Section 2105- 017
- BR House Type Floor Plans 2105- 018
- BR House Type Elevations 2105- 019
- BR House Roof Plan & Section 2105- 020
- BBR House Type Floor Plans 2105- 021
- BBR House Type Elevations 2105- 022
- BBR House Type Roof Plan & Section 2105- 023
- BKK House Type Floor Plans 2105- 024
- BKK House Type Elevations 2105- 025
- BKK House Type Roof Plan & Section 2105- 026
- BK2K2B House Type Floor Plans 2105- 030
- BK2K2B House Type Elevations 2105- 031
- BK2K2B House Type Roof Plan & Section 2105- 032
- BKKR House Type Floor Plan 2105- 033
- BKKR House Type Elevations 2105- 034
- BKKR House Type Roof Plan & Section 2105- 035
- 6XF (flats) House Type Ground Floor Plan 2105- 043 A
- 6XF (flats) House Type First Floor Plan 2105- 044
- 6XF (flats) House Type Elevations 2105- 045
- 6XF (flats) Roof Plans & Section 2105- 046
- Dashwood House Type Floor Plan 2105- 047
- Dashwood House Type Elevations 2105- 048
- Dashwood House Type Roof Plan & Section 2105- 049
- Winnersh House Type Floor Plans 2105- 050
- Winnersh House Type Elevations 2105- 051
- Winnersh House Type Roof Plan & Section 2105- 052
- Richmond House Type Floor Plans 2105- 053
- Richmond House Type Elevations 2105- 054
- Richmond House Type Floor Plan & Section 2105- 055
- BR2 House Type Floor Plans 2105- 056
- BR2 House Type Elevations 2105- 057
- BR2 House Type Roof Plan & Section 2105- 058
- 8KB House Type Floor Plans 2105- 059
- 8KB House Type Elevations 2105- 060
- 8KB House Type Roof Plan & Section 2105- 061
- BKKKKB House Type Floor Plans 2105- 065
- BKKKKB House Type Elevations 2105- 066
- BKKKKB House Types Roof Plan & Section 2105- 067
- KeKeBB House Type Floor Plans 2105- 068
- KeKeBB House Type Elevations 2105- 069

- KeKeBB House Type Roof Plan & Section 2105- 070
- KeKeKK House Type Floor Plans 2105- 071
- KeKeKK House Type Elevations 2105- 072
- KeKeKK House Type Roof Plan & Section 2105- 073
- BuBu House Type Ground Floor Plan 2105- 074 A
- BuBu House Type Elevations 2105- 075
- BuBu House Type Roof Plan & Section 2105- 076
- Dashwood 2 House Type Floor Plans 2105- 077 A
- Dashwood 2 House Type Elevations 2105- 078 A
- Dashwood 2 House Type Roof Plan & Section 2105- 079 A
- Hard Landscape Plan 9712L.HLP.004 Rev A
- Proposed Site Access [within Transport Appraisal] 16413-01 C
- Drainage Strategy Plan 4388-LETCH-ICS-XX-RP-C-07.001 Rev B

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.

**Submission of further matters-prior to commencement (CPDA required)**

- 3 The development permitted shall not be begun until details of the following additional matters have been submitted to, and approved in writing by, the Local Planning Authority:

- The siting, layout and design of the proposed treatment plant
- A proposed scheme of access for pedestrians and cyclists to Larsen Road

Reason: - For the avoidance of doubt, to enable the Local Planning Authority to give further consideration to these matters, to ensure that the development is carried out only as approved by the Local Planning Authority and to achieve a comprehensive integrated form of development in compliance with Policy Villages 5 of the adopted Cherwell Local Plan and to comply with Government guidance contained within the National Planning Policy Framework.

**Schedule of Materials-prior to commencement**

- 4 Prior to the commencement of the development hereby approved, a schedule of materials and finishes for the external walls and roof(s) of the development hereby approved together with samples of all bricks, render, paviers and slates 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 schedule.

Reason : To ensure that the materials are appropriate to the appearance of the locality 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.

**Landscaping Scheme-prior to commencement**

5. This permission shall specifically exclude the planting details shown on Planting Plan ref 9712L.PP.001-Rev A and prior to the commencement of the development hereby approved, a landscaping scheme shall be 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, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

### **Maintenance of planting**

6. 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: 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.

### **Landscape Management Plan-prior to occupation**

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

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

### **Open Space and Play Areas-prior to commencement**

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

accordance with the approved details and retained at all times as open space and play space.

Reason: In the interests of amenity, to ensure the creation of a pleasant environment for the development with appropriate open space/play space and to comply with Policy BSC11 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

**Boundary Enclosures-prior to commencement**

9. This permission shall specifically exclude the details of the boundary treatment and full details of the enclosures along all boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development, and such means of enclosure shall be erected prior to the first occupation of the dwelling.

Reason : To ensure the satisfactory appearance of the completed development, 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.

**Landscape and Ecological Management Plan (LEMP)-prior to occupation**

10. 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.

**Construction of roads and paths-prior to commencement**

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

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

**Construction of access and driveways-prior to commencement**

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

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

**Standard of Construction - prior to occupation**

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.

**Parking and manoeuvring specification-prior to commencement**

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

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

**Access Details-Prior to commencement**

15. Prior to the commencement of the development hereby approved, full details of the main access vision splays, including layout and construction shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the main access the vision splays shall be constructed in accordance with the approved details and the land and vegetation within the vision splays shall not be raised or allowed to grow above a maximum height of 1m above carriageway level.

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

**Travel Information Pack-prior to occupation**

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

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

**Sustainable Drainage Details Required (SUDS)-prior to commencement**

17. Prior to first occupation of any dwelling, the approved drainage system shall be implemented in accordance with the approved Detailed Design as set out in the Flood Risk Assessment and Drainage Statement Letchmere Green, Heyford Park,

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

**Sustainable Drainage Management-prior to first occupation**

18. Prior to first occupation, a record of the installed SuDS and site wide drainage scheme shall be submitted to and approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:
- (a) As built plans in both .pdf and .shp file format;
  - (b) Photographs to document each key stage of the drainage system when installed on site;
  - (c) Photographs to document the completed installation of the drainage structures on site;
  - (d) The name and contact details of any appointed management company information.

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

**Construction Environmental Management Plan (CEMP) –prior to commencement**

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

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

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

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

20. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include as a minimum:
- a) Risk assessment of potentially damaging construction activities;
  - b) Identification of 'Biodiversity Protection Zones';
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
  - d) The location and timing of sensitive works to avoid harm to biodiversity features;
  - e) The times during construction when specialist ecologists need to be present on site to oversee works;
  - f) Responsible persons and lines of communication;
  - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
  - h) Use of protective fences, exclusion barriers and warning signs

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

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

### **Badgers Mitigation – Prior to commencement**

21. Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, a mitigation strategy for badgers, which shall include details of a recent survey (no older than six months), whether a development licence is required and the location and timing of the provision of any protective fencing around setts/commuting routes, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason : To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme

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

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

Reason : To protect the amenities of nearby residents and light sensitive ecology, in the interest of public safety and to comply with Policy ESD15 of the Cherwell Local

**Biodiversity Enhancement – prior to development commencing**

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

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

**NSP licence required conditions**

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

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

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

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

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

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

### **Land Contamination Desk Study / Site Walkover-prior to commencement**

27. Prior to the commencement of the development hereby permitted a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model shall be 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 shall be submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.

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

### **Land Contamination Intrusive Investigation-prior to commencement**

28. If a potential risk from contamination is identified as a result of the work carried out under condition 27, prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

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

### **Land Contamination Remediation Scheme-prior to commencement**

29. If contamination is found by undertaking the work carried out under condition 28, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can

be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

**Land Contamination Remediation Scheme**

30. If remedial works have been identified in condition 29, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 29. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

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

**Land Contamination Remediation Scheme (EA recommendation)**

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

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

**TWU water infrastructure-prior to occupation**

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

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