

**Heyford Park
Camp Road
Upper Heyford
Bicester
OX25 5HD**

16/02446/F

Applicant: Heyford Investments LLP

Proposal: 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

Ward: Fringfords And Heyfords

Councillors: Cllr Ian Corkin
Cllr James Macnamara
Cllr Barry Wood

Reason for Referral: Major development proposal

Expiry Date: 21.09.2018 **Committee Date:** 20 September 2018

Recommendation: Approve

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

Proposal

Full planning permission is sought for 296 dwellings (and associated infrastructure). 89 of the dwellings will be affordable (30%). Vehicular access is from Camp Road with secondary access to Izzard Road. Pedestrian and cycle links are proposed to Kirtlington Road and the existing settlement.

Consultations

The following statutory consultees have raised objections to the application:

- OCC Highways , Sport England

The following non-statutory consultees have raised objections to the application:

- Oxford Trust for Contemporary History

19 Letters of objection/comment have been received

Planning Policy

The application site forms part of an allocated site for a new settlement in the Local Plan. The site is also allocated within the emerging Mid-Cherwell Local Plan. The site forms part of the RAF Upper Heyford Conservation Area, and lies adjacent to the Rousham Conservation Area

The application has been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance.

Conclusion

The key issues arising from the application details are:

- Planning Policy and Principle of Development;
- Design Layout and Appearance
- Affordable Housing
- Density and Housing Mix
- Five Year Land Supply
- Impact on Heritage Assets
- Landscape Impact;
- Ecology
- Flood Risk and Drainage;
- Accessibility, Highway Safety and Parking;
- Statement of Common Ground and Masterplan

The report looks into the key planning issues in detail, and officers conclude that the scheme meets the requirements of relevant CDC policies and proposal is acceptable subject to conditions, legal agreement, resolution of highway concerns and deferral to NPCU. T

RECOMMENDATION - GRANT PERMISSION SUBJECT TO CONDITIONS AND THE COMPLETION OF A LEGAL AGREEMENT

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

Main Report

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is part of the former RAF/USAF Upper Heyford base which is now a new settlement. The site is located to the southwest of the former base on the south side of Camp Road. The site measures some 12.04 hectares, is relatively flat and dominated by a long frontage to Camp Road but with a side frontage to Kirtlington Road. The southern/rear boundary is to open countryside, the eastern boundary adjoins the edge of the new settlement and wraps round the adjacent school playing field.
- 1.2. The site consists of an area formerly occupied by single storey buildings of mixed "non-residential" uses and which are now mostly demolished. The buildings were largely of prefabricated construction and included dormitories, school and gymnasium. There was a landmark water tower on the site frontage.
- 1.3. The site forms part of the RAF Upper Heyford Conservation Area (designated in 2006, its primary architectural and social historic interest being its role during the Cold War). The southern and western boundaries of the site form the boundary to the Rousham Conservation Area (which provides a rural and landscape setting to the house and garden of Rousham house).

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The application proposes residential development on the site to provide 296 dwellings, with associated infrastructure, including open space.

2.2. The application has been supported by a considerable amount of documentation including:

- Planning Statement including affordable housing, energy statement and s106 Heads of Terms
- Existing Buildings Package
- Design and Access Statement
- Environmental Statement and Addendum
- Statement of Community Engagement
- Tree Survey, Protection Plan and Arboricultural Impact assessment (and Addendum)
- Construction Specification Statement
- And subsequent rebuttal statement to an objection by the Environment Agency

2.3. Up until now the application has been held in abeyance pending discussions on a new masterplan for Heyford seeking a development that would accord with the site specific Local Plan policy for the former RAF Upper Heyford, Policy Villages 5. Furthermore, during processing of the application the scheme has been modified in a number of ways as part of a positive engagement between applicant and Local Planning Authority (and in response to concerns by the Conservation, Design, Landscape and Footpath Officers of Cherwell and the County Councils). These changes include amendments to the design of the houses, to improve their appearance and to aid natural surveillance, improvements to boundary treatment, layouts have been modified, more parking created and to add further trees in particular to create stronger buffers to the rural edge and the Cherwell Valley. Further information has been provided to support, justify and reinforce the applicant's case as to why this development should be permitted.

2.4. The main changes were:

- Introduction of a bridleway and pedestrian path along the length of the western boundary with direct linkage to the Portway footpath and Upper Heyford beyond as requested by Cherwell Officers;
- Associated amendments to layout, play area positions, tree retention and house types on western boundary to facilitate such provision;
- Reduction in three storey house types, enabling the concentration of three storey elements at the key landmark areas in the centre and north-eastern corner of the layout in line with Cherwell Officer comments;
- Amended affordable housing house types to facilitate the introduction of maisonette accommodation to reflect the desired mix and tenure types of Cherwell Officers;
- Associated removal of three storey element at plots 565 to 569 and amendment to layout and house types;
- Re-plan of plots 655 to 660 and 685 to 690 to provide street frontage and accommodate amended house types and affordable housing provision;
- Revisions to the play equipment provision in the south-eastern NEAP;
- Revised design of attenuation basin;
- Reduction in open market housing provision from 208 units to 207 to accommodate amendments.

Access and connections

2.5. Vehicular access is from Camp Road with secondary access to Izzard Road to the east (part of the new settlement of Upper Heyford). There will be pedestrian routes out of the site connecting to the new settlement and also allowing access on to Kirtlington Road for pedestrians and cyclists. The Kirtlington Road boundary which

currently has a strong hedge line will be reinforced by further planting to form a screen to the Cherwell Valley, Rousham and the villages of Lower and Upper Heyford.

- 2.6. The internal layout has evolved from a grid system, to reflect the sites military history and the existing basic network of roads. But from this pattern emerged a strong central east west corridor which will be designed to be heavily landscaped and for pedestrians and cyclists priority. There will also be strong north south routes, two primarily for vehicular traffic and one designed for pedestrian and cyclists. All the main roads will be tree lined to reflect the avenue character established in the previous phases of development.

Housing Mix

- 2.7. The 296 dwellings will provide 207 market homes and 89 (30%) affordable homes, in the following mix:

Market Homes (207):

- 27 x 2 bed houses (2 storey)
- 75 x 3 bed houses (2 storey)
- 83 x 4 bed houses (mix of 2 and 2.5 storey)
- 22 x 5 houses (2.5 storey)

Affordable Homes (Rented) (62)

- 6 x 1 bed flats (3 storey)
- 6 x 1 bed maisonette (3 storey)
- 6 x 2 bed flats (3 storey)
- 16 x 2 bed maisonette (mix of 2 and 3 storey)
- 2 x 2 bed flat above garage (2 storey)
- 4 x 2 bed house (2 storey)
- 22 x 3 bed house (2 storey)
- 2 x 4 bed house (2 storey)

Affordable Homes (Intermediate) (27)

- 6 x 1 bed flat (3 storey)
- 4 x 1 bed maisonette (3 storey)
- 4 x 2 bed flat (3 storey)
- 3 x 2 bed maisonette (3 storey)
- 8 x 3 bed house (2 storey)
- 2 x 4 bed house (2 storey)

- 2.8. There is a wide range in size and variety of accommodation And a range of 2 to 3 storey buildings with 3 at the centre of the site and a gradation to the boundaries with landmark buildings at key sites. There is also a strong mix in terms of sizes and balance between houses and flats.

Design

- 2.9. Designs of the buildings are reflective of the style of military housing on the base with a much pared down aesthetic but with the arts and crafts style of the officers housing also used. Development has been guided by the design code approved for the main settlement. The main facing material is a red facing brick as used elsewhere although it is contrasted by elements of render and buff brick to form a

contrast. All building's roofs are slated with exceptions in small groups of a brown tile. Bay windows and simple porches are used as a design feature and to give the streets a greater feeling of surveillance.

3. RELEVANT PLANNING HISTORY

- 3.1. In terms of the uses on Upper Heyford, the military use ceased in 1994. Since 1998 the site has accommodated a number of uses in existing buildings, first under temporary planning permissions latterly under a permanent permission granted on appeal and subsequent applications. The part of the base subject to this planning application has been largely unused and retained a derelict appearance for some years.
- 3.2. As detailed in the list below, numerous applications have been made seeking permission over the last 10 years or so to either develop the base or large parts of it and numerous of them have gone to appeal. The most significant was application ref 08/00716/OUT. This was subject to 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. Included within this decision were a number of applications for conservation consent including demolition of buildings on the application site. As these consents have been implemented there is a view that they remain extant.
- 3.3. The development of the settlement and technical areas has been delayed as the site was acquired by new owners and the current applicants who decided to refine the approved scheme. As a result, a new masterplan was drawn up which, whilst similar to the one considered at appeal, has been modified. The main reason for a fresh application arose from the desire of the applicant to retain more buildings on site. Apart from that, the most significant changes are a new area of open space centred on the parade ground, 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 has meant the masterplan has expanded the development area west on to the sports field (and east of this application site).
- 3.4. The 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 22nd 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 all buildings on this site.
- 3.5. A number of reserved matters have been submitted, approved and implemented for permission 10/01642/OUT. As a result of this the new settlement is starting to take shape. To the east of the application site and south of Camp Road 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.
- 3.6. Below is a list of the relevant applications referred to above:

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>	
07/02350/CAC	Demolition of existing structures as part of lasting arrangement of Heyford Park	Allowed appeal	at
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	Allowed appeal	at
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	Approved	
10/01619/CAC	Demolition of existing structures (as per Conservation Area Consent Schedule and Drawing No. D.0291 38-1)	Approved	
13/00153/DISC	Discharge of Condition 8 of 10/01642/OUT (Design Codes)	Approved	
18/00825/HYBRID	Demolition of buildings and structures as listed ; Outline planning permission for up to 1,175 new dwellings; 60 close care dwellings; 929 m2 of retail; 670 m2 comprising a new medical centre; 35,175 m2 of new employment buildings, (comprising up to 6,330 m2 Class B1a, 13,635 m2 B1b/c, 9,250 m2 Class B2, and 5,960 m2 B8); 2.4 ha site for a new school; 925 m2 of community use buildings; and 515 m2 of indoor sports, if provided on-site ; 30m in height observation tower with zip-wire with ancillary visitor facilities; energy facility/infrastructure with a stack height of up to 24m; additional education facilities (buildings and associated external infrastructure) at Buildings 73, 74 and 583 for education use; creation of areas of Open Space, Sports Facilities, Public Park and other green infrastructure; Change of Use of buildings and areas: 20.3ha of hardstanding for car processing; and 76.6ha for filming activities ; the continuation of use of areas, buildings and structures already benefiting from previous planning permissions, associated infrastructure works including	Pending determination	

surface water attenuation provision and upgrading Chilgrove Drive and the junction with Camp Road

4. PRE-APPLICATION DISCUSSIONS

- 4.1. Extensive pre-application and post submission discussions have taken place with regard to this proposal and this is the final iteration

5. RESPONSE TO PUBLICITY

- 5.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was 18.07.2018, although comments received after this date and before finalising this report have also been taken into account.

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

19 letters have been received from residents objecting or commenting specifically on highways and traffic grounds:

- Impact of increased Traffic on rural roads, both during construction and after construction.
- Funds should be made available to alleviate the increased traffic and associated problems.
- Traffic already flout the existing routing agreements in place and drive though Somerton Village and Ardley
- Since the initial development of the Heyford Park site there has been a huge amount of additional traffic that is being 'forced' through Somerton, both during the construction phase and now that the some of the site is complete.
- The traffic calming measures that have been placed on Camp Road, in Heyford Park itself, have deterred vehicle access and pushed traffic on through to Somerton.
- Hazardous traffic conditions in Somerton will
- The volume of traffic through our small village has increased considerably because of the new developments at Heyford Park. Both private and commercial vehicles speed through our village as a shortcut to various locations with disregard to the speed limit and narrowness of the roads.
- The condition of the roads because of the increase in traffic has deteriorated considerably and yet there is no funding to pay for the works required to deal with this.
- The small village road cannot take the additional traffic. Cars are speeding and driving unsafely, Large vehicles are damaging the road and bridges.
- Small, narrow country lanes are not suitable for such high volumes of traffic and we are already noticing more cars, and more speeding traffic, through Somerton with the recent developments under way and already completed at Upper Heyford.
- The wish to expand the housing stock locally this should not be at the expense of local people in Upper Heyford, Somerton, North Aston, Lower Heyford, etc. As a minimum, before any approval for this planning application is considered, the local roads should be repaired (pot holes are a constant and increasing problem) and bollards should be installed on Camp Road/Kirtlington Road (Portway). This would require new residents to leave the area via the Ardley Road which would take them to M40, Banbury,

Bicester etc., rather than driving along Somerton Road which is simply not suitable for even more traffic.

- The new traffic calming measures on Camp Road are of inconsistent height and approach/departure angles. They are also already deteriorating due to volume of traffic.

In addition several letters from residents have raised more specific concerns about the proposal:

- the continued building of new properties at Heyford Park is having a detrimental effect on the residents of the village of Upper Heyford. The village comprises approximately 150 houses and is already dwarfed by the number of houses being built.
- the infrastructure, including schools, medical facilities, transportation (buses, trains) are insufficient for the needs of the probable number of residents we are likely to see over the next few years.
- some of the buildings wouldn't look out of place in a major city, They have no sympathy for the rural surroundings and heritage of the Upper Heyford site
- From Caulcott, from the Heyfords and from the Kirtlington Road, the housing blend should be seen as a gradual increase in height, single story to two story, rather than the visual impact of taller buildings close to the perimeter.
- support the points of the Mid Cherwell Neighbourhood Plan Forum requesting a proportion of 35% rather than 29.9% affordable housing.
- support the "Independent living by design" policy and would ask what provision has been made for that?
- The removal of the old USAF baseball/softball area is a regrettable step to expunging the heritage of the site. It should be maintained as a play area The proposed development should be approved. The redevelopment of this area will make a significant positive contribution to the appearance of the area, and increase the viability of local services in Upper Heyford and at Heyford Park.
- Object to loss of green space
- Brownfield land should be developed first

Oxford Trust for Contemporary History

This application should be refused permission for the following reasons:

- Approval of this piecemeal development contrary to local plan policy V5 and would be premature without the evidence regarding the heritage feasibility and potential of the whole site which was the official advice behind development plan policies supporting redevelopment since 2005.
- Approval of this piecemeal development would be premature pending the establishment of a heritage management plan and heritage centre which have been required since 2010.
- Local Plan policy V5 (ie the development plan for the purposes of s38(6)) cannot be properly applied in the absence of the feasibility studies recommended as 'official advice' by the Examining Panel of the Oxfordshire Structure Plan when the predecessor policy (OSPH2 - written in identical terms) was adopted in 2005. Both OSPH2 and V5 support the redevelopment of the air base as, '...enabling environmental improvements, and the heritage interest of the site as a military base with Cold War associations..'
- In the 2009 appeal decision the inspector (DL 19.34) accepted/preferred the OTCH interpretation of this policy that it makes a, "carefully conditioned allocation...conditional upon achieving environmental improvements and the heritage interest of the site with military associations to be conserved,

compatible with achieving a satisfactory living environment.”. No applications for residential (or commercial) developments should be permitted until planning obligations ensuring the enhancement to the heritage site have been completed

- The Council should be ensuring that both the heritage centre (with artefacts and facilities) and a heritage management plan (after 5 years wait) are both in operation before granting permission for any further development.
- Heritage delayed is heritage denied. There remains the need for a plan showing a ‘lasting arrangement’ which was identified in 1995 when the air base first became redundant.
- The application refers to and seeks to rely on policy V5, “ ...enabling environmental improvements and the heritage interest of ...the site as a military base with Cold War associations to be conserved,.. A comprehensive integrated approach will be expected.” , but fails to understand that this application represents precisely the form of piecemeal development likely to prejudice the comprehensive and integrated approach referred to in this development plan policy.
- Conservation of the Cold War heritage is omitted from the list of items proposed for inclusion in the legal agreement despite the fact that it the existence of the Cold War remains which have resulted in the (re)development of this site.
- The application refers to “Management of the flying field should preserve the Cold War character of this part of the site, and allow for public access. New built development on the flying field will be resisted to preserve the character of the area and Proposals should demonstrate an overall management approach for the whole site,” but again fails to deal with how the whole site will be managed.
- The application refers to policy BSC4 Housing mix which requires 30% of market housing to be one and two bedroomed but does not adequately justify the 13% being
- The transport plan seems to be designed to fail as the parking provision is 2.6 per dwelling which does not represent any reduction despite the claims that this is a sustainable form of development.
- There is nothing in the design of the houses or the layout to signify that this is a Conservation Area or one designated for its Cold War associations.
- There do not appear to be proposals to install solar thermal or PV. Over time this omission will result in an assortment of more expensive and random installations as new occupiers seek to achieve the sustainability that is not being provided by the initial development. In these circumstances the development cannot benefit from the presumption in favour of sustainable development.
- There is no mention of contributions to the bus services.
- It would be very surprising if the Council approved an application that included housing and public open space which also appears on the submitted masterplan. The masterplan could be prejudiced by development being approved before the disposition of the land uses (inc housing densities) have been agreed.

The Upper Heyford Village Group

- This is the most westerly of the proposed sites included in the local plan and it is important therefore that attention is paid to the inspectors comments in regard to its relationship with Upper Heyford village viz.

- *The boundary treatment, including landscape impact mitigation, to the south west of the site, including between it and the village of Upper Heyford, is particularly important to help ensure that the latter retains its separate identity as a rural settlement once this scheme is complete. It is also relevant in relation to the adjoining Rousham, Lower Heyford and Upper Heyford Conservation areas*
- Grateful that there is no proposal to have access roads onto the Kirtlington Road, but dismayed at the very modest amenity area at the western edge of the development plan. A much wider area is needed to soften the impact of the new housing as the landscape changes to open countryside beyond the hedge on the west side, as requested by parishioners and shown on documents previously submitted to CDC.
- There appears to be fewer homes on this site than the local plan estimate of almost 500 homes. How will the shortfall of perhaps 200 homes be achieved? Will CDC, as the planning authority, seek to resolve this deficit before planning approval is given as it would be alarming, if on completion of all the designated sites, there is failure to meet the requirements of the approved local plan for about 2700 homes at the former RAF Upper Heyford. The inspector's report was categorical in this respect viz. *there is no necessity to allocate any further greenfield sites around the former base either now or as "reserve" sites for the future, as they would not be more sustainable than those allocated in the plan.*
- The Government Housing White Paper published in February states: *"ambitious proposals to help fix the housing market so that more ordinary working people from across the country can have the security of a decent place to live" The government is committed to building more affordable homes to boost house-building and support households who are locked out of the market.* All very worthy, however, we need greater transparency here in Oxfordshire on how this will be achieved. We need CDC/developer to clearly define what is considered to be 'affordable' and to indicate the number of suitable homes proposed on this particular site.
- On the wider issue of facilities at Heyford Park, plans are in hand for the community and recreational needs, retail provision, health and welfare, and a religious establishment, however, there appears to be no progress with regard to a cemetery on the site. As this by its very nature will require a substantial area of land the matter will need to be addressed before the plans for the site are too far advanced. If/when Upper Heyford village and Heyford Park are separate parishes the residents on HP will lose the right of burial in the village cemetery, which in any event is almost full.

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

6. RESPONSE TO CONSULTATION

6.1. 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

6.2. UPPER HEYFORD PARISH COUNCIL

- Accepts the requirement for housing on this site
- Given it's proximity to the Village of Upper Heyford it is important that the development does not adversely affect the rural nature of the area to the west of the site or the residents of Upper Heyford Village.

- Peripheral open space to the west of the development should be between 20 and 25 metres wide between the internal carriageway and the boundary hedge. This will allow for recreational space and plantings
- More tree planting should be included on the western boundary
- The 4 foot high hedge on the western boundary needs to be retained and adequately managed
- The provision of single story dwellings should be considered for the western boundary. This will reduce the visual impact of the site from the west, and provide accessible housing for elderly and disabled residents.
- The provision for three story housing should be limited to the core area of the site if allowed at all.
- Light pollution should be minimised with as much low level and soft lighting as possible
- Given that this is a gateway development for the former RAF Upper Heyford every effort should be made to ensure design reflects the heritage of the site
- The gradient for the attenuation basin is acceptable as an accessible area. This gradient of 1:4 must be achieved before occupancy of the housing. Also given the accessibility of the attenuation basin, a knee rail is not needed and is possibly a tripping hazard. Also, please ensure the basin is seeded with wild flowers as are the existing basins on the estate.

6.3. SOMERTON PARISH COUNCIL: **no objections**. But major concerns regarding the impact of increased Traffic on our rural roads, both during construction and after construction and seek for funding under s106 to mitigate these issues.

6.4. FRITWELL PARISH COUNCIL have **no objections** to the development itself but have major concerns about increased traffic both during and after construction on rural roads which are not designed for heavy passage of vehicles.

- No traffic plan was available and there was no indication that one was being considered; furthermore, no improvements in public transport were indicated.
- Encroachment into the rural spaces between villages will inevitably occur.

6.5. MID-CHERWELL NEIGHBOURHOOD PLAN FORUM is broadly supportive of the provision of housing in this Phase of the overall development but have the following concerns:

- Absence of overall scheme and design code means that a consistent approach to high quality design, for example, is no longer governed by a design code, as had been the case for previous housing phases.
- Although we appreciate that there are general statements in the Local Plan Villages 5 policy, the statement there that “a comprehensive integrated approach will be expected” is not supported by the detailed planning and development criteria that we assume would have been in place had a “Masterplan” been completed.
- The construction design and landscaping should be sympathetic to the historical ambience of the cold war site. Instead, the scheme as now designed could be anywhere.
- Three-storey buildings on this conspicuous and non-central site are inappropriate.
- Missed opportunity to design this scheme with a more contemporary approach. This development looks as though it could be anywhere, and has no references to the local vernacular or to the site’s history; we particularly agree with his comments about chimneys.
- We also consider that the buffer zone planting should be deeper than is currently proposed. Our emerging neighbourhood plan policy PH05

recommends refusal for rear parking courts, a point also made by your urban designer.

- Local Plan Policy Villages 5 states that there must be “at least 30% affordable housing”. The scheme proposes 89 of 297 dwellings as affordable. This is 29.9% rather than 30%. In our view the spirit of the policy requires that Dorchester should err on the side of just exceeding 30% rather than just missing it.
- MCNP’s emerging policy PH02 states that for proposals of 11 or more dwellings there should be a minimum of 35% affordable housing, as is the case across the rest of the neighbourhood area, in line with Local Plan Policy BSC3. Until the MCNP is formally adopted this proposed policy is of course not enforceable, but we would like its spirit to be respected in the current application. We take the view that the phrase “at least 30%” includes the possibility of “a minimum of 35%”, and does not contradict it.
- it is most undesirable that the loop road on the westernmost edge of the site is not designed to adoptable standards.

STATUTORY CONSULTEES

6.6. THE ENVIRONMENT AGENCY: objected to the original submission on grounds of foul drainage and surface water quality but have subsequently withdrawn that provided a number of conditions they recommend are included on any planning permission that is granted

6.7. HISTORIC ENGLAND: Concerned the density of development is considerably lower than that envisaged by the Local Plan. Consequently we are worried that this would lead to further encroachment of housing development on the Flying Field in order to meet Local Plan allocations.

6.8. OXFORDSHIRE COUNTY COUNCIL:

OCC support this application and the delivery of Local Plan Policy Villages 5: Former RAF Upper Heyford. Since OCC’s initial response to this application dated 6th March 2017, good progress on the site allocation masterplan and mitigation package has been made; for this reason OCC withdraw its previous objection concerning the absence of a wider masterplan

There remains an **OCC transport objection** to the application with a number of technical issues that require further work to resolve them. The transport response also maintains its objection on the grounds of incomplete strategic mitigation for the Policy Villages 5 allocation as a whole, pending completion of the Transport Assessment for the masterplan area. However, good progress has been made and mitigation measures are in the process of being agreed. Further work is required however to identify mitigation solutions for Middleton Stoney, and for Junction 10 and its surrounding junctions. Funding from the Oxfordshire Growth Deal has been released for this financial year to help identify solutions to the impact on the B430 in order to avoid housing delivery being delayed. It is expected that this work will be complete in the autumn. Whilst OCC would normally insist on this work being carried out prior to the application going to planning committee, it is considered that the release of Growth Deal funding towards infrastructure solutions constitutes exceptional circumstances.

Therefore, if CDC are minded to approve this application, any resolution to grant planning permission should be subject to resolving OCC’s technical transport objection and to agreeing a mechanism to cover S106 contributions for the elements of the masterplan mitigation package that are still to be finalised.

OCC TRANSPORT: An extensive report (available on the website) has been produced by the County's Transport Planner and objects for the following reasons:

- It is not possible to fully assess the impact of traffic and the mitigation required based on the Transport Addendum provided, due to its dependency on the site-wide Allocation Transport Assessment and agreement on its associated mitigation package, which is not yet complete.
- The proposed bus loop within the site is too constrained and could prejudice the sustainable transport strategy for the Policy Villages 5 Allocation site.
- Various aspects of the proposed layout pose a potential highway safety risk, as well as being prejudicial to the provision of attractive sustainable transport opportunities.
- The connections to the cycle network on Camp Road are inadequate and likely to adversely affect the take up of sustainable travel within the Policy Villages 5 Allocation site.

If despite OCC's objection permission is proposed to be granted then OCC requires prior to the issuing of planning permission a S106 agreement including an obligation to enter into a S278 agreement to mitigate the impact of the development plus planning conditions and informatives.

OCC EDUCATION: Following the submission of the masterplan application for Heyford Park, 18/00825/HYBRID, the education capacity and contributions requirements in this location have been reassessed, taking into account the education capacity already provided at Heyford Park by the Heyford Park Free School and the Old Station Nursery, and identified the scale of deficiency expected as a result of all parcels of the Heyford Park strategic development area. As the Free School currently provides more primary and secondary capacity than is required solely for the permitted development, there is an element of "spare" capacity, the benefits of which have been distributed across the forward pipeline of applications. The cost of the necessary additional education capacity has been equalised across developments pro rata to their expected pupil generation.

No objections subject to s106 agreement securing appropriate contributions.

NON-STATUTORY CONSULTEES

6.9. SPORT ENGLAND **objects:**

- It is not considered to meet our adopted playing fields policy or NPPF Para. 74 for the following reasons: The proposal results in a loss of playing field and is for a development of 297 homes without providing any new outdoor sports provision to support the proposed housing.
- The proposal is for the redevelopment of the site with housing. Only a small area of open space has been provided on the development. It therefore does not attempt to address paragraph 74 of the NPPF (which also includes loss of open space as well as sport)
- Sport England will reconsider its position if the following issues are addressed:
 - The retention of the sport facilities in their current position or;
 - Replacement playing field is provided elsewhere at Heyford Park.
 - Access to the wider community / sports clubs secured by a planning condition/obligation for community use.

- 6.10. THAMES WATER have not objected but due to a lack of information recommend conditions and informatives are added if permission is granted
- 6.11. OXFORDSHIRE GARDENS TRUST: **No objection** but concerned there is a risk that 2 key views from Rousham Park (Grade 1 Registered Park/Garden) may be negatively affected by this development, particularly during the winter months. Screen planting around the south and west perimeters of the development site should be sufficient to ensure that these views are not compromised in any way.
- 6.12. OXFORDSHIRE CLINICAL COMMISSIONING GROUP notes primary medical care for the Heyford area is at capacity, and further housing growth will require additional or expanded infrastructure to be in place. We therefore seek infrastructure funding of £299,376 if this development is to go ahead. This calculation is based on OCCG's draft policy drawn from elsewhere in the country to use a calculation of 2.8 x number of dwellings x £360 for contributions for health infrastructure.
- 6.13. CDC URBAN DESIGN CONSULTANT:
- In addition to tree & hedge retention some features of the former use of this site should be retained for their historical connection. Retention of even modest features like the American style fire hydrants is a desirable link to the former use of the site and a connection with other parts of the Heyford Park.
 - it would be desirable to include a good footpath/cycleway connection with Upper Heyford village.
 - The building density progression from east to west is commendable although the degree to which this is apparent may be too subtle to register. A greater apparent variation in density and character would be desirable.
 - Existing buildings on the site are predominantly single storey. The proposals are for two to three storey buildings. Whilst there may be some justification for a three storey 'landmark' building on the Camp Road/Izzard Road junction I am not convinced of the justification for other three storey buildings elsewhere on this phase of development so far from the village centre.
 - The light render to the taller buildings may increase their visibility and visual impact in the wider landscape.
 - Streets are well defined with buildings fronting them and are generally well overlooked from the dwellings
 - The peripheral open space is potentially a good public and wildlife amenity although too narrow in places to accommodate adequate buffer/amenity planting together with swales, footpath, play and trim trail equipment
 - When considering the importance of the existing approximately 4.0m high western boundary hedge in mitigating the visual impact of the development on the landscape to the west it is important to remember that in order for this hedgerow to be retained as a hedge it must be managed which will involve periodic reduction in width and height to maintain its density.
 - Additional tree planting within the green corridor will be essential in maintaining sufficient depth of mitigatory planting,
 - The rain garden has the potential to achieve a very specific and distinctive character.
 - Shared rear parking courts are not desirable and should be designed out where possible. The parking should be redistributed as on-street or in front parking court arrangements. Only corner flat blocks should have rear parking courts which must be secure and gated with automated gates.
 - The development of this site is an opportunity for more interesting and contemporary design to be employed to give it a distinctive character but this opportunity is, unfortunately, not represented in these proposals. It is disappointing that there are no purpose designed individual corner building

house types. The three storey rendered dwellings in the centre of the site relate to the more modest scale of the existing two storey Carswell Circus houses

- The landmark flat block at the junction of Camp Road and Izzard Road is intended to relate to buildings proposed for the Trident area but since these will not be visible from Camp Road it would be more logical to achieve a more specific relationship with the design of proposed buildings in the village centre. This would be a more appropriate visual connection.
- Balconies should not have 'slightly tinted glazing' but sand blasted or obscured glass to hide from the street the domestic paraphernalia that is frequently stored on them.
- All corner buildings must have ground floor windows to 'active' rooms to both street facing elevations.
- Traditional form pitched roof houses should all have chimneys or flues punctuating their roof-lines
- The wider use of coloured window frames would help distinguish this development from so much 'ordinary' volume house building.
- Consideration should be given to narrowing the perceived width of carriageways through the use of flush channel lines in a different material/colour/texture to assist with traffic calming.

Full comments are available on file

6.14. CDC CONSERVATION OFFICER:

- The school site has always had a different character and building density to other parts of the site comprising a series of regimented concrete huts arranged in a matrix of short rows. The school site is an interesting part of the military base and demonstrates the all-encompassing nature of the existence experienced by the American service men and their families however the overall contribution the school site makes towards the total significance of the site is limited.
- The redevelopment of the school site creates an opportunity to provide high density, highly innovative, affordable housing – housing that cuts a dash and is different from the very routine (and to be frank rather mundane) housing which is populating the rest of the site south of Camp Road.
- No trace of the school site is retained; even the road layout has been eradicated. This is development without innovation given that military aviation was at the forefront of design and innovation one might have hope for something 'special' reflected in the redevelopment of the site. The school buildings were completely regular in both massing and layout – this is also not reflected in the proposal.
- I am concerned over the massing and height step difference of the 3 storey rendered buildings. Cockcroft gables – the window casements should be located within them not sliding down the wall as if the building had melted. I am not convinced the distribution of rendered/non-rendered buildings works.
- This proposal neither conserves nor enhances the significance of the site as a temple to cold war aggression.

6.15. CDC STRATEGIC HOUSING:

- The tenure mix has been amended to 70/30 rented/shared ownership as requested and the mix is now 62 no. Affordable Rented units and 27 no. Shared Ownership. However in doing this the numbers of houses have been reduced from 44 to 38 over both tenures and the number of 2 bed flats/maisonettes for Affordable Rent has increased from 5 to 22. The number of rented houses has been increased roughly in proportion to the

increase in the number of rented units required, but the number of houses for shared ownership has been reduced by 14 no. However, this may not present too much of a problem because as stated previously flats for shared ownership are more likely to be affordable to first time buyers, but we cannot accept the increase in the amount of 2 bed flats for rent. As noted in the minutes of an Affordable Housing Review meeting held on 10th May 2017 - "2 bed flats are not suitable for families with children, and single people cannot occupy Affordable rented 2 bed flats due to restrictions on under-occupancy".

- I would therefore suggest that all of the one bed flats are designated for Affordable Rent and 10 no. of the 2 bed flats previously designated for Affordable Rent are changed to Shared Ownership. I would also question whether the 4 bed shared ownership properties would be affordable as other RPs have reported difficulty in selling this type of property and therefore would suggest the 4 bed shared ownership units are replaced with 3 beds . A revised mix is suggested.

6.16. CDC LANDSCAPE OFFICER: A number of concerns relating to landscape impact, trees and plant selection and details on the play areas. These have been passed to the applicant to consider but are all relatively minor and can be conditioned if not resolved before consideration by Committee

6.17. CDC ARBORICULTURE OFFICER: No adverse comments - the scheme appears to have a good consideration of the tree population of the site, and has addressed the tree/development process sympathetically.

6.18. CDC BUSINESS SUPPORT: It is estimated that this development has the potential to attract New Homes Bonus of £1,606,249 over 4 years under current arrangements for the Council. This estimate includes a sum payable per affordable home.

6.19. CDC SPORTS AND COMMUNITY: Contributions will be sought for off-site provision of sports facilities, indoor and outdoor, community hall provision, community development, a community development worker and public art.

6.20. CDC BICESTER INFRASTRUCTURE DELIVERY LEAD: request 31 new apprenticeships are secured by s106

6.21. CDC ECOLOGY OFFICER: The development will not have a significant affect on the identified important ecological receptors during the phases of the development. All factors considered in the ES remain the same for example baseline conditions and assessment methodology. The conclusion that no new potential cumulative effects have been identified is sound. Therefore overall the original conclusions of the Ecology and Nature Conservation ES Chapter (2016) are unchanged. If permission granted a number of conditions are recommended.

6.22. CDC ENVIRONMENTAL PROTECTION:

- No comments on odour and light
- Concerned by potential noise, air quality and contamination issues therefore recommend conditions if permission is granted

7. RELEVANT PLANNING POLICY AND GUIDANCE

7.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

7.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

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

- ESD15 - The Character of the Built and Historic Environment
- VIL5 - Former RAF Upper Heyford
- PSD1 - Presumption in Favour of Sustainable Development
- 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)
- 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
- INF1 - Infrastructure
- SLE4 - Improved Transport and Connections

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 - Layout, design and external appearance of new development
- C23 - Retention of features contributing to character or appearance of a conservation area
- C30 - Design of new residential development
- TR1-Transportation Funding
- ENV1: Pollution
- ENV12: Contaminated Land

7.3 Other Material Planning Considerations

Mid Cherwell Neighbourhood Plan (MCNP): has now been submitted to the Council who are seeking to appoint an examiner in order to hold an Examination in Public. The Plan therefore has limited weight at the present time.

National Planning Policy Framework (The Framework) - National Planning Policy Framework sets out the Government’s planning policies for England and how

these are expected to be applied. It should be noted that during the processing of this application a revised version of the NPPF was issued on 24th July 2018. Comments made by third parties may refer to the earlier version but the Officers report endeavours to update these references. Although the text has changed, the thrust of the NPPF remains very much the same with regard to the main issues that apply to development at Heyford such conserving and enhancing the historic and natural environment whilst making effective use of land and delivering a sufficient supply of homes.

Planning Practice Guidance (NPPG) – This sets out regularly updated guidance from central Government to provide assistance in interpreting national planning policy and relevant legislation.

RAF Upper Heyford Conservation Appraisal 2006 (UHCA)

In addition a design code was approved in October 2013 in order to comply with Condition 8 of planning permission 10/010642/F. This was required to “to ensure that the subsequent reserved matters applications are considered and determined by the Local Planning Authority in the context of an overall approach for the site consistent with the requirement to achieve a high quality design as set out in the Environmental Statement, the Revised Comprehensive Planning Brief for the site, and Policies UH4 of the Non Statutory Cherwell Local Plan, H2 of the Oxfordshire Structure Plan 2016 and comply with Policies CC6, CC7 and H5 of the South East Plan 2009.”

Application 08/0716/OUT- Appeal decision; both the Secretary of State’s decision letter and the Inspector’s report are of significance to this application

A statement of Common Ground exists between Dorchester Group, lead developer at Heyford, and the Council signed in December 2014.

8. APPRAISAL

Relevant Background

- 8.1 An outline application that proposed: “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).” was granted planning permission in 2010 following a major public inquiry (ref 08/00716/OUT).
- 8.2 The permission with regard to the flying field was implemented but a subsequent second application was submitted for the settlement area. That permission for a new settlement was granted in December 2011 (ref 10/01642/OUT). The permission was in outline so details of layout, scale, appearance, landscaping and access (the reserved matters) had to be submitted within a period of six years.
- 8.3 The appeal and subsequent planning decisions have already been taken into account by the Council as part of its Local Plan and the development of former RAF Upper Heyford is seen as the major single location for growth in the District away from Banbury and Bicester. Furthermore, in the CLP 2031 Part 1, additional sites were allocated for development in and around Heyford including that subject of this application which is the second to come forward for determination since adoption of the Local Plan. The first such site to be considered was submitted by J A Pye for 79 dwellings (reference 15/01357/F) at the far eastern side of Heyford Park and considered by Committee in August 2017. Since then much work has been

undertaken by the applicants to create a masterplan for Heyford Park in line with Policy Villages 5 of the CLP 2031 and an application (ref 18/00825/HYBRID) has now been submitted to achieve that.

- 8.4 Many of the existing residential buildings across the wider Heyford site were built in the early 20th century and have a character that can be best described as a simple / pared back Arts and Crafts character and that has been the main theme for the housing south of Camp Road.
- 8.5 In the preparation of the Local Plan a statement of common ground (SOCG) was reached between the Council's Head of Strategic Planning and the Economy and the Dorchester Group on the future development of the Former RAF Upper Heyford. An appropriate level of development was to be secured to meet the District's housing needs and deliver employment whilst the heritage constraints were recognised and the need for environmental improvements recognised. It went on to say there should be a sequential approach but brownfield development should not be delayed and greenfield land outside the airbase should be brought forward as part of a comprehensive package. It went on to say that a wide-ranging review of development opportunities would be undertaken to accommodate the growth and this would be worked up through a future masterplan to be achieved by joint working between Dorchester, the Council, other statutory bodies and other land owners.
- 8.6 Consultants were engaged jointly by Dorchester and the Council but after receiving legal advice it was decided that a much higher level of engagement would be required before it could be formally adopted and the time scale for such an exercise was not likely to be achievable in the short term. As a result, Dorchester has undertaken a similar exercise to the one undertaken 10 years ago to produce a new masterplan for Heyford but through the development management process. A hybrid application has now been received (ref 18/00825/HYBRID) which sets out the implementation of Policy Villages 5 through the form of a fresh masterplan.
- 8.7 Whilst work was progressing on the creation of the new masterplan, the current application went into abeyance. Dorchester has now requested their application, following a number of revisions, is formally determined.
- 8.8 Turning to the detail of this application, Officers' consider the following matters to be relevant to the determination of this application:

- Planning Policy and Principle of Development;
- Design Layout and Appearance
- Affordable Housing
- Density and Housing Mix
- Five Year Land Supply
- Impact on Heritage Assets
- Landscape Impact;
- Ecology
- Flood Risk and Drainage;
- Accessibility, Highway Safety and Parking;

Planning Policy and Principle of the Development

- 8.9 Paragraph 11 of the NPPF makes it clear that there is a presumption in favour of sustainable development and that permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against policies in the Framework taken as a whole. There remains a need to undertake a balancing exercise to examine any adverse impacts of a development that would significantly and demonstrably outweigh the benefits of it

and also the harm that would be caused by a particular scheme in order to see whether it can be justified. In carrying out the balancing exercise it is, therefore, necessary to take into account policies in the development plan as well as those in the Framework. It is also necessary to recognise that Section 38 of the Act continues to require decisions to be made in accordance with the development plan and the Framework highlights the importance of the plan led system as a whole.

- 8.10 The Development Plan for Cherwell District comprises the saved policies in the adopted Cherwell Local Plan 1996 and the adopted Cherwell Local Plan 2011-2031. Section 70(2) of the Town and Country Planning Act 1990 provides that in dealing with applications for planning permission the local planning authority shall have regards to the provisions of the development plan in so far as is material to the application and to any material considerations. Section 38 of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination shall be made in accordance with the development plan unless material considerations indicate otherwise. This is also reflected in the National Planning Policy Framework (NPPF) at paragraph 12 which makes it clear that the starting point for decision making is the development plan.
- 8.11 Policy Villages 5 of the CLP 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 policy 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.
- 8.12 It should also be brought to Committee's attention that the Mid Cherwell Neighbourhood Plan has been through its consultation phases and is now awaiting its Examination in Public. When adopted it will have policies relevant to the development at Heyford but for the moment it has little weight.
- 8.13 The plans and supporting documentation demonstrate its 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 and reinforcement of the main hedging and trees

The main issues will be discussed in more detail below but in principle the application is seen to conform to Policy Villages 5.

Five year land supply

- 8.14 The latest housing figures for Cherwell District Council have shown it has a five year land supply and can defend against speculative development. The annual

monitoring report for 2017 published Dec 2017 undertook a comprehensive review of housing land supply and can now demonstrate a 5.7 year supply for 2018-2023; a partial review of that was undertaken in July 2018 and currently shows a 5.4 year supply for the same time period.

- 8.15 The Cherwell Local Plan outlines the preferred sites for 22,840 homes and 200 hectares of employment land between 2011-2031. Figures from the annual monitoring report showed 1,102 homes had been completed in 2016/17. Of those 27 per cent were built on previously developed land and 278 were marketed as affordable.
- 8.16 Heyford is seen as a strategic development site by the Local Plan and was envisioned as a point of growth when the policy was drawn up. 1600 dwellings and 1500 jobs are proposed there under Policy Villages 5. This site is part of the land allocated for development in the relevant policy. In the last year around 200 dwellings were constructed at Heyford making it one of the three main delivery sites for Cherwell. The Council have signed a statement of common ground with the developer and applicant committing to the expeditious implementation of the policy.

Design, Layout and Appearance

- 8.17 Extensive work and discussions have been had with the developer to establish a layout and architectural vocabulary for the site which will reinforce and reflect its heritage value bearing in mind its degree of separation from the main settlement. In terms of design, the Council's Design Consultant has secured substantial revisions in the architectural styles proposed here both prior to and during the processing of the application.

Connections and access

- 8.18 There are two main vehicular access points to Camp Road, together with a third for pedestrians and cyclists, which form a strong north-south axis. The pedestrian/cycle route will be intensively planted and form a green segregated corridor through the heart of the new development. There will also be strong east-west routes that will form an overall grid like structure reflecting the previous military style layout of this part of the base. This will include a central landscaped route through the new estate to link with the recent development to the east. Trees will be planted down the middle of the road as a design feature wrapping around a play area at the heart of the scheme. Where the main roads cross the layout will be staggered and the road surfaced in contrasting materials. Provision is made for the new roads to link to the land south of the development site also allocated for development by PV5 of the CLP 2031.
- 8.19 There is no vehicular access to Kirtlington Road (the Port Way) although a new bridleway route has been created on the inside of the existing tree/hedge line running the full length of the site and providing a new safe segregated route for cyclists, pedestrians and horse riders through a landscape created belt with access at either end to Kirtlington Road. This has been subject to comment from various groups but now has a width varying between approximately 15 to 27 metres. This is considered to achieve an adequate balance between forming a screen to the Cherwell Valley villages and Rousham and facilitating a development of an appropriate density.
- 8.20 The other main features of the layout are a continuation along Camp Road of a frontage development served by shared accesses. And a strong rural edge to the southern boundary through which a trim trail will be created. The south east corner is set aside for open space including another landscaped swale a mix of play areas

and a footpath/cycle route through to the existing settlement on the south side of the school boundary. Small spur roads with a reduced width are taken from the main spine roads to give it a rigid almost grid like layout.

Layout

- 8.21 This layout is considered to reflect the military character of the site yet create a neighbourhood with its own sense of place and character. There is a clear block structure with private and public spaces clearly defined set within a green landscaped setting.
- 8.22 The layout has been amended to provide opportunities to access to adjacent potential development sites and in particular to create routes through to Izzard Road. Routes for pedestrians and cyclists are also created with, around and linking to adjacent development.

Design

- 8.23 In terms of design, the housing is a mix of two storey and three storey and very much of a scale and design reflective of the housing on the base. It will be noted from comments made earlier that officers sought a more contemporary design approach but the applicant has chosen to carry forward the arts and crafts style used elsewhere on the former base. The three storey development is limited to key locations either towards the centre of the scheme or landmark locations to add emphasis and reinforce a sense of place. The scale of development tails away appropriately to the periphery of the site's boundaries.
- 8.24 This has resulted in housing, after some modest revisions that generally have a simple building form, steep pitched roofs, low eaves, prominent chimneys constructed predominantly of brick and with limited features such as porch and projecting windows. There is a mix of detached, semi-detached and terraced housing with a new set piece design to reflect Carswell Circle at the heart of the scheme together with a new landmark building on the corner of Izzard and Camp Road. They are all orientated to have active frontages and to turn the corner where they are on street corners making sure streets have surveillance. The Officers conclude that what is proposed, as now amended, conforms to CLP 2031 Part 1 policies Villages 5 and ESD 15, and CLP96 policies C28 and C30.

Affordable Housing

- 8.25 Policy BSC 3 sets out the requirement for Affordable Housing. However, Heyford has its own requirement under Policy Villages 5, 30%, which is to be secured on a site wide basis. The Council have secured through an earlier s106 agreement a strategy for the provision of Affordable Housing. Furthermore, a further agreement is being negotiated under terms being drawn up for the provision of the 1600 dwellings required under Policy Villages 5.
- 8.26 On this site 89 of the 296 dwellings are to be affordable, that is just over 30%. They are suitably integrated into the site layout and designed to reflect the market housing. The proposed mix is set out in para 2.2 above. The mix and balance has been changed. The tenure mix has been amended to 70/30 rented/shared ownership and the mix is now 62 no. Affordable Rented units and 27 no. Shared Ownership. However in doing this the numbers of houses have been reduced from 44 to 38 over both tenures and the number of 2 bed flats/maisonettes for Affordable Rent has increased from 5 to 22.

- 8.27 In ongoing discussions between the applicant and the Council's Strategic Housing Officer, it has been suggested that all of the one bed flats are designated for Affordable Rent and 10 no. of the 2 bed flats previously designated for Affordable Rent are changed to Shared Ownership.
- 8.28 The affordability of the 4 bed shared ownership properties has been questioned as other RPs have reported difficulty in selling this type of property and therefore it has been suggested the 4 bed shared ownership units are replaced with 3 beds.

Density and Housing Mix

- 8.29 Policy BSC2 encourages re-use of previously developed land and expects development to be at a density of 30 dwellings per hectare unless there are justifiable reasons for a lower density. In this case the site had a previous use as a school and dormitories for lower grades with a number of derelict buildings still on site.
- 8.30 It is noted we have objections to the development on grounds of density but what is proposed complies with the CLP where the Council sets out its approach to housing to reflect local circumstances (para 122-123, NPPF). Taking the site area as a whole the density is about 25 dwellings per hectare. The Council have actively encouraged the developer to design this phase at a higher density and it could have been higher but the site includes a disproportionate amount of highway within the red line application site and it retains strong green corridors along all the main roads. Buffer zones have also been created to the western and southern boundaries to soften the rural edge and form a screen to the Cherwell Valley. The site is at the edge of the settlement where the normal level of density declines. The pattern of development is of a scale and reflective of the recent and previous phases of development. 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 131) 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.
- 8.31 Policy BSC4 sets out the suggested mix of homes based on requirements of the Strategic Market Housing Assessment for Oxfordshire (SHMA 2014). The revised mix for this proposal is set out in para 2.5 and can be seen to be very close to the ideal.

Impact on Heritage Assets

- 8.32 The application site is located at the western edge of the former military base and forms part of the RAF Upper Heyford Conservation Area. The site also lies adjacent to the Rousham Conservation Area.

RAF Upper Heyford Conservation Area

- 8.33 The base was designated a conservation area in 2006, its primary architectural and social historic interest being its role during the Cold War. The nature of the site is defined by the historic landscape character of the distinct zones within the base. The designation also acknowledges the special architectural interest, and as a conservation area, the character of which it is desirable to preserve or enhance and provides the context and framework to ensure the setting and appearance of sections of the Cold War landscape are preserved. The base was divided into three main functional character areas: Flying Field, Technical and Settlement.

8.34 The application site is part of the western sub-category of the settlement area known as Zone 10E-the School and other areas of prefabricated buildings and is described in the conservation appraisal as: “The school is located in the south west corner of the site. A clutter of single storey prefabricated buildings. This group of buildings is isolated from its neighbours by either the road or a succession of baseball pitches. The proximity of the buildings within the school complex gives the site a claustrophobic air.” These buildings were described as neither aesthetically pleasing nor adding to our understanding of the functioning of the base. No buildings on the site are either scheduled ancient monuments or statutorily listed buildings.

Rousham Conservation Area

8.35 The boundary of the Rousham Conservation Area runs north-south along Kirtlington Road along the ridge of the Cherwell Valley, the conservation area also runs along the southern edge of the application site. Members will be aware this Conservation Area is currently subject of a fresh appraisal. The core significance of Rousham is of course the house and park although the house and main garden actually lie within WODC, but it is its rural setting and landscape in the Cherwell Valley that are within CDC's administrative area. The appraisal states:

- *“The essential part of Rousham is that it is the earliest and most complete surviving example of William Kent's work as the ‘father of landscape gardening’. William Kent is intimately associated with the development of the Picturesque in England; he originally trained as an artist and was seen to compose landscape as a painting. His naturalistic style and knowledge of the conventions of painting had a major impact on the development of landscape design at this time, but he had limited horticultural knowledge or technical gardening skill.*
- *The landscape work at Rousham marked a defined move away from the practice of formal, geometric designed landscapes, which were popular across Europe and further afield. The work represented the birth of the Picturesque Movement described by the artist and author William Gilpin as ‘that peculiar kind of beauty which is agreeable in a picture’.”*

8.36 Amongst the issues set out in the appraisal and which may be material considerations to this application are to:

- Consider whether the designed landscape of Rousham is effectively managed and whether there are additional mechanisms for enhancement.
- Consider whether the designed views and surrounding settings are being appropriately managed.
- Consider whether the monuments and features directly associated with Rousham landscape are being effectively managed.

Planning Policy, guidance and legislation

8.37 Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the duty of Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

8.38 Para 192 of the NPPF advises: *“In determining planning applications, local planning authorities should take account of:*

- *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality;*

- *and the desirability of new development making a positive contribution to local character and distinctiveness.*

8.39 Para 193 goes on to advise: *“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.”*

8.40 Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

8.41 Policy ESD 15 says this that new development proposals should be designed to deliver high quality, safe, attractive, durable and healthy places to live and work in. New development should contribute positively to an area’s character and identity by creating or re-inforcing local distinctiveness. They should also conserve, sustain and enhance designated and non-designated heritage assets. In addition 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 towards this.

Assessment

8.42 The applicants have assessed the site’s assets and their significance. All buildings on the site have been previously considered not to be of significance and consent has been granted for their demolition including by the Secretary of State in the 2010 appeal decision.

8.43 The applicants have submitted supporting documentation in an environmental statement to assess the heritage assets affected by this application. They point out none are on the site and the nearest are further 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.

8.44 The only element of significance is the western planting belt which will be reinforced and supplemented 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.

8.45 The impact of developing the base and the harm caused to heritage assets has already been tested once at appeal albeit under a slightly different scenario, and by the Council when it drew up development guidelines for the former base. In both cases it was considered that it is not only the built form that contributes to the special character of the Conservation Area, but the significant spaces and the relationships of buildings that frame them. These often functional relationships also assist with an understanding of how the air base worked. The retention of such spaces not only retains a link with the past, it will assist with creating a legible place

and one with a sense of distinctiveness. This scheme maintains the tree screen to Kirtlington Road and the layout reflects the military grid that previously existed.

- 8.46 Furthermore, under para 196 of the Framework, the Authority also has to consider ...*"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."* In your officers opinion it is considered that the development of housing at Heyford provides substantial public benefit both in terms of securing optimum viable use, of the site, meeting the five year housing land supply and the provision of affordable accommodation
- 8.47 The Framework goes on to say in para 197 that a balanced judgement will be required by the Planning Authority having regard to the scale of any harm or loss and the significance of heritage assets. In this case Officers have concluded that what is proposed provides an opportunity for an appropriate level of for new development that overall makes a positive contribution to preserve and enhance the character of and within the Conservation Area and does not cause harm to any individual asset listed on site. In this regard, the proposal will cause less than substantial harm to either the Heyford Conservation Area or the Rousham Conservation area, and indeed given the condition of the buildings and land in this part of the Areas could be said to enhance the Areas.

Landscape Impact

- 8.48 The landscape setting is an important part of the character of Heyford. The proposed roads are lined with verges and mature trees. This character is extended onto the streets within the new site by tree planting in strategic positions and by blocks of development being slotted into landscaped areas. An open space is created with play area in the south east corner to enhance the visual environment and in addition for use as amenity area. The landscape buffer on Kirtlington Road has already been referred to several times and this planting belt will sweep around the southern boundary to form a soft rural edge.
- 8.49 It is concluded that what is provided is an environmental enhancement in compliance with Policy Villages 5, certainly the submitted landscape assessment considers the impact to be minor, localised and will diminish over time as the planting becomes established. The protected views from Rousham will remain protected.

Ecology

Policy, guidance and legislation

- 8.50 The NPPF – Conserving and Enhancing the Natural Environment, requires at paragraph 170, that, *'the planning system should contribute to and enhance the natural and local environment... by minimising impacts on biodiversity and providing net gains in biodiversity including by establishing coherent ecological works that are more resilient to current and future pressures.'*
- 8.51 Section 40 of the Natural Environment and Communities Act 2006 (NERC 2006) states that every public authority must in exercising its functions, have regard to the purpose of conserving (including restoring/enhancing) biodiversity and: 'local Planning Authorities must also have regard to the requirements of the EC Habitats Directive when determining an application where European Protected Species are affected, as prescribed in Regulation 9(5) of the Conservation Regulations 2010, which states that a 'competent authority' in exercising their functions, must have

regard to the requirement of the Habitats Directive within the whole territory of the Member States to prohibit the deterioration or destruction of their breeding sites or resting places’.

- 8.52 Under Regulation 41 of the conservation Regulations 2010 it is a criminal offence to damage or destroy a breeding site or resting place, but under Regulation 53 of the Conservation Regulations 2010, licenses from Natural England for certain purposes can be granted to allow otherwise unlawful activities to proceed when offences are likely to be committed, but only if 3 strict derogation tests are met:
1. is the development needed for public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature (development)
 2. there is a satisfactory alternative
 3. is there adequate mitigation being provided to maintain the favourable conservation status of the population of the species

- 8.53 Therefore where planning permission is required and protected species are likely to be found present at the site, or surrounding area, Regulation 53 of the Conservation of Habitats and Species Regulations 2010 provides that Local Planning Authorities must have regard to the requirements of the Habitats Directive as far as they may be affected by the exercise of those functions and also the derogation requirements might be met.

Impact on habitats

- 8.54 The application site is not subject to any nature conservation designation and the development should not affect nearby designated sites. The proposals would involve the loss of a range of habitats including poor semi-improved grassland, amenity grassland, several trees and scattered shrubs including native species, and short sections of species poor native hedgerow. The application reports assessment that the affected habitats have a low ecological value appears to be appropriate based on the survey information provided. The habitats that would be lost do provide suitable habitat for a range of species including commuting and foraging bats, badgers and reptiles. The retention of boundary hedgerows and trees as part of a green corridor is welcomed.

Results of surveys

- 8.55 Specific surveys were undertaken for bats, badger, great crested newt and reptiles. Bats surveys found evidence of usage by two bat species, Brown long eared bat and Natterer's bat (the second species is uncommon in Oxfordshire) in three existing buildings, all identified as infrequently used feeding perches. These roosts are considered to be of low conservation significance but their destruction will nonetheless constitute an offence so will need to be done under a licence from Natural England (recommended condition). Some bat commuting and foraging activity was also recorded on the application. Surveys found evidence of badgers commuting across the site but no setts or signs of foraging were seen. Surveys found no great crested newts and the report considers it unlikely that this species uses the site. No reptiles were found during surveys but the report considers that the application site provides potential for reptiles to move through the site therefore there is a low risk to reptiles from construction activities. Habitats on site do provide opportunities for nesting birds which could therefore be adversely impacted construction activities.

Protective measures

- 8.56 The recommendations for protective measures for protected species and retained habitats during the construction phase (including site clearance) described in section 12.5 of the ES are broadly appropriate and we recommend that full details are provided through submission of a Construction Environmental Management Plan (CEMP) required by planning condition prior to commencement of any site clearance (recommended condition).

Mitigation measures

- 8.57 The mitigation measures to be incorporated into the design including habitat retention and enhancement measures detailed in section 12.5 of the report are acceptable. The retention of existing boundary hedgerows and trees as part of a green corridor (which will also include the creation of swales forming part of SuDs scheme) is welcomed as are the suggestions in Habitats and Ecological Features (section 12.5.12) that these corridors are protected during the operational phase by design measures, information provided to households and by long term management.

Biodiversity Enhancements

- 8.58 The recommendations for further enhancements including habitat creation described in section 12.6 of the ES are welcome and, if managed principally for wildlife over the long term should provide benefits for wildlife. It is advised that these recommendations are incorporated into a combined landscape and ecological management plan secured by a condition attached to any planning consent. The LEMP should identify who is responsible for the long term management of the site to secure future appropriate management and monitoring. Full details of the locations/types of proposed bat and bird boxes should also be provided. We recommend that a variety of box designs are used in carefully positioned locations so as to attract a variety of bat and bird species. The development will result in the loss of perching roosts (used by Brown long eared bat and Natterer's bat) located in open areas of three separate existing buildings. Suitable replacement roost sites should be provided for these species. Tree/shrub planting should give preference to locally appropriate native species.

Summary

- 8.59 In conclusion the Council's ecologist has no in principle objection but recommends a number of conditions are imposed if permission is granted.

Flooding and Drainage

- 8.60 The site lies within Flood Zone 1 (low risk). A Flood risk assessment 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 can be discharged to a new drainage system that can be suds compliant. OCC, the local flood risk authority, will need to see the results of any site soil infiltration investigations and the method of surface water drainage being utilised as a result of further investigations which would need to be conditioned. A separate foul drainage system is proposed.
- 8.61 The TWU did not have any in principle objections. However the Environment Agency did and maintain it until a revised and updated assessment was provided. That objection has now been withdrawn although conditions are recommended.
- 8.62 The Council's Environmental Officer suggests a condition is imposed with regards to possible ground contamination.

Traffic, Access and Parking

- 8.63 This is one issue that is particularly contentious and that is with regard to off-site measures. A full response by the County Council has been received setting out that the Highway Authority has significant concerns regarding the broader issues of traffic and transport. Additional documentation has now been received including a transport assessment addendum but it is not considered to be at the level of detail required to fully assess whether this gives the comprehensive integrated approach required by the Local Plan.
- 8.64 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. So we are currently in a position whereby the principle of the development is seen to be acceptable but the actual detail, including mitigation, remain to be worked out and for the whole development, not just one part of it.

Traffic Modelling and Transport Assessment

- 8.65 At present the modelling work on traffic and transport is being undertaken by consultants retained by the Dorchester Group, as part of a larger masterplan exercise. (This is dealt with below). It was thought that the majority of outstanding matters were close to resolution and a mitigation package about to be agreed. Obviously the costs remain to be calculated but the applicant has agreed in principle to make the necessary contributions towards those costs. However the County Council has asked the applicant for further work to be done on phasing and the necessary triggers of development that would necessitate the implementation of the mitigation. This has put back the completion of the modelling exercise and agreement on the mitigation package.
- 8.66 The appendix to the TA Addendum submitted to support this application is known to be incomplete at the time of writing. Also, it only deals with the application site in isolation rather than the full impact of it taken together with the rest of the PV 5 allocation. There are also other technical issues associated with the TA but it can be said that strategic modelling is being undertaken to establish the necessary mitigation for congestion at Middleton Stoney, junctions in Ardley have yet to be assessed, and mitigation solutions for the M40 and A43 junctions have yet to be agreed with Highways England. Therefore, while we appreciate this work is ongoing and expected to be completed in early autumn, we are not yet able to agree it, and the mitigation package has not been fully established. For this reason, the Highway Authority maintains its objection, pending completion of the Allocation TA. Your officers agree that further progress needs to be made on these matters

Public Transport

- 8.67 Turning to more site specific issues, a public transport strategy for the site as a whole has been agreed in principle with OCC. In the short term the bus service can operate from a stop on Camp Road. However, in the longer term Heyford will become a destination and this application would need to provide the bus loop required to terminate services at Heyford under the masterplan public transport strategy. The revised layout shows a proposed bus loop, and swept path analysis around the loop for a 12m bus. OCC consider this loop to be unsuitable for use due to the constrained road layout and the likelihood of on-street parking. The tracking shows large vehicles crossing the centre line in several places, and taking up almost

the whole carriageway, leaving no space for oncoming vehicles to wait, with the likelihood of stand-offs where one vehicle is forced to reverse. Any on-street parking would necessitate very slow manoeuvring by buses, with the result that buses could be significantly delayed and unable to meet their timetables. This would adversely affect the potential for the routes to become commercially viable, and this would be prejudicial to the development of a public transport strategy for the allocation as a whole. As such this is a reason for objection pending a review of the design

Parking Provision

- 8.68 The County are also concerned by the level of parking provision for flats and smaller dwellings leading on on-street parking. There does not appear to have been an increase in parking levels previously requested and the applicant seeks to justify this by saying that there is enough space on many roads within the site for on-street parking. The vehicle swept path analysis drawing shows that there is very little scope for on-street parking not to be problematic, and there is a high likelihood that footways will become obstructed. Much of the parking is tandem parking, the owners of which will be inclined park on street to avoid the inconvenience of 'juggling' family vehicles. While on street parking is more likely to be a nuisance rather than a safety hazard, its impact on walking routes and the passage of buses will make sustainable travel less attractive and the new bus services less commercially viable. This is also a reason for objection, pending a review of the design.

Bridleway

- 8.69 The layout now shows the bridleway route through the site alongside Kirtlington Road, amended taking into account OCC's comments. It is understood the bridleway will be permissive and managed as part of the open space. The access points need to be marked on the Parameter Plan. Further clarification is requested on the detail of what 'grassed bridleway' means. If it is the developer levelling/mowing the existing established grassland then that should be acceptable if it is reasonably level, but if it is reseeding/establishing a new sward on disturbed land then the specification for this will need to be agreed. It is noted that the bridleway runs close to the edge of the private road along the western side of the development. This road is very narrow and there could well be parking on the grass/landscaping. Unless there is some kind of barrier, there is a risk that vehicles could encroach on the bridleway or close enough to spook horses. Further detail is needed on the junction with internal and external roads. These access points and co-use need to be horse and non-motorised user 'friendly' with good visibility and appropriate surfacing and signage. Some further detail is therefore necessary and could be required by condition.

Footpath connections

- 8.70 The plans lack a footpath connection to the south east corner of the site: A footpath to the boundary is shown on the planning layout. However, the Parameter Plan needs to be updated to show this as a pedestrian access point. There needs to be a firm commitment to provide gated access at the boundary here. Likewise, the northern and southern access point of the bridleway/footpath along the western edge of the site onto the adjacent roads needs to be marked on the parameter plan.

Cycle routes/links

- 8.71 The parameter plan shows a number of cycle routes through the site, and it is noted that 3m wide paths are provided alongside some of the roads, allowing for shared use, which is welcomed. However, some more consideration is needed as to how these will link in with the allocation-wide cycle network, and importantly, onto Camp

Road. On Camp Road it is proposed for the cycle route to transfer from south to north, immediately east of the site. It is not clear what crossing arrangements are proposed. However, the cycle route should continue on the south side (in addition to the north side) so that residents of this site can easily connect to the eastbound cycle route on Camp Road. The proposed footway inside the hedge on Camp Road through this site (which is proposed to be offered for adoption) could be widened to allow for cycling. In any case, crossing points, and links across the verge, will need to be provided to link to the cycle route on the north side of Camp Road. In order to ensure that this is addressed, this is also a County objection until the point is resolved.

Other matters

- 8.72 The County also have issues over HGV construction traffic and drainage but these can be resolved by imposition of conditions.

Conclusion

- 8.73 In conclusion, whilst the LHA are currently objecting, the principle of allowing 296 houses on this site is considered to be acceptable provided that following the Committee resolution further progress is made in resolving their concerns before the completion of a legal agreement and issue of planning permission.

Planning Obligations

- 8.74 Dorchester accepts their application should be determined in accord with the Development Plan, unless material considerations indicate otherwise, and acknowledge the requirements of Policy Villages 5 to require delivery of infrastructure provision. Heads of terms have broadly been agreed between the applicant, the Council and County Council

- 8.75 There are 6 main headings for infrastructure in the Local Plan:

- Education
- Health
- Open space,
- Community
- Access and Movement
- Utilities

- 8.76 These would be supplemented by others from the s106 SPD for example Employment Skills and Training Plan but more significantly towards the conservation of heritage interests

- 8.77 Where on and off site infrastructure needs to be secured through a planning obligation (i.e. legal agreement) they must meet statutory tests set out in regulation 122 of the Community Infrastructure Ley (CIL) Regulations 2010 (as amended). Each obligation must be:

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

- 8.78 Where planning obligations do not meet the above statutory tests, they cannot be taken into account in reaching a decision. To do so would potentially render any decision unlawful. In short, these tests exist to ensure that local planning authorities do not seek disproportionate and/or unjustified infrastructure or financial contributions as part of deciding to grant planning permission. The statutory tests

also ensure that planning permissions cannot lawfully be 'bought' by developers offering unrelated, disproportionate but nonetheless attractive contributions to try to achieve a planning permission that would otherwise not be granted. Officers have had regard to the statutory tests of planning obligations in considering the application and Members must also have regard to them.

8.79 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:

Cherwell District Council:

- Provision of 30% affordable housing (70% affordable rent, 30% social rent);
- Financial Contribution towards the conservation of heritage interests
- Provision of a LAP/LEAP on the site together with transfer to the Council and commuted sum to cover long term maintenance;
- Financial contribution towards off-site improvements to indoor and outdoor sports facilities; (calculated to be £223,071.18 and £330,802.07 respectively)
- Financial contribution towards provision in Heyford of Health Centre/Health Care provision/Nursery/Police Facility/Place of worship
- Financial contribution in lieu of on-site provision of allotments
- Financial contribution towards additional cemetery provision at Heyford
- Financial contribution towards expansion/provision of Community Hall and other local facilities;
- Financial contribution towards Community Development Worker: (Calculated to be £36,402.32)
- Public Art: There will be a requirement to provide public art either on site to enhance a new communal area or community resource or offsite to encourage community cohesion and improve cultural infrastructure. Expected contribution £150 per dwelling, an agreed public art plan, sighted on all public art commissioning or £200 per dwelling and CDC will take on the development and delivery of appropriate public art intervention.
- Provision, maintenance and transfer to the Council of on-site public realm features including open space, trees, hedgerows, SuDs features etc.;
- Employment Skills and Training Plan including provision of 31 apprenticeships
- Financial Contribution towards biodiversity enhancement

Oxfordshire County Council:

- Financial contribution towards mitigation package for Policy Villages 5, which will include improvements to a number of junctions off site and traffic calming in villages. Other measures may also be recommended.
- Financial contribution towards provision of new bus services linking the site to Oxford and Bicester, in accordance with the public transport strategy yet to be finalised for the Policy Villages 5 Allocation.
- Provision of mini-bus link to Heyford station.
- Bus stops on Camp Road serving the development procuring, installing and maintaining a pair of bus stops on Camp Road, to include provision of shelters and pole/flag/information cases.
- An obligation to provide a bus loop for terminating buses
- Travel Plan monitoring fee.
- Off-site rights of way improvements required for Policy Villages 5 masterplan.

- Nursery & Primary education: A new 1.5 form entry primary school, including a 75 place nursery, in addition to expansion of nursery provision at Heyford Park Free School through one additional class for 3-year-olds (26 pupils). (Calculated to be £2,346,857)
- Secondary education: Expansion of Heyford Park Free School's secondary phase, subject to the approval of the Regional Schools Commissioner; otherwise expansion of a secondary school in Bicester (Calculated to be £957,190)
- SEN: A planned new project to expand Bardwell Special School in Bicester by 32 places. (Calculated to be £107,998)
- Land (remediated and serviced): 2.22 ha of land is required for a new primary school. The school site is to be fully remediated, serviced and fit for school use prior to transfer. This application should contribute in a proportionate manner towards the cost of providing the 2.22ha site at no charge to the County Council

Environmental Impact assessment

- 8.80 The scheme has been classified as 'Environmental Impact Assessment (EIA) Development' and following receipt of revised plans and additional information, there was included an Addendum to the original Environmental Statement (ES) submitted with the application. This Addendum will constitute 'Further Information' for the purposes of Regulation 22 of the EIA Regulations 2011, which in line with the transitional arrangements set out in Regulation 76 of EIA Regulations 2017 remain in place for the consideration of this application.
- 8.81 For the purposes of Regulation 24(1)(c) of the EIA Regulations 2011 (as amended) this report provides a statement of the main reasons and considerations on which the recommendation is based including a description of the main measures to avoid, reduce and potentially mitigate/offset the significant adverse environmental effects of the development.

Department for Communities and Local Government

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

9. PLANNING BALANCE AND CONCLUSION

- 9.1 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. As such, the starting point is to approve the application.

- 9.2 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. The Council can demonstrate 5+ years of housing supply within the District and the policies of the CLP were examined and found sound (subject to incorporation of modifications) against the provisions of the NPPF. As such, there is no reason to conclude that its policies are anything other than sustainable, up-to-date and consistent with the NPPF. As a result, the NPPF does not indicate a reason to depart from the decision that would otherwise be reached against the provisions of the Development Plan. Officers are unaware of any other material consideration of significant weight, including matters raised in response to consultation/publicity, that would justify departing from the decision that would be taken against the Development Plan.
- 9.3 It is considered this scheme will 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 significant negotiation needs to take place on the agreement before the permission can be issued and in particular completion of the transport modelling.

10. RECOMMENDATION

Delegate to the Assistant Director of Planning Policy and Development to grant planning permission, subject to

1. negotiation of the S106 agreement to Officers in accordance with the summary of the Heads of Terms set in para 8.79 and subsequent completion of S106 agreement;
2. Resolution of the Highway Authority objection to the Assistant Director's satisfaction
- 3 Referral to Department for Communities and Local Government for consideration of the need for Call-in and
4. the conditions set out below (and any amendments to those conditions as deemed necessary):
 1. Commencement Date
 2. Approved plans and documents
 3. Submission of additional matters
 4. Materials to be approved
 5. Landscaping-commencement
 6. Landscaping-commencement
 7. Landscape time frame
 8. Boundary Treatment
 9. LEMP
 10. Construction traffic management plan
 11. Full details of bus route
 12. Full details of bridleway

13. Drainage strategy and SUDS maintenance
14. Cycle Parking
15. Details of footpath connection to SE
16. Spec of roads, paths
17. Spec for drives, turning areas
18. Parking, manoeuvring-Details
19. Estate roads-completion
20. Main access details-visibility
21. Travel Info Pack
22. Fire Hydrants
23. CEMP
24. Contamination 1
25. Contamination 2
26. Contamination 3
27. Remediation Strategy
28. Mitigation Strategy for Bats
29. Bat/Newt Licence Required
30. Landscape and Ecological Management Plan
31. Biodiversity
32. TWU-waste
33. TWU-Foul Water Drainage Strategy
34. Sport England-Replacement PF

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