

Heyford Park  
Camp Road  
Upper Heyford  
Bicester  
OX25 5HD

19/00446/F

**Case Officer:** Andrew Lewis

**Applicant:** Heyford Park Settlements LP

**Proposal:** Erection of up to 57 residential units (Use Class C3) comprising a mix of open market and affordable housing, together with associated works including provision of vehicular and pedestrian accesses, public open space, landscaping, infrastructure and site clearance.

**Ward:** Fringford And Heyfords

**Councillors:** Cllr Ian Corkin  
Cllr James Macnamara  
Cllr Barry Wood

**Reason for Referral:** Major development

**Expiry Date:** 19 June 2019

**Committee Date:** 18 July 2019

---

## **EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION**

### **RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS AND A S106 LEGAL AGREEMENT**

#### **Proposal**

Full planning permission is sought for 57 dwellings on three parcels of land all with extant permissions for residential development at the former RAF Upper Heyford. Taking account of the existing permissions, the cumulative number of additional units across the three parcels is 41. 15 of these will be affordable including 3 to be secured as part of the Oxfordshire Housing and Growth Deal.

#### **Consultations**

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

- CDC Conservation, CDC Ecology, CDC Landscaping, Mid Cherwell Neighbourhood Plan Forum, Historic England, Environment Agency (subject to conditions)

The following consultees are **in support** of the application:

- CDC Strategic Housing

The formal response from the County Council is awaited. In addition, 2 letters of objection have been received from members of the public.

#### **Planning Policy and Constraints**

The application site forms part of an allocated site for a new settlement in the Local Plan. The site is also allocated within the Mid-Cherwell Neighbourhood Plan. The site forms part of the RAF Upper Heyford Conservation Area

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

## **Conclusion**

The key issues arising from the application details are:

- Planning Policy and Principle of Development;
- Design, Layout, Density and Appearance;
- Impact on Heritage Assets;
- Affordable Housing and Growth Deal;
- Ecology;
- Flood Risk and Drainage;
- Landscape Impact;
- Impact on Residential Amenity;
- Accessibility, Highway Safety and Parking

The report looks into the key planning issues in detail, and officers conclude that the scheme meets the requirements of relevant CDC policies and the proposal is acceptable subject to conditions, legal agreement and resolution of highway concerns and any other matters raised by the County Council.

**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. This application covers three parcels of development on the former RAF/USAF Upper Heyford base measuring 1.64 hectares in total. In terms of the uses on Upper Heyford, the military use ceased in 1994. Since 1998 the site as a whole has accommodated a number of uses in existing buildings, first under temporary planning permissions and latterly under a permanent permission granted on appeal and subsequent applications. Please refer to the planning history section of this report for further detail.
- 1.2. The base was designated a conservation area in 2006, its primary architectural and social historic interest being its role during the Cold War. This application crosses a number of character zones as classified in the Conservation Appraisal which can be summarised below:

#### **Phase 5D**

Residential Zone 10B: RAF Domestic and Residential Section:

The 1920s, red brick, RAF buildings to the south of Camp Road are laid out around and orientated towards the parade ground. The style of the buildings within the area is again British Military and because of their grid-like orientation the area has a strong 'campus' character distinct from the Technical Site to the north on the other side of the road. The area immediately south of the parade ground was developed during the period of RAF expansion in the 1930s. The area is dominated by the Institute (488) and H blocks (489, 498 and 500) set around it. This area has a

coherent character distinct from the 1920s buildings. The general 'military architect' character of the area has been diluted by post-war alterations

### Phase 8C

#### Zone 9 - Technical Site:

This area is characterised by the 'campus' layout of deliberately sited, mix function buildings, in an open setting with organised tree planting. The variation in building type is both a function of their differing use and the fact that there has been continual construction within the site as part of the different phases of development within the airbase. The setting of the 1930s aircraft hangers in an arc on the northern edge of the site provides a visual and physical edge to the site. The access to the Technical Site is dominated by Guardroom (100) and Station Office (52). To the east of these is the impressive 1920s Officers' Mess (74) set within its own lawns. The style of these 1920s, red brick, RAF buildings is British Military.

### Trenchard Circle

#### Residential Zone 10C: Airmen's Housing and Bungalows:

To the east of the Parade Ground is Carswell Circle (datestone 1925) – short terraces of garden city style rendered buildings located originally in an open setting. The later southern second circle is a marriage of an open setting with the prevailing house design styles of the 1940s-50s. Red brick, estate house, smaller cousins to the officers' housing built on Larsen Road. There are a number of areas covered in the prefabricated bungalows; south of Camp Road and north of Larsen Road. There is a perfunctory attempt at landscaping, but the monotony of repeated structures is unrelenting. The bungalows themselves are functional but have no architectural merit.

- 1.3. Because of the unusual nature of this application in that it consists of three separate parcels of land, more detail about the individual sites will be included in the appraisal.

## **2. CONSTRAINTS**

- 2.1. As noted above, 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.
- 2.2. In addition to its designation as a Conservation Area, the wider RAF Upper Heyford site also contains a number of Scheduled Monuments identified as 'Cold War Structures' and five listed buildings as noted in the 'RAF Upper Heyford Conservation Area Appraisal' produced by the council (CDC) in 2006. None of these designated structures are located within the boundary of the application sites or in proximity to them.

### **3. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 3.1. The application sites comprise three parcels of land within the former RAF Base at Upper Heyford, now known as Heyford Park, with the individual parcels identified as Dorchester Phases 5D and 8C, together with Trenchard Circle.

#### Phase 5D

- 3.2. Phase 5D is a site of 0.29 hectares and comprises the erection of 11 dwellings located on the northern side of the internal east-west estate road of the previously approved proposals for the wider Phase 5 development, as well as on the Dow Street and Camp Road frontages. The units would comprise a pair of semi-detached 4 bed units fronting onto Camp Road with a second 4 bed pair fronting Dow Street together with a detached 3 bed unit. A further 3 bed detached unit and two pairs of semi-detached 3 bed units would be located to the northern side of the previously approved internal estate road on Phase 5. The remaining 3 bed unit on this frontage, would form the western end of a terrace of 3 identical units, with the central and eastern end units falling with the proposed Phase 5C development.
- 3.3. The units fronting Camp Road would be 3 storey in scale with gables at right angles to the road. On Dow Street the units would reduce to a mix of 2½ and 2 storey, with the remaining units all being of 2 storey scale with ridges running parallel to the internal estate road.
- 3.4. Parking for each unit is proposed by means of a mix of on-plot parking to the front, rear parking courts and garaging, varying in respect of the particular frontage and aspect of the units. Access to the parking areas for the units within the former Phase 5 area would be taken direct from the internal east-west estate road. The remaining units would be served from new accesses off either Dow Street or Camp Road.
- 3.5. In addition, the proposals also include landscaping and footway works along the Dow Street, Camp Road and the internal estate road frontages, which would be adopted following completion of works

#### Phase 8C

- 3.6. The Phase 8C proposals comprise the erection of 15 apartment units, with associate landscaping and car parking on a site of 0.25hectares. All of the units would be of affordable tenures of which 9 would be 1bed flats for rent and 6 intermediate of which 3 would be 1bed and 3 2bed. The apartments would be provided by way of two 3-storey linked apartment blocks set back from the adjacent Trident Road 3. The apartment blocks would form the southern half of a series of four similar buildings, creating a courtyard of units served by an open car parking court to the east, accessed from the adjacent road.
- 3.7. The northern apartment blocks and areas of the car parking court would be provided in conjunction with amended proposals for the adjacent sub-phase 8A of the wider Phase 8 scheme. Pedestrian access to the apartments would be taken via a series of footpaths created within the retained and enhanced open landscape areas, with access to the surrounding facilities proposed in the Village Centre readily achievable.

#### Trenchard Circle Proposals

- 3.8. The proposals for Trenchard Circle comprise the erection of 31 dwellings with associated car parking and landscaping on a 1hectare site. The dwellings would be located on the western side of Trenchard Circle immediately along the western and

northern site boundaries, opposite the existing retained bungalows in the central part of the wider site.

- 3.9. The dwellings would be laid out via a series of detached, semi-detached and short terraced units, orientated along a linear access road running through the site. Parking for the dwellings would be provided by way of a combination of detached garaging set to the side and rear of units together with open parking to the front of other units. The proposals include the visitor parking at both the northern and southern ends of the internal road, with tree planting along the length of the road and within the open parking areas.
- 3.10. The proposals include that the accommodation would be provided by way of three 4 bed detached units, two 3 bed detached units, seven pairs of semi-detached 3 bed units and four terraces of three 3 bed units. Of these 29 will be market housing with 26 3bed and 3 4bed. There will be 2 3bed affordable intermediate units.

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

- 4.1. 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.
- 4.2. Numerous applications have been made seeking permission over the last 20 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)."*
- 4.3. On policy, the Secretary of State (SoS) thought the development was in general conformity with the Oxfordshire Structure Plan policy H2 (the relevant development plan policy at the time) which sought to provide a community of about 1000 dwellings with schools and employment opportunities, and that it would enable environmental improvements, conserve heritage interests and provide appropriate level of employment.
- 4.4. The SoS concluded the proposal would substantially accord with the development plan, meaning Structure Plan policy H2. A sustainable and reasonable balance was secured between retaining the built and natural heritage, and providing an appropriate and proportionate level of employment in the context of the site's location and access to services. The grant of planning permission authorised many of the uses being undertaken at the site and sets out the template for future development.
- 4.5. The development of the settlement and technical areas was delayed as the site was acquired by new owners who decided to refine the approved scheme. As a result, a new masterplan was drawn up and submitted as part of an 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. A number of reserved matters have been submitted, approved and

implemented for permission 10/01642/OUT. This includes permissions for the three parcels subject of the current application. As a result of this the new settlement is starting to take shape.

- 4.6. Furthermore, the whole base is currently subject of a further masterplan application (reference 18/00825/HYBRID) seeking to implement the Cherwell Local Plan policy Villages 5. Below is a list of the most relevant applications referred to above and relevant to the current proposal:

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
08/00716/OUT	OUTLINE application for new settlement of 1075 dwellings, together with associated works and facilities including employment uses, community uses, school, playing fields and other physical and social infrastructure (as amended by plans and information received 26.06.08).	REF but permitted at appeal
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	PER
10/01619/CAC	Demolition of existing structures (as per Conservation Area Consent Schedule and Drawing No. D.0291 38-1)	PER
13/01811/OUT	OUTLINE - Up to 60 dwellings and public open space with associated works	PER
13/00153/DISC	Discharge of Condition 8 of 10/01642/OUT (Design Codes)	PER
16/00627/REM	Reserved Matters to 13/01811/OUT - Erection of 60 dwellings and public open space with associated works	PER
16/00196/F	Demolition of existing bungalows and erection of 13 dwellings with associated car parking and landscaping	PER
16/00864/REM	Reserved Matters Application for 10/01642/OUT - Dorchester Phase 8 (Trident) only. The application represents the provision of 91 residential units of mixed type (dwellings and apartments) and tenure (open market and affordable) with associated gardens, access roads, car	Application Permitted

	parking, landscaping, a local area of play (LAP), utilities and infrastructure.	
17/00663/F	Construction of roads with associated infrastructure within the Heyford Park development	Application Permitted
17/00973/REM	Reserved Matters application to 10/01642/OUT - Dorchester Phase 5C, comprising the provision of 17 residential units of mixed type (dwelling houses and flats) and tenure (open market and affordable) with associated landscaping, car parking, infrastructure and external works	Application Permitted
17/00983/REM	Reserved matters application to 10/01642/OUT - In respect of Bovis Parcel B4A and B4B to provide 29 open market and 71 affordable dwellings	Application Permitted
18/00825/HYBRID	Demolition of buildings and structures as listed in Schedule 1; Outline planning permission for up to 1,175 new dwellings (Class C3); 60 close care dwellings (Class C2/C3); 929 m2 of retail (Class A1); 670 m2 comprising a new medical centre (Class D1); 35,175 m2 of new employment buildings, (comprising up to 6,330 m2 Class B1a, 13,635 m2 B1b/c, 9,250 m2 Class B2, and 5,960 m2 B8); 2.4 ha site for a new school (Class D1); 925 m2 of community use buildings (Class D2); and 515 m2 of indoor sports, if provided on-site (Class D2); 30m in height observation tower with zip-wire with ancillary visitor facilities of up to 100 m2 (Class D1/A1/A3); 1,000 m2 energy facility/infrastructure with a stack height of up to 24m (sui generis); 2,520 m2 additional education facilities (buildings and associated external infrastructure) at Buildings 73, 74 and 583 for education use (Class D1); creation of areas of Open Space, Sports Facilities, Public Park and other green infrastructure; Change of Use of the following buildings and areas: Buildings 357 and 370 for office use (Class B1a); Buildings 3036, 3037, 3038, 3039, 3040, 3041, and 3042 for employment use (Class B1b/c, B2, B8); Buildings 217, 3102, 3136, 3052, 3053, 3054, and 3055 for employment use (Class B8); Buildings 2010, 3008, and 3009 for filming and heritage activities (Sui Generis/Class D1); Buildings 2004, 2005 and 2006 for education use (Class D1); Buildings 366,	Pending Consideration

391, 1368, 1443, 2007, 2008 and 2009 (Class D1/D2 with ancillary A1-A5 use); Building 340 (Class D1, D2, A3); 20.3ha of hardstanding for car processing (Sui Generis); and 76.6ha for filming activities (Sui Generis); the continuation of use of areas, buildings and structures already benefiting from previous planning permissions, as specified in Schedule 2; associated infrastructure works including surface water attenuation provision and upgrading Chilgrove Drive and the junction with Camp Road

19/00438/REM	Reserved matters to 10/01642/OUT - Pending Dorchester Phase 5C, comprising the provision of 13 residential units (5 open market and 8 affordable) with associated landscaping, car parking, infrastructure and external works.	Consideration
19/00439/REM	Reserved matters to 10/01642/OUT - Pending Dorchester Phase 7A, comprising the provision of eleven, two bed affordable dwellings with associated landscaping, car parking, infrastructure and external works.	Consideration
19/00440/REM	Reserved Matters to 10/01642/OUT - Pending Dorchester Phase 8A, comprising the provision of twenty four affordable residential units with associated landscaping, car parking, infrastructure and external works	Consideration

## 5. PRE-APPLICATION DISCUSSIONS

5.1. The following pre-application advice was given on this application:

- The principle of increasing the density and changing the mix on this part of the site was acceptable
- There is a need to look closely at some of the details to make sure they enhance/preserve the character/appearance of the conservation area, there is adequate parking, design/landscaping is acceptable, etc.
- The Landscape Officer asked if there is a service/foul and surface water drainage layout available, to ensure that there is no conflict with the proposed trees/tree pit. It was advised that tree pit details should be submitted.
- The question of securing the affordable accommodation and possibly other contributions from the rise in numbers, or tying it into the existing s106 agreement will need to be resolved.
- In conclusion the principle of the scheme is one that can be supported.



## 6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records (amend as appropriate). The final date for comments was 25.04.2019, although comments received after this date and before finalising this report have also been taken into account.
- 6.2. The comments raised by third parties are summarised as follows:
- Objection to the concentration of affordable units specifically in relation to the Trenchard Circle scheme
  - Change in plans means more overlooking and loss of sunlight
  - Noise from construction
  - Loss of green space
  - Effect of traffic coming out of Larsen Road on to Camp Road
- 6.3. The comments received can be viewed in full on the Council's website, via the online Planning Register.

## 7. RESPONSE TO CONSULTATION

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

### PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 7.2. MID CHERWELL NEIGHBOURHOOD FORUM: **No comment**
- 7.3. HEYFORD PARISH COUNCIL: **No comment** received

### CONSULTEES

- 7.4. OXFORDSHIRE COUNTY COUNCIL: A full consultation response is awaited from the County Council; following meetings between CDC and OCC officers, it is anticipated that the County will have no objection subject to agreeing planning obligations (contributions and works) in line with other applications to be determined under Policy Villages 5.
- 7.5. OCC EDUCATION: Seeks S106 contributions as summarised below:

Contribution	Amount £	Price base	Index	Towards (details)
<b>Primary &amp; Nursery</b>	<b>£552,728</b>	<b>2Q17</b>	PUBSEC	A new 1.5 form entry primary school, including a 75 place nursery, within Heyford Park.
<b>Secondary</b>	<b>£248,636</b>	<b>2Q17</b>	PUBSEC	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.
<b>Land</b>	<b>£47,611</b>	<b>2Q17</b>	RPIX	2.22 ha of land is required

				for a new primary school. A proportionate share of the cost of a 2.22ha site for the new primary school.
<b>Total</b>	<b>£848,975</b>	<b>2Q17</b>		

7.6. HISTORIC ENGLAND: Do not wish to comment

7.7. ENVIRONMENT AGENCY: **No objection** subject to conditions

7.8. CRIME PREVENTION DESIGN ADVISOR: **No objection** but has made a series of detailed comments suggesting changes and recommended a condition requiring the development obtain secured by design accreditation.

7.9. CDC ARBORICULTURE OFFICER: **No objection** but concerned about tree protection

7.10. CDC COMMUNITY DEVELOPMENT PARTNER – ARTS: **Comments** that a public art project which engages both existing and new communities and enables them to celebrate and/or investigate local identity and/or local issues will support social development, cohesion and well-being post occupation and would be beneficial. A sum of £12,768 would be considered appropriate based on £200 per dwelling plus a percentage for management and maintenance costs. There is also scope to develop temporary public art in the form of events which bring residents together and boost community spirit whilst increasing their awareness and understanding of the immediate area.

7.11. CDC STRATEGIC HOUSING: **Comments** that although there are 57 units in total within this new application only 41 of these units are deemed to be additional new units. This is due to the demolition of 14 of the existing bungalows. There are also 2 affordable units that are carried forward from the 1075 outline pp that are being re-provided. Hence the affordable housing for this application should be assessed against 41 units of which 12 (30%) should be affordable.

The applicant has provided for 17 affordable units which includes the 12 delivered through this application, the two affordable being provided from the previous 1075 consent and 3 'Growth Deal' units.

The 3 affordable units that are above the S106 requirements will be funded through the Oxfordshire Growth Deal Affordable Homes programme. These will consist of 2 x 3 bedroom houses and 1 x 2 bedroom apartment for shared ownership.

The tenure split for this application should comply with the policy requirement for 70% affordable rent and 30% shared ownership. Due to the number of flats in this application we are content with the higher percentage of shared ownership. However we will expect to see the policy tenure split reflected across all the affordable housing being provided as additional to the 1075 unit planning application and hence would expect to see a higher percentage of rented units in other applications associated with the additional housing. It is noted that on the reserved matters application 19/00438/REM the additional affordable housing is all for affordable rent.

We have ongoing concerns about the large number of affordable flats as part of this application. However we recognise that these had a prior approval under the previous application and this has been mitigated by the introduction of shared ownership units and 2 ground floor one bedroom flats being fully wheelchair

accessible. There is also a local lettings plan attached to the site which will be applicable. This will prioritise qualifying current residents on site for the affordable housing and hopefully create a more balanced community. However we would expect to see fewer flats in other areas of the development.

As per the previous comments the rented units should conform with the Nationally Described Technical Space Standards and the wheelchair accessible units should conform with part M4(3) of the current Building Regulations. One bedroom units should have at least one car parking space per dwelling and units over one bedroom should have two parking spaces per dwelling.

- 7.12. CDC CONSERVATION OFFICER: **No objections.** The key issue is to determine whether the proposed developments preserve or enhance the character and appearance of the conservation area, in comparison to the previously consented schemes.

Parcel 5D: The proposal is to increase the number of dwellings on this and the adjacent site to 31 units instead of 24 (comprising smaller and different house types). In general terms the proposal for a site of greater density is welcome. In comparison to the existing consented scheme the proposed development is not considered to cause additional harm to the character and appearance of RAF Upper Heyford Conservation Area.

Parcel 8C: The proposed development varies little from the approved development in terms of layout with changes being to the number of units provided (88 rather than 91, but more affordable units) and a different parking layout / allocation. There is no additional harm caused to the character and appearance of the RAF Heyford Conservation Area

Trenchard Circle: The bungalows around Trenchard Circle have already been granted permission for demolition (16/00196/F) and therefore the heritage implications have already addressed. The key issue is to ensure there is a suitable form of development on the site. There are no objections in principle to the proposal to increase the density on the site and in fact there are concerns over the site as a whole with the low density of development.

The proposed house types are small, suburban houses, but they are designed to provide a rhythm and uniformity to the development which is more reflective of the character of the former bungalows than the previously approved scheme. The proposed development is not considered to cause additional harm to the character and appearance of the conservation area in comparison to the previously consented scheme.

In Summary, there is no additional harm compared to previously consented schemes. Any relevant conditions to be carried over from previous consents.

- 7.13. CDC LANDSCAPING: **No objections.** The landscape proposals are acceptable.

## **8. RELEVANT PLANNING POLICY AND GUIDANCE**

- 8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a

number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

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

- 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
- ESD5 - Renewable Energy
- ESD6 - Sustainable Flood Risk Management
- ESD7 - Sustainable Drainage Systems (SuDS)
- ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 - Local Landscape Protection and Enhancement
- ESD15 - The Character of the Built 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

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

- PD4: Protection of important views and vistas
- PD5: Building and Site Design
- PH6: Parking facilities for Existing Dwellings

8.4. Other Material Planning Considerations

- RAF Upper Heyford Conservation Appraisal 2006 (UHCA)
- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)
- Human Rights Act 1998 (“HRA”)
- Equalities Act 2010 (“EA”)

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 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 to comply with Policies CC6, CC7 and H5 of the South East Plan 2009.”

#### 8.5. Council Corporate Priorities

Cherwell District Council’s Business Plan for 2019-20 sets out the Council’s three strategic priorities which form our overarching business strategy. Below these are the key actions for the year 2019–20. This is a strategy which looks to the future taking into account the priorities and aspirations of the communities who live and work in the district.

The three corporate priorities are to ensure the District is “Clean, Green and Safe”, that it supports “Thriving Communities & Wellbeing”, and is a District of “Opportunity & Growth”. All three priorities are of significance to the determination of planning applications and appeals. Below these priorities, the key actions which are of most relevance to planning applications and appeals are: (1) deliver the Local Plan; (2) increase tourism and increase employment at strategic sites; (3) develop our town centres; (4) protect our built heritage; (5) protect our natural environment; (6) promote environmental sustainability; (7) promote healthy place shaping; (8) deliver the Growth Deal; (9) delivery innovative and effective housing schemes; and (10) deliver affordable housing.

The remaining key actions may also be of significance to the determination of planning applications and appeals depending on the issues raised.

The above corporate priorities are considered to be fully compliant with the policy and guidance contained within the National Planning Policy Framework and National Planning Practice Guidance.

## 9. APPRAISAL

### Relevant Background

- 9.1. 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).

- 9.2. 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.
- 9.3. 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. 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.
- 9.4. 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 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.
- 9.5. 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 in the form of a fresh masterplan.
- 9.6. Extensive discussions have been had earlier in the process for the design codes and pre app advice has been given about the architectural form and detail of the parcels subject of this application. As the site is located within the RAF Upper Heyford Conservation Area it is critical that the development reinforces and enhances the character of this area. Many of the 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 on phase 5D and Trenchard Circle. On Phase 8C however a more contemporary style is sought to reflect its campus style environment. Greater detail on this can be found in the Design Code.
- 9.7. It is repeated that all three sites included in this application benefit from current permissions but as the applicant states in their Planning Statement: “The key difference is not therefore the use to which the land is put, but rather the manner and form in which the use is brought forward. The application proposals enable the ability to procure a more efficient use of these identified brownfield sites and to provide additional growth and housing delivery therein. Through the use of more

efficient layouts and higher densities, the principle of additional development at this location fully accords with the identification of Heyford Park as a sustainable settlement within Policy Villages 5 and the desire to achieve the most efficient use of land as set out in Policy BSC 2 and NPPF paragraph 117. Alongside this development plan compliance, the taking of opportunities to provide additional growth and advanced housing delivery across a range of tenures within sustainable settlements and locations, fully embraces the objectives of the Oxfordshire Housing and Growth Deal (OHGD)."

9.8. Committee are reminded the OHGD was, in brief, the allocation by the Government in 2017 of £215 million of funding in order to support the planned delivery of 100,000 more houses in Oxfordshire, the funding contributing to affordable housing, accelerated housing delivery and infrastructure provision. In this case the scheme provides in conjunction with other modifications to schemes at Heyford, an additional 41 units of which 15 will be affordable, 3 specifically funded in part by the growth deal.

9.9. 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, Density and Appearance;
- Impact on Heritage Assets;
- Affordable Housing and Growth Deal;
- Ecology;
- Flood Risk and Drainage;
- Landscape Impact;
- Impact on Residential Amenity;
- Accessibility, Highway Safety and Parking;

### **Planning Policy and Principle of the Development**

9.10. Paragraph 11 of the NPPF makes it clear that there is a presumption in favour of sustainable development and that permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against policies in the Framework taken as a whole. There remains a need to undertake a balancing exercise to examine any adverse impacts of a development that would significantly and demonstrably outweigh the benefits of it and also the harm that would be caused by a particular scheme in order to see whether it can be justified. In carrying out the balancing exercise it is, therefore, necessary to take into account policies in the development plan as well as those in the Framework. It is also necessary to recognise that Section 38 of the Act continues to require decisions to be made in accordance with the development plan and the Framework highlights the importance of the plan led system as a whole.

9.11. The Development Plan for Cherwell District comprises the saved policies in the adopted Cherwell Local Plan 1996 and the adopted Cherwell Local Plan 2011-2031. The Mid-Cherwell Neighbourhood Plan also forms part of the Development Plan for the area. Section 70(2) of the Town and Country Planning Act 1990 provides that in dealing with applications for planning permission the local planning authority shall have regards to the provisions of the development plan in so far as is material to the application and to any material considerations. Section 38 of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination shall be made in accordance with the development plan unless material considerations indicate otherwise. This is also reflected in the

National Planning Policy Framework (NPPF) at paragraph 12 which makes it clear that the starting point for decision making is the development plan.

9.12. Policy Villages 5 of the CLP identifies the former military base as a strategic site in the rural area for a new settlement. All three parcels of land subject of this application are 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.

9.13. 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 on the additional 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

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

### **Design, Layout, Density and Appearance**

9.15. In the supporting documentation submitted to accompany the application the three parcels are assessed against the approved Design Code in order to ensure the design is consistent, compliant and sympathetic to the Design Code's objectives. Rather than regurgitate the considerations the applicant's statement is attached for the three parcels:

#### Phase 5D

"Within the Design Code, Phase 5D falls within both Character Area 2 – Village Centre Residential (CA2) and Character Area 8 – Core Housing East (CA8), with the former being primarily associated with the units along Camp Road, and the latter with those to the rear along the internal Phase 5 estate road. As set out in the accompanying Design and Access Statement for Phase 5D, compliance with the Design Code is achieved as follows:

Layout and Scale: The layout of the proposed development, drawing **0521-PH5D-102**, complies with the indicative Building Density Plan for CA2 and CA8 as well as the Indicative Building Heights Plan, with 3 storey proposed to Camp Road, 2½ storey to Dow Street and 2 storey into Phase 5; • A medium density of 38dph is provided in accordance with the upper target densities for CA2 and CA8; • Dwelling units front direct onto Camp Road providing a strong presence and visual continuity with the adjacent Phase 5C proposals, enhanced by the use of semi-detached units with parking to the rear; • Dual aspect detached and semi-detached plots to Dow Street, provide simple enclosure and a key frontage to the street with a perimeter



layout created along Phase 5 via the use of pairs of semi-detached and terraced units.

Architectural Design: Creation of active street frontages through movement at building entrances and visibility through fenestration; • Visible end elevations treated as part of the street scene; • Dwellings with have living spaces fronting streets. No bathrooms or ancillary rooms to dominate street frontage / public realm.

Materials: As indicated on drawing **0521-PH5C-5D-5(R)-108**, the materials are drawn from a simple palette of red brick (Ibstock Audley Red or similar) and grey slate (Marley 'Rivendale' or similar). • This limited palette of materials reflects the 20th Century Art and Crafts Architecture with a maximum of 3-4 finishes on a single elevational composition.

Parking: Overall parking will be provided on plot and / or adjacent to properties in rear parking courts or garages, with the size of spaces according with those specified in the design code. No more than 4 parking bays in a rows will be provided on street; • In total 25 car parking spaces will be provided for the residential properties within Phase 5D, with visitor parking available in the adjacent Phase 5C scheme.

Recycling and Refuse Collection: The Refuse Plan, drawing **0521-PH5C—5D-5R-111**, identities that each dwelling will be provided with dedicated refuse and recycling storage areas, positioned to the rear of each unit; • This arrangement will allow residents to store refuse containers away from public frontages, thereby enhancing the street scene.

Landscaping: The existing trees to the west of the site have been retained as part of the proposals, indicated on drawing **1619 A8 5C 01 Rev.H**, with frontage landscaping comprising native low level hedgerow enclosures to dwellings with Hornbeam tree planting proposed along the Phase 5 frontage; • Additional ground cover and planting within the on plot parking to the rear units will also assist in breaking up the visual appearance of parked vehicles and add relief to the street scene.

## Phase 8C

Within the Design Code, Phase 8C falls within Character Area 3 – Trident Housing, which extends to the whole of the wider Trident area and sub-phases 8A and 8B therein. As set out in the accompanying Design and Access Statement (**0521-PH8C**) for Phase 8C, compliance with the Design Code is achieved as follows:

Layout and Scale: The layout of the proposed development, drawing **0521-PH8C-102**, complies with the indicative Building Density Plan for CA3 as well as the Indicative Building Heights Plan, with 3 storey proposed throughout the scheme, simultaneously ensuring consistency with the adjacent Phase 8A and Phase 8B proposed and permitted schemes; • A high density of 60dph is provided whilst exceeding the 50dph of the Design Code results from the apartment based nature of the proposals and reflects the higher density nature of CA3; • Residential units orientated to create a campus form of accommodation, set with a landscape dominant layout; • Parking provided by way of a landscaped parking court as directly encouraged by the Design Code for CA3; • Complimentary scale and form of apartments which enable a bespoke private courtyard to be created within built form set back from the radial Trident Roads; • New built form aligning with the historic 45 / 90 degree building alignment.

Architectural Design: Creation of active street frontages through movement at building entrances and visibility through fenestration; • Visible end elevations treated as part of the street scene; • Dwellings with have living spaces fronting streets. No bathrooms or ancillary rooms to dominate street frontage / public realm; • Bespoke apartments proposed.

Materials: As indicated on drawing **0521-PH8A-8C-108**, the materials are drawn from a simple palette of red brick (Ibstock Audley Red or similar) and grey slate (Marley 'Rivendale' or similar); • Contemporary materials enabling strong clean lines to be created; • Use of robust cladding in contrast colours to highlight openings.

Parking: Parking will be provided in an open landscape parking courtyard as expressly encouraged within CA3; • In total 15 car parking spaces will be provided for the residential properties within Phase 8C, with 4 visitor parking spaces available.

Recycling and Refuse Collection: The Refuse Plan, drawing **0521-PH8A-8C-111**, identifies a communal refuse and recycling storage areas, positioned to south of the apartment block adjacent to Trident Road 3; • This arrangement will allow residents to store refuse containers away from public frontages, thereby enhancing the street scene, whilst enabling serving from the adjacent road.

Landscaping: Given the apartment nature of the scheme, a private landscaped communal garden will be created in the internal courtyard created by the development and the associated Phase 8A scheme; • This courtyard will comprise native hedging and ground cover, broken up by Wild Cherry tree planting to create a bespoke and useable communal space; • As indicated on drawings **1619 A5 06 Rev.A** and **1619 A5 07 Rev.A**, this internal planting will be supplemented by delineation of apartment frontage by low level hedge planting, with the retention of the existing trees within the adjacent communal grounds.

### Trenchard Circle

Given its location within an area of retained housing, the Trenchard Circle did not fall within the original Design Code. However, given the location of the application site on the eastern edge of Heyford Park adjacent to open countryside, Character Area 6 – Rural Edge (CA6) is considered to be the most appropriate design guidance for this site. As set out in the accompanying Design and Access Statement (**0521-TR Issue 2**) for Trenchard Circle, compliance with the Design Code is achieved as follows:

Layout and Scale: The layout of the proposed development, drawing **0521-TR-1002 Rev.A**, complies with the indicative Building Density Plan for CA6 with 2 storey proposed in line with the required 2 or 2½ specified on the plan; • This approach reflects the scale not only of the new Phase 2 development to the immediate west of the application site but also the retained housing on Larsen Road on the approach to the site; • A medium density of 29dph is provided in accordance with the range specified for CA6; • Dwelling units are predominantly arranged in perimeter blocks which retain and exploits the pattern of the existing east-west axis development; • A mix of detached, semi-detached and short terraces forming loose clusters, provide linear symmetry with the existing bungalows to the east and reflects the building topography advocated for CA6; • Development laid out to maximise views over open countryside; • Acknowledgment of the relationship of the northern section of the application site to the flying field to the north and Special Condition C of the Design Code requiring:

- Units predominantly arranged to back onto the flying field, providing containment to the residential streets;

- Urban form of predominantly detached 2 storey family homes;

Architectural Design: Creation of active street frontages through movement at building entrances and visibility through fenestration; • Visible end elevations treated as part of the street scene; • Dwellings with have living spaces fronting streets. No bathrooms or ancillary rooms to dominate street frontage / public realm.

Materials: As indicated on drawing **0521-TR-1008**, the materials are drawn from a simple palette of red brick (Ibstock Audley Red or similar) and grey slate (Marley 'Rivendale' or similar). Individual key units would also be of render finish in line with the limited use permitted by CA6; • This limited palette of materials reflects the 20th Century Art and Crafts Architecture with a maximum of 3-4 finishes on a single elevational composition.

Parking: • Overall parking will be provided on plot and / or adjacent to properties in garages, with the size of spaces according with those specified in the Design Code; • In total 70 car parking spaces will be provided for the residential properties within Trenchard Circle, with a further 5 visitor spaces also provided.

Recycling and Refuse Collection: The Refuse Plan, drawing **0521-TR-1011**, identifies that each dwelling will be provided with dedicated refuse and recycling storage areas, positioned to the rear of each unit; • This arrangement will allow residents to store refuse containers away from public frontages, thereby enhancing the street scene.

Landscaping: Robust yet simple landscaping planting is indicated on drawings **1619 A4 01 Rev. M**, **1619 A4 02 Rev. M** and **1619 A4 03 Rev.D** comprising frontage landscaping of native low level hedgerow enclosures to dwellings with additional cover to the front; • Tree planting of Limes along the length of internal estate road, will create an attractive tree lined corridor, with additional ground cover and grass planting assisting in breaking up the visual appearance of parked vehicles and add relief to the street scene."

- 9.16. Having carefully considered the proposals Officers are content that the above assessment is correct and that the design approach proposed, including density, is compliant with the Design Code for Heyford. The proposals will safeguard the character and appearance of the Conservation Area and they comply with the principles set down in Policy Villages 5 for design and place shaping.

### **Impact on Heritage Assets**

- 9.17. Trenchard Circle is on the periphery of the Conservation Area. There are no designated heritage assets within the site or in proximity to it.
- 9.18. Phases 5C and 8D are slightly different in consideration. Phase 8D's location is at the centre of the former Base's main developed area known as the Technical Site and therefore also at the heart of the Conservation Area. It is located south of the flying field sandwiched between Camp Road, which defines the southern boundary of the technical area, and the southern taxiway of the flying field itself. Access to the Technical Site is via the guarded main entrance off Camp Road. From the Guard Block at the entrance there is a trident of three roads that give access into the application site. The northern boundary of the technical area is defined by an arc of four Type 'A' hangers that essentially act as a visual stop to the application site. There was a wide range of building styles, the result of infill building, and in places the structures appear cramped one upon another. However the presence of trees and the use of spaces between buildings for parking (rather than building) gives a

more planned appearance in places and a “campus” feel. On the application site those buildings have now largely been demolished.

- 9.19. Phase 5C is on the southern side of Camp Road, again at the heart of the Conservation Area. On the application site those buildings have again been demolished. There are two trees in the southwest corner that are part of the character of the site. These are retained and an open space set around them.
- 9.20. It can be seen from the plan below, copied from the Conservation Appraisal, that no heritage assets on Phases 5C and 8D are listed or scheduled. However, in the Technical Area but outside the application site are a number of buildings that whilst not listed are of local significance, namely Buildings 74, 52, 100, 103, 125 and 151. Beyond the semi-circulatory road to the west are the scheduled Hardened Telephone Exchange (129) and beyond that, the Battle Command Centre (126). Building 129 is on the other side of the road from parcel 8D but the relationship remains similar in so far as the substantial tree belt on the northern edge of the application site remains and the buildings behind it have a similar juxtaposition to those previously on site.



- 9.21. Turning to the guidance to Planning authority's contained in the Framework and the NPPG on the historic environment, the applicants have assessed the site's heritage assets and their significance. The applicants have submitted supporting documentation to assess the heritage assets affected by this application. They list those identified above and point out they are not on the site and 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.
- 9.22. The assessment of the site in its broader context and impact on the Conservation Area also goes back to the 2006 Landscape Assessment which considered the area to be of low significance, a view reinforced by the Environmental Statements submitted with the two outline applications approved at appeal in 2010 and subsequently consented in 2011. The main elements of significance are, for Phase

5C the trees and for phase 8D, the road layout and its reinforcement by strong avenues of trees. These are maintained and reinforced by this scheme therefore preserving and enhancing the character and appearance of the Conservation Area. It is concluded the proposal complies with the parameters of the outline permission, the relevant details of the Design Code and the policies of the development plan relating to the historic environment.

9.23. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in carrying out its functions as the Local Planning Authority in respect of development in a conservation area: special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

9.24. Para 192 (formerly 131) of the Framework 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.

9.25. Para 193 and 194 (formerly para 132) go 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. The more important the asset, the greater the weight should be. 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.”

9.26. These views have already been tested at appeal albeit under a slightly different scenario, and also when applications for reserved matters were previously submitted for the three parcels and by the Council when it drew up development guidelines for the former base. In all 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. These key spaces have been retained and incorporated into the master plan for the new settlement including the trident road layout that forms the basis of the layout of the technical core fanning out from the main entrance.

9.27. This road layout was the mainstay of Sir Hugh Trenchard’s plan for the development of the site in the 1920s. It reinforces the importance of the Guard House and Station Offices, provides an instantly legible movement pattern amidst a disparate collection of buildings, enjoys substantial avenue tree planting within a campus style layout and was considered to be easy to integrate into the new settlement. These main assets are retained and enhanced in the current scheme and it is the spaces in

between that were seen as suitable for development, none of the remaining physical structures being so significant to be worthy of retention.

- 9.28. Furthermore, under para 195 (formerly para 133) of the Framework, the Authority also has to consider if there is substantial harm or loss of an asset whether “substantial public benefits are achieved, the nature of the heritage asset prevents all reasonable uses of the site; and no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and the harm or loss is outweighed by the benefit of bringing the site back into use.” In this case the applicants have not been asked to look at alternative uses for the buildings as their loss is not considered to cause significant harm. It is also considered 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.
- 9.29. The Framework goes on to say 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 and in this case Officers have concluded that what is proposed still provides an opportunity for an appropriate level of 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.

#### **Affordable Housing and Growth Deal**

- 9.30. This application seeks full permission for Phases 5D, 8C and Trenchard Circle comprising the erection of 57 residential units of which 17 would be affordable provided by way of the following mix:

<b>Affordable Housing – Rented</b>	
<b>No. of Beds</b>	<b>No. of Units</b>
1 bed flat	7
1 bed maisonette	2
<b>Sub Total Rented</b>	<b>9</b>

Affordable Housing – Intermediate	
No. of Beds	No. of Units
1 bed flat	3
2 bed flat	3
3 bed dwelling	2
Sub Total Intermediate	8
<b>Total Affordable Housing</b>	<b>17</b>

- 9.31. The Trenchard Circle application site has an established residential use (14 units) which should be taken into account when assessing the nature and form of any planning obligations that arise. In line with this agreed approval, it is apparent that the affordable housing requirement should only be applied to the uplift in the new residential units above this established 14 unit baseline. In respect of the current Trenchard Circle proposal the policy should only be applied to the additional 17 units out of the proposed 31. In cumulative terms this would reduce the overall amount of affordable housing to be considered in light of Policy BSC3, to 43 units.
- 9.32. In terms of the Affordable Housing Provision arising from Outline Permission 10/01642/OUT, there is an outstanding requirement for 2 affordable units to be constructed if the overall quantum of 309 units is to be achieved. This remaining affordable provision relates to a need for two 1 bed maisonettes, which due to the overarching design and physical constraints, have not been provided to date in earlier phases. It is intended these two 1 bed maisonettes units are provided within the Phase 8C scheme, where they can be readily and more appropriately delivered as part of the wider apartments-based scheme proposed in that phase. When viewed alongside the retained housing baseline arising in respect of Trenchard Circle, this factor further reduces the overall cumulative housing provision to 41 units. Therefore it is to this figure of **41 units** that **Policy BSC 3** should be applied.
- 9.33. In line with the operation of Policy Villages 5 and BSC 3, and a 30% threshold of provision, a cumulative scheme for 41 units, is required to provide 12 units of affordable accommodation. As can be seen from the table above, the cumulative application proposals delivers 17 affordable units, however this includes the two units transposed from outline permission 10/01642/OUT. The true level of provision is therefore 15 units (37%), which not only complies with Policy Villages 5 and BSC 3 but clearly exceeds it by way of 3 additional affordable units.
- 9.34. As part of the OHGD, express support is given for levels of affordable housing provision which exceed normal planning requirements, such as those set out in Policy BSC 3, with such extra provision being considered under the term 'additionality'.

- 9.35. In direct response to this Government led objective, the application proposals include enhanced levels of affordable housing provision by way of three additional units of shared ownership tenure. These units are provided as 'additionality', representing additional benefits which fall outside of normal requirements and associated planning obligations. This approach in seeking to ensure additional delivery of affordable housing stock accords with the fundamental objective of the OHGD and represents a tangible and realistic opportunity to secure enhanced levels of home ownership and growth within the identified and allocated sustainable settlement of Heyford Park.
- 9.36. The proposed development has been designed to not only be policy compliant in its own right but also to complement the overall number, type and range of sizes of affordable units within the Heyford Park development in line with Local Plan Policies BSC3, BSC4 and Policy Villages 5 in this regard. Notwithstanding this predominant development plan compliance, the level of affordable housing provision exceeds policy requirements, bringing forward additional and tangible opportunities to deliver increased levels of affordable housing, thereby providing additionality in direct accordance with the overarching aims and objectives of the Oxfordshire Housing and Growth Deal, advanced by the Government. The proposed development will therefore assist in delivering an inclusive and mixed community in accordance with central Government and local objectives and, accordingly, is considered acceptable in this regard.

## **Ecology**

### *Legislative context*

- 9.37. The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose European Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.
- 9.38. Under the Regulations, competent authorities i.e. any Minister, government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive.
- 9.39. The Regulations provide for the control of potentially damaging operations, whereby consent from the country agency may only be granted once it has been shown through appropriate assessment that the proposed operation will not adversely affect the integrity of the site. In instances where damage could occur, the appropriate Minister may, if necessary, make special nature conservation orders, prohibiting any person from carrying out the operation. However, an operation may proceed where it is or forms part of a plan or project with no alternative solutions, which must be carried out for reasons of overriding public interest.
- 9.40. The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of the 3 strict legal derogation tests:



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

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

#### *Policy Context*

9.42. Paragraph 170 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

9.43. Paragraph 175 states that when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

9.44. Paragraph 180 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

9.45. Policy ESD10 of the Cherwell Local Plan 2011-2031 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.

9.46. Policy ESD11 is concerned with Conservation Target Areas (CTAs), and requires all development proposals within or adjacent CTAs to be accompanied by a biodiversity survey and a report identifying constraints and opportunities for biodiversity enhancement.

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

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

#### *Assessment*

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

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

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

- a scoping survey to be carried out (often called an 'extended phase 1 survey'), which is useful for assessing whether a species-specific survey is needed, in cases where it's not clear which species is present, if at all
- an extra survey to be done, as a condition of the planning permission for outline plans or multi-phased developments, to make sure protected species aren't affected at each stage (this is known as a 'condition survey')

9.50. In respect of ecological matters, the application is accompanied by an Extended Phase 1 Habitat Survey Update prepared 4 Acre Ecology Limited (Issue 1 28/2/19), which has been carried out across all three application sites. The survey notes that all three application sites have been subject to clearance works, with little habitat remaining.

9.51. The survey highlights that:

- Phase 5D consists almost entirely of hard-standing and bare earth with two trees (to be retained in the proposals) and one laurel hedge (to be removed);
- Phase 8C consists of hard-standing, bare ground and amenity grassland with mature trees (which are to be retained);
- Trenchard Circle was subject to clearance work to demolish the original 14 bungalows, carried out in 2016 with an associated bat survey and avoidance method statement. Since that time vegetation has grown across the site with a area of shallow water located in to the north eastern corner of the site.

9.52. Overall the recent survey concludes that there is no ecological interest arising from the Phase 5D application site, with the sole limiting factor being the need for development proposals to avoid the bird nesting season, given the retained trees. In respect of Phase 8C, the survey reached a similar conclusion that given the retained trees, the timing of works to avoid the nesting season was the only ecological constraint. With regard to Trenchard Circle, the survey noted that the application site

is within 250m of off-site ponds where Great Crested Newts (GCN) has been found to be previously present.

- 9.53. Given the existence of a suitable GCN habitat pond in the NE corner of the Trenchard Circle site, the survey highlights that a further survey to assess the presence or otherwise of GCN will be required at the appropriate time. Depending on the outcome of this survey, a GCN translocation survey and mitigation strategy may be required, which can form part of an overall site mitigation plan for GCN.
- 9.54. Alongside this GCN strategy, the survey also recommends the inclusion of bat boxes or similar within the Trenchard Circle proposals. Additional enhancements by way of eight bird boxes around Trenchard Circle, two around Phase 5D and four around Phase 8C are also recommended. These mitigation and enhancement strategies can be readily secured within the application proposals and / or as part of the wider NSA agreed mitigation strategies.
- 9.55. In conclusion the Council's ecologist has no in principle objection but recommends a number of conditions are imposed if permission is granted. With these safeguards and enhancement in place, ecological interests can be protected in line with NPPF paragraphs 174 and 175.

### **Flooding and Drainage**

- 9.56. 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.
- 9.57. The Environment Agency did initially object but following receipt of a revised and updated assessment that objection has now been withdrawn although conditions are recommended.

### **Landscape Impact**

- 9.58. Loss of green spaces has been mentioned in a public response but all these sites are allocated for development and/or have extant planning permissions. Technically they are all brownfield sites.
- 9.59. However, the landscape setting is an important part of the character of Heyford. The existing roads are lined with verges and mature trees which are retained within and supplemented by additional planting. This character is retained by tree planting in strategic positions and by blocks of development being slotted into the landscaped areas. The open space is retained around the trees to enhance the visual environment and in addition for use as amenity area on Phase 5C. Further landscaping is proposed to which the Council's Landscape Officer has no objection.
- 9.60. The applicant has set up a management company responsible for maintenance of the landscaping at Heyford Park. This keeps control of some of the hedging and trees in the public domain. It is concluded that what is provided is therefore an environmental enhancement in compliance with Policy Villages 5.

## **Impact on Residential Amenity**

- 9.61. Concern has been expressed by residents of the new houses in Hampden Square to the rear of the development proposed in Trenchard Circle. However the development is unlikely to have an adverse impact to justify refusal of planning permission. The new houses are 2 storeys and with a back to back distance of over 20 metres between the properties so any overlooking or overshadowing would be within the normal parameters of acceptability at Heyford.
- 9.62. Impact from noise during the construction phase is also a concern and obviously the developer will need to comply with other legislation enforced by the Environmental Health Officer.

## **Traffic, Access and Parking**

- 9.63. The comments of the Highway Authority are awaited and members will be updated at Committee. It is understood that whilst there are concerns from the amount of development and its likely impact on the highway network, these can be overcome by conditions and mitigation secured by legal agreement.
- 9.64. All three sites have access to Camp Road via the existing highway network and being only a short distance from Camp Road will benefit from being adjacent to that primary route for the bus service. They are also close or adjacent to the proposed village centre, school and other services are reasonably close and therefore this part of the development site is an accessible and sustainable one as required by Policy Villages 5. The layout and level of parking reflects the standard set out in the Design Code. The parking for the flats is in shared areas and integrated into the public realm. Cycle parking is provided in stores for the flats and sheds for the houses.

## **Planning Obligations**

- 9.65. Dorchester accepts their application should be determined in accordance 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 in relation to mitigating the impacts arising from the additional units proposed in this application.
- 9.66. There are 6 main headings for infrastructure in the Local Plan:
- Education
  - Health
  - Open space,
  - Community
  - Access and Movement
  - Utilities
- 9.67. 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
- 9.68. Where on and off site infrastructure needs to be secured through a planning obligation (i.e. legal agreement) the obligation(s) must meet statutory tests set out in regulation 122 of the Community Infrastructure Levy (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.

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

9.70. 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 proportionate 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;
- Financial contribution towards off-site improvements to indoor and outdoor sports facilities;
- 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;
- 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;
- 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 apprenticeships.

Oxfordshire County Council:

- A Financial Contribution of £848,975 towards:
  - Nursery & Primary education
  - Secondary education:
  - Land

It is also expected proportionate financial contributions will be required 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;

- 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;
- 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;
- Travel Plan monitoring fee;
- Off-site rights of way improvements required by Policy Villages 5 masterplan.

## **10. PLANNING BALANCE AND CONCLUSION**

- 10.1. 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.
- 10.2. It is then necessary to consider whether any material planning considerations indicate otherwise. National planning policy and guidance is one such consideration and includes a presumption in favour of sustainable development. 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.
- 10.3. It is considered this scheme will help form areas with distinct characters appropriate to their setting and surroundings and that reflect the policies of the Development Plan. The buildings on each parcel 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 subject to no fundamental adverse comments from the County Council, 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 negotiation still needs to take place on the agreement before the permission can be issued and in particular completion of the transport modelling.

11. **RECOMMENDATION**

RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND ECONOMY TO **GRANT PERMISSION SUBJECT TO NO OBJECTIONS FROM** OXFORDSHIRE COUNTY COUNCIL **AND SUBJECT TO CONDITIONS** (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY) **AND THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106** OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991, TO SECURE THE ITEMS SET OUT IN PARAGRAPH 9.69 (AND ANY AMENDMENTS AS DEEMED NECESSARY)

As formal comments are awaited from Oxfordshire County Council, a full list of proposed conditions and heads of terms will be provided in the written updates.

CASE OFFICER: Andrew Lewis

TEL: 01295 221813