

**OS Parcel 1570 Adjoining And West Of Chilgrove
Drive And Adjoining And North Of Camp Road
Heyford Park**

21/04289/OUT

Case Officer: Katherine Daniels

Applicant: K & S Holford, A & S Dean, N Giles & A Broadberry

Proposal: Outline planning application for the erection of up to 230 dwellings, creation of new vehicular access from Camp Road and all associated works with all matters reserved apart from Access

Ward: Fringford & Heyfords

Councillors: Cllr P. Clarke, Cllr Corkin and Cllr Barry Wood

Reason for Referral: Major development

Expiry Date: 4 July 2022

Committee Date: 9 March 2023

**SUMMARY RECOMMENDATION: GRANT OUTLINE PERMISSION SUBJECT TO
CONDITIONS AND S106 LEGAL AGREEMENT**

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located to the eastern edge of Heyford Park, which is currently predominantly being built out by Dorchester Living. The site is located to the north of Camp Road and to the west of Chilgrove Drive. The site is not within the Conservation Area of Heyford Park, nor within the designated Development Plan allocation. The land does however relate well to the remainder of the planned development at Heyford Park, with approved residential development immediately to the west, the planned future permanent access-way to the Flying Field commercial areas using Chilgrove Drive immediately to the east and the Flying Field area just to the north.
- 1.2. The site is an irregular shape, which comprises two fields that are separated by a hedgerow and post and wire fence. The boundary of the site to the south, along Camp Road comprises a mixture of hedgerows and trees. This is the same as the eastern boundary with Chilgrove Drive. The site to the west is currently undeveloped but will be developed in the future as part of a Development Plan Policy Villages 5 allocation and in accordance with Planning Committee resolutions to grant planning permissions.
- 1.3. There are currently three outstanding applications on the land to the west. Two applications (15/01357/F & 21/03523/OUT) have resolutions to approve, subject to the completion of a S106. Another application has been submitted to the Council for determination on the same site (22/03063/F) in a slightly modified form. This application is currently being considered. The ground undulates within the site, and has several green features, including ponds and a watercourse. The airfield is located to the north of the site.

2. CONSTRAINTS

- 2.1. The application site is close to existing known biodiversity on adjoining land, which is likely to also feature on site and is within an area of an archaeological alert area. The proposal is also located close to the RAF Upper Heyford Conservation Area.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The proposal is for the construction of up to 230 dwellings, creation of new vehicular access from Camp Road, and all associated works. The application includes the provision of a masterplan, which includes 2 parcels of residential development and a green infrastructure level.

4. RELEVANT PLANNING HISTORY

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

Application: 15/00474/OUT	Application Withdrawn	17 December 2020
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OUTLINE - Demolition of the southern bomb stores and associated structures and site clearance, with the subsequent construction of employment development (Use Classes B1a up to 8,000sqm, B1b/c up to 18,000sqm, B2 up to 9,000sqm and B8 up to 30,000sqm) with associated building/structures, vehicle access to Chilgrove Drive, highway improvements, internal access road, pedestrian linkages, service areas and parking, utilities and infrastructure, landscaping and associated other works.

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

Application: 15/01357/F	Resolution to approve
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Full planning application for the erection of 89 dwellings, public open space, landscaping, associated parking, vehicular access and ancillary works.

Application: 22/03063/F	Undetermined
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Erection of 126 dwellings with access from Camp Road, provision of public open space and associated infrastructure.

5. PRE-APPLICATION DISCUSSIONS

- 5.1. A Pre-Application (21/01745/PREAPP) was submitted as part of the application process and no formal response was given.

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties

immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **11 June 2022**.

6.2. The only third-party comment received has come from Dorchester Living, developers of the adjacent RAF Upper Heyford site and their comments are summarised as follows:

- Heyford Park is the subject of an allocation for a comprehensive mixed-use development within Policy Villages 5 of the Adopted Cherwell Local Plan 2011-2031. Whilst the application site abuts the “areas with potential for development” it is not allocated for development.
- the current application is a speculative response to the LPAs current housing land supply situation.
- a single vehicular access would be formed onto Camp Road without any associated vehicular, pedestrian or cycle linkages to adjoining development. The result would be an insular, self-contained, island of residential development poorly related to the established pattern of development at Heyford Park.
- The site retains an intrinsic agricultural character comprising pasture enclosed by hedgerows with wet corridor and trees and so would not ‘benefit’ from ‘reconstruction’.
- Given the agricultural function of the site with wet corridor as noted in the LVIA, and that it lies outside of and displays a contrasting landscape character to the former airbase, it is considered that the LVIA places undue reliance on dated coarse-grained mapping and underplays the inherent landscape value of the site.
- formation of the new junction with Camp Road will require removal of notable sections of hedgerow which is at odds with the LVIA, which relies on the screening effects of the established hedgerow to diminish visual effects on Camp Road receptors.
- A review of the Photosheets reveal several anomalies that cast doubt on the understanding of the location and extent of the site and proposed development and robustness of the visual assessment. A higher level of visualisation is required to support and demonstrate visual effects so that the local planning authority and the public can corroborate the findings of the LVIA and make informed decisions. At present, it is considered that the LPA cannot safely make a determination on the submitted information.
- the submitted TA contains a number of material omissions,
- the site contributes to the significance of the Conservation Area by reinforcing its military character and sense of isolation. Given that the proposals will see development brought right up to the boundary of the Conservation Area, in a location which is currently characterised as open agricultural land, this will inevitably have an impact on the setting and thus significance of the Conservation Area.
- The design of new structures needs to draw on the prevailing military character of the Conservation Area. The proposals fall far short of this and would be incongruous additions to the setting of the Conservation Area.
- If additional housing were to be required at Heyford Park, there are less-sensitive locations within the wider vicinity of the Conservation Area, which would have a much less stark impact on the open character of the surrounds of the Conservation Area which should be considered first

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. Heyford Park Parish Council: no objections but requests:

- Access to S106 funding for land to be passed to the PC for a play area/public park, or
- A small plot of land for an amenity space or play area, or on which a parish council office or small community building could be built.
- that traffic calming measures are installed on the Camp Road where the road to the new development accesses it.
- that a defibrillator be installed in a central place on the new development, that is accessible to the public at all times.

7.3. Lower Heyford Parish Council: objects as the traffic model is flawed in their opinion. They also support the MCNPF objection.

7.4. Mid-Cherwell Neighbourhood Plan Forum objects

- Contrary to CLP Policy Villages 5 - in that it is not allocated for development and greenfield
- Loss of greenfield land and biodiversity - a loss of open countryside, green space, biodiversity and ecological assets of high value to the residents of Heyford Park contrary to Local Plan policies ESD 10 and ESD 13.
- Loss of local landscape character. As well as ESD13, Mid-Cherwell Neighbourhood Plan policy PD3 "Development adjacent to Heyford Park" focusses on avoiding coalescence with surrounding settlements. Development would damage local landscape character, including several of the criteria set out in para 3.2.20, in particular: loss of access to the countryside for the inhabitants of the settlement (of Heyford Park), and harm to the setting of and rural character of the settlement.
- Incorrect Traffic Assessment - based on the flawed Bicester Traffic Model therefore no determination should take place until this is corrected.

7.5. Somerton Parish Council Objects

- Loss of Greenfield site and biodiversity
- Incorrect traffic assessment

CONSULTEES

7.6. CDC - Planning Policy, Conservation and Design Team made an in-principal objection:

- In conclusion, the proposed development is contrary to the adopted development plan as the application site is not allocated for development in the Plan. However, as the Council cannot [at the time of writing] demonstrate a five-year housing land supply, in accordance with the NPPF, any assessment of the residential proposals will need to apply the 'tilted balance'. Due regard should be had as to the implications for the comprehensive masterplan. The proposal should not undermine the Policy Villages 5 development principles. The proposal will need to be considered carefully against Local Plan and Mid-Cherwell Neighbourhood Plan policies to determine the sustainability and impacts including the visual impact, the

impact on the landscape, natural and historic environment and on infrastructure and traffic generation.

7.7. CDC - Environmental Health and Licensing:

- Noise - satisfied with report and recommend condition.
- Contaminated Land - satisfied with report and recommend condition.
- Air Quality - satisfied with report and recommend condition.
- Odour and Light - No comments.

7.8. CDC - Recreation and Leisure: Contributions required towards:

- Community Hall Facilities: £262,967.90
- Outdoor Sport Provision £463,916.90
- Indoor Sport Provision £192,037.76
- Public Art £51,520.00
- Community Development Worker £16,938.68 for 1 year
- Community Development Fund £10,350.00

7.9. CDC - Landscape: The LVIA is comprehensive and proportionate and am in general agreement with its findings and conclusions. Provision or contributions should be provided to:

- Mature Tree (Arb. assessment) – £280.04 per tree
- Hedgerow (Arb. assessment) - £12.65 per linear metre
- Woodland (Arb. assessment) - £46.97 per square metre
- Ponds - £41.40 per square metre
- Attenuation Basin (Illustrative Masterplan) - £66.05 per square metre
- New Woodland (Illustrative Masterplan) - £35.02 per square metre
- Informal Open Space (Illustrative Masterplan) - £12.65
- LAP - £36,135.03
- LEAP/NEAP Combined - £540,048.31
- Site/LEMP monitoring x 2 visits per year x 15 years - £15,000
- Landscape Services' management of site/LEMP monitoring consultants at 10% - £1,500

7.10. Thames Water (TW):

- **No objection** as surface water will not be discharged to public network (LLFA approval still required) and no objection to foul water sewerage capacity.
- Thames Water has identified an inability of the existing water network infrastructure to accommodate the needs of this development proposal and request condition if permission is granted.
- development is located within 5m of a strategic water main and TW do not permit the building over or construction within 5m, Condition requested

7.11. Environment Agency: **No objection**

7.12. Natural England: **No objection:** Standing advice to be interpreted by Council Ecologist. Recommend SUDs condition to ensure there will be no deterioration in water quality in Thames Basin (Weston Fen SSSI is mentioned downstream)

7.13. Nature Space Partnership: Support the recommendation of the Ecological Impact Statement, Heyford Park North Ecological Impact Assessment (EclA), Ramm Sanderson Ecology Ltd, December 2021 to acquire a GCN licence to mitigate impact from this development either from CDC District License or NSP

7.14. Thames Valley Police: Request contributions towards provision of infrastructure to mitigate the impact of development: In summary this is:

- policing new growth in the area equates to £41,407
- set up costs equate to £2190
- Automatic Number Plate Recognition (ANPR) Cameras - £5,500
- Premises - £25,826

7.15. Oxford Clinical Commissioning Group: as there are insufficient Consulting rooms to cope with increased population growth as a direct result of the increase in dwellings, a contribution of £82,800 towards refurbishment of refurbishing and reconfiguring an annex of Bicester Health Centre (annex known as the Julier Centre) is requested.

7.16. Oxfordshire County Council-Transport: **No objection** subject to, s106 and s278 agreements and conditions including:

- A highway works contribution will be required
- A public transport services contribution will be required.
- A Construction Traffic Management Plan will be required.
- A full Residential Travel Plan will be required.

7.17. Oxfordshire County Council- Lead Local Flood Authority - **No objection** subject to conditions relating to surface water drainage

7.18. Oxfordshire County Education:

A 1.5 form entry school is planned to accommodate the pupils generated by the parcels of land in the Heyford Park masterplan. As this school is expected to be filled by these parcels, it would need to be expanded to 2 forms of entry in order to accommodate the pupils generated by this proposed development.

As a result of permitted development at Heyford Park, it will be necessary to expand secondary capacity at Heyford Park School. This development would be expected to contribute to the expansion in a proportionate manner.

No objection subject to a s106 contribution towards:

- Primary and nursery education £1,604,630
- Primary School Land Contribution £151,640
- Secondary education £1,195,632 327
- SEN £125,637

7.19. Oxfordshire County Infrastructure:

A new library has been provided in the Franklins Yard development in Bicester. Part of the cost of the project was forward funded in advance of contributions being received from development. A contribution is required from this development toward repaying the cost of forward funding the delivery of Bicester library. The full requirement for the provision of library infrastructure and supplementary core book stock in respect of this application requires a contribution of £24,668.

7.20. Oxfordshire County Archaeology:

In accordance with the National Planning Policy Framework (NPPF 2021) paragraph 189, we recommend that, prior to the determination of this application the applicant should therefore be responsible for the implementation of an archaeological field evaluation.

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

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

- Policy PSD 1: Presumption in Favour of Sustainable Development
- Policy SLE 4: Improved Transport and Connections
- Policy BSC 1: District Wide Housing Distribution
- Policy BSC 2: The Effective and Efficient Use of Land – Brownfield Land and Housing Density
- Policy BSC 3: Affordable Housing
- Policy BSC 4: Housing Mix
- Policy BSC 10: Open Space, Outdoor Sport and Recreation Provision
- Policy BSC 11: Local Standards of Provision – Outdoor Recreation
- Policy BSC 12: Indoor Sport, Outdoor Sport and Recreation Provision
- Policy ESD 1: Mitigating and Adapting to Climate Change
- Policy ESD 2: Energy Hierarchy and Allowable Solutions
- Policy ESD 3: Sustainable Construction
- Policy ESD 4: Decentralised Energy Systems
- Policy ESD 5: Renewable Energy
- Policy ESD 6: Sustainable Flood Risk Management
- Policy ESD 7: Sustainable Drainage Systems
- Policy ESD 8: Water Resources
- Policy ESD 15: The Character of the Built and Historic Environment
- Policy ESD17: Green Infrastructure
- Policy INF 1: Infrastructure
- Policy Villages 5: The Former RAF Upper Heyford

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- Policy C8: Sporadic development in the open countryside
 - Policy C28: Layout, design and external appearance of new development
 - Policy C30: Design control
- 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 Forum and the following Policies of the Neighbourhood Plan are relevant:
- PD3: Development adjacent to Heyford Park
 - Policy PD4: Protection of Views and Vistas
 - Policy PD5: Building and Site Design
 - Policy PD6: Control of Light Pollution
 - Policy PH1: Open Market Housing Schemes

- Policy PH3: Adaptable Housing
- Policy PH4: Extra-care Housing
- Policy PH5: Parking, Garaging and Waste Storage Provision

8.4. Other Material Planning Considerations:

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

9. APPRAISAL

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

- Principle of development
- Impact on the Character and appearance of the locality and designated heritage assets
- Residential amenity
- Ecology impact
- Highway Safety
- Flooding

Principle of Development

Policy Context

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

Development Plan

- 9.3. The Development Plan for this area comprises the adopted Cherwell Local Plan 2011-2031 Part 1 ('CLP 2015'), the saved policies of the Cherwell Local Plan 1996 and the Mid Cherwell Neighbourhood Plan.
- 9.4. Policy PSD1 of the CLP 2015 embeds a proactive approach to considering development proposals to reflect the presumption in favour of sustainable development. It states, 'The Council will always work proactively with applicants to jointly find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area'.
- 9.5. The CLP 2015 seeks to allocate sufficient land to meet district-wide housing needs. The Plan states, 'The most sustainable locations for growth in the District are considered to be Banbury, Bicester and the other larger Category A villages as identified in Policies Villages 1 and Villages 2 as these settlements have a range of services and facilities, reducing the need to travel by car'. In addition to the Category

A villages, the other two allocated growth locations are the two largest villages of Heyford Park and Kidlington.

- 9.6. Policy BSC1 states that Cherwell District will deliver a wide choice of high quality homes by providing for 22,840 additional dwellings between 1 April 2011 and 31 March 2031. 1,106 completions were recorded between 2011 and 2014 leaving 21,734 homes to be provided between 2014 and 2031.
- 9.7. Paragraph E.10 of the Plan states, 'Housing delivery will be monitored to ensure that the projected housing delivery is achieved. The District is required by the NPPF and the NPPG (to maintain a continuous five-year supply of deliverable (available, suitable and achievable) sites as well as meeting its overall housing requirement'.
- 9.8. Paragraph E.19 of the Local Plan states, "If the supply of deliverable housing land drops to five years or below and where the Council is unable to rectify this within the next monitoring year there may be a need for the early release of sites identified within this strategy or the release of additional land. This will be informed by annual reviews of the Strategic Housing Land Availability".
- 9.9. At the time of application submission, the District housing land supply figure stood at just 3.7-years, which meant that NPPF paragraph 11d applied and housing policies in the Development Plan were rendered out of date and a presumption was given in favour of sustainable developments. The Council's latest assessment of housing land availability is its 2022 AMR, which states that with a shift to the standard methodology for assessing housing need rather than the former Oxfordshire Growth Deal assessment of need, the District had a 5.4-year supply of housing land. Also of relevance in this instance is the 'HELAA' published in 2018. This is a technical rather than a policy document but provides assessments of potentially deliverable or developable sites; principally to inform plan-making. The application site features as site HELAA217 and was considered suitable or achievable for housing and stated:

Greenfield site outside the built-up limits but partly within the boundary of the former RAF Upper Heyford strategic allocation (Policy Villages 5) in the adopted Local Plan (July 2015). Overlaps with HELAA220, HELAA222, HELAA223 and HELAA288. The site does not fall within Areas of Search A and B being considered in the Partial Review of the Local Plan for Oxford's unmet housing needs. The northern part of the site abuts the former RAF Upper Heyford strategic allocation and its Conservation Area. The north western boundary abuts Letchmere Farm which along with the trees form a natural edge to the former RAF site. The south western parcel falls within the strategic allocation and abuts that part of the RAF Conservation Area north of Camp Road. The site's southern boundary is formed by Camp Road and the east one by Chilgrove Drive. The site is relatively contained. In the central part of the site and running south to north there are water features including water courses and ponds and a farm track leading to Letchmere Farm. The proposed Heath District Wildlife Site with its area of NERC Act S41 habitats (deciduous woodland) lies to the south east of the site on the opposite side of the cross roads between Camp Road and Chilgrove Drive. The site (together with an area of land adjacent to the northwest) was considered in the Upper Heyford Landscape Sensitivity and Capacity Assessment (18/08/2014). The LSCA indicated that there was medium to high capacity for residential development up to Camp Road in the south, Chilgrove Drive to the east and Larsen Road to the west as long as existing site boundary vegetation was maintained, and suitable separation maintained with Letchmere Farm to maintain the setting of the property. The LSCA also indicated medium potential for low key light industrial development within the site subject to careful design and appropriate mitigation on the site perimeter. There is no additional capacity for the part of the site within the Villages 5 allocation. The remaining part of the site could potentially be suitable as it could provide a logical extension to the residential dwellings to the west

subject to adequate integration with the strategic allocation, preserving the setting of Letchmere Farm and responding to the heritage, landscape and ecological priorities of the Conservation Area and the proposed Heath DWS to the southeast of the site. Development could be contained without opening up a wider area of countryside. The site promoter suggests that 245 dwellings could be accommodated based on 30 dph. However, it is considered that the site could accommodate 180 dwellings based on 20 dph on 9 ha which is based on the density of the adjacent allocation site but also excluding the ponds in the northern part of the site and the western part within the strategic allocation. The site could also be potentially suitable for low key employment uses subject to design and addressing the heritage, landscape and ecological constraints. (2018 HELAA, Appendix 4).

- 9.10. Policy Villages 1 of the CLP 2015 provides a framework for housing development in the rural areas of the district and groups villages into three separate categories (A, B and C). The categorisation of villages was informed by a defined range of sustainability criteria (CLP 2015 para C.255). Upper Heyford does not form part of the rural categories, as it does have its separate Policy (Policy Villages 5).
- 9.11. Policy Villages 2 of the CLP 2015 states, 'A total of 750 homes will be delivered at Category A villages. This will be in addition to the rural allowance for small site 'windfalls' and planning permissions for 10 or more dwellings as at 31 March 2014'. This Policy notes, 'Sites will be identified through the preparation of the Local Plan Part 2, through the preparation of the Neighbourhood Plan where applicable, and through the determination of applications for planning permission'.
- 9.12. Policy Villages 2 states that in identifying and considering sites, particular regard will be given to the following criteria:
 - 'Whether the land has been previously developed land or is of less environmental value';
 - 'Whether significant adverse impact on heritage and wildlife assets could be avoided';
 - 'Whether development would contribute in enhancing the built environment';
 - 'Whether best and most versatile agricultural land could be avoided';
 - 'Whether significant adverse landscape and visual impacts could be avoided';
 - 'Whether satisfactory vehicular and pedestrian access/egress could be provided';
 - 'Whether the site is well located to services and facilities';
 - 'Whether necessary infrastructure could be provided';
 - 'Whether land considered for allocation is deliverable now or whether there is a reasonable prospect that it could be developed within the plan period';
 - 'Whether land the subject of an application for planning permission could be delivered within the next five years';
 - 'Whether development would have an adverse impact on flood risk'.
- 9.13. Policy Villages 5 relates to the former RAF/USAF Upper Heyford, which has a development area of 520ha, and a settlement of approx. 1,600 dwellings rising to

about 2,800 under existing approvals, and the supporting necessary infrastructure including primary and secondary schools, commercial uses and employment opportunities. The original development of the site was for development of a brownfield site. This policy now includes areas of greenfield land.

Mid Cherwell Neighbourhood Plan

- 9.14. Policy PD3 relates to development adjacent to Heyford Park and any development adjacent to the designated strategic area shall prevent coalescence. Development on the application site would not cause coalescence. Policy PD4 does not identify any important views or vistas across the application site.

National Planning Policy Framework

- 9.15. A key material consideration is the National Planning Policy Framework (NPPF) which sets out the Government's planning policy for England. The NPPF is supported by Planning Practice Guidance (PPG).
- 9.16. The NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 9.17. So that sustainable development is pursued in a positive way, the NPPF includes a 'presumption in favour of sustainable development' (para. 10). Paragraph 11 states that applying the presumption to decision-making means:
- approving development proposals that accord with an up-to-date development plan without delay; or
 - where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites), granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed;
 - ii. or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The position in which the most important policies are considered to be out-of-date because of the absence of a five-year housing land supply is often referred to as the 'tilted balance'.

- 9.18. Paragraph 12 advises, 'The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local Planning Authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'

- 9.19. Section 5 of the NPPF covers the issue of delivering a sufficient supply of homes and states, 'To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay'.
- 9.20. Paragraph 74 highlights the need for Local Planning Authorities (LPAs) to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old (unless these strategic policies have been reviewed and found not to require updating as in Cherwell's case). The supply of specific deliverable sites should, in addition, include a buffer - 5% in Cherwell's current circumstances (moved forward from later in the plan period).

Housing Land Supply

- 9.21. Cherwell's housing land supply as reported in the Council's 2021 Annual Monitoring Report (AMR) concluded that the District had a 3.5-year supply for the next five year period 2022-2027 commencing on the 1 April 2022. This is reviewed annually and currently the housing land supply position is calculated as 5.4-year supply of housing for the period 2022-2027.
- 9.22. This updated figure is contained within the Agenda to the Council's Executive meeting on 6 February. This is largely the result of applying the standard method housing need figure of 742 homes per year from 2022 rather than the Local Plan figure of 1,142 from 2011. The paper states at paragraph 3.26, '... economic conditions are challenging, and it is important that officers continue to seek Local Plan compliant housing delivery to maintain supply and deliver the district's planned development. Having a 5-year land supply position does not mean that development allowed for the Local Plan should halt. Indeed, not progressing planning development considered to be acceptable could undermine the land supply position.'

Assessment

- 9.23. The application seeks planning permission for the development of the two fields to provide up to 230 dwellings with associated green infrastructure and open space. The development is an undeveloped greenfield site, which will have a physical and visual relationship with the development at Heyford Park. The site will be bounded by development to the west and to the north. In addition there is a barrier with open countryside to the east, which is separated by Chilgrove Road, which is planned to be upgraded to form the principal access route into the Upper Heyford Flying Field. The site is not allocated within the Policy Villages 5 area, however the site adjoining is allocated land, which has a resolution to grant planning permission subject to a S106, so the development will not be a standalone development but would relate well to the established and future planned form of Heyford Park, contained between residential development to the west and Chilgrove Road to the east.
- 9.24. The District's Spatial Strategy is to focus most of the growth in the District towards locations within or immediately adjoining the main towns of Banbury and Bicester. Although Heyford Park is not part of these towns, it is clear from the Development Plan Policy Villages 5 growth allocations that as developed Heyford Park is becoming one of the most sustainable settlements, along with the two towns and Kidington. It is one of the four main strategic locations for accommodating growth needs. The existing settlement has a number of existing facilities, including community centre, shops, pharmacy, restaurant, bowling alley, pub, hotel, schools etc. Additional facilities are proposed in line with the overall Masterplan for the site. The site would result in a

natural continuum with the existing development, and would 'round off' Heyford Park, given Chilgrove Road to the east, and Camp Road to the south.

- 9.25. Other matters relevant for consideration of the scale of the development, include the impact on local infrastructure, impact on the character and appearance of the locality, flooding, highway impacts and ecology are considered elsewhere in this report.
- 9.26. Further consideration has to be had to the three strands of sustainability, including economic impact, social and environmental. The economic benefits of the scheme include jobs both directly and indirectly through the construction of the development. The proposal will provide needed market and affordable dwellings on the edge of a settlement, in close proximity to local community facilities. In addition, the proposal seeks to provide green infrastructure which all adds to the social strand of sustainability. The green infrastructure will not only assist with the social strand, but the environmental strand of sustainability. The proposal would provide a Biodiversity Net Gain (BGN). The proposed development meets the requirement of sustainable development as set out in paragraph 10 of the NPPF.

Conclusion

- 9.27. Overall, whilst consideration of the matters detailed in the sections below is required to reach an overall conclusion of the acceptability of the development, the broad principle of the construction of 230 dwellings and associated infrastructure is considered acceptable.

Impact on the Character & appearance of the locality & designated heritage assets

Legislative and policy context

- 9.28. The site affects the setting of a Conservation Area, which 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.*
- 9.29. Conservation Areas and Listed Buildings are designated heritage assets, and Paragraph 193 of the NPPF states that: *when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.* Policy ESD15 of the CLP 2031 Part 1 echoes this guidance.
- 9.30. The Government attaches great importance to the design of the built environment within the NPPF. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It goes onto note that planning decisions should contribute to and enhance the local environment by recognising the intrinsic character and beauty of the countryside. It also states that development should function well and add to the overall quality of the area and by sympathetic to local character and history, including the surrounding built environment and landscape setting.
- 9.31. Saved Policy C8 seeks to resist new sporadic development in the open countryside. Saved Policy C28 of the CLP 1996 states that control will be exercised over all new development to ensure that standards of layout, design and external appearance are sympathetic to the character of the context of that development. Furthermore, saved Policy C30 of CLP 1996 states control will be exercised to ensure that all new housing

development is compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity.

- 9.32. Policy ESD13 of the CLP 2015 states that development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. It goes on to state that proposals will not normally be permitted if they would cause undue visual intrusion into the open countryside, cause undue harm to important natural landscape features, be inconsistent with local character, or harm the setting of settlements or buildings.
- 9.33. Policy ESD15 of the CLP 2015 highlights the importance of the character of the built and historic environment. This Policy states, amongst other things, that successful design is founded upon an understanding and respect for an area's unique built, natural and cultural context. New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. The Policy continues by stating that new development proposals should, amongst other things, contribute positively to an area's character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features, including skylines, valley floors, significant trees, historic boundaries, landmarks, features or views. Development should also respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale, and massing of buildings. Development should be designed to integrate with existing streets and public spaces, and buildings configured to create clearly defined active public frontages.
- 9.34. PD4 of the Mid-Cherwell Neighbourhood Plan seeks to protect important views and vistas. Proposals should not harm Conservation Area, however, if there is harm, the harm has to be outweighed by the benefits.
- 9.35. The Cherwell Residential Guide SPD (2018) builds on the above policies and provides a framework to deliver high quality locally distinctive development.

Assessment

- 9.36. The site forms part of a parcel of land that was assessed in the HELAA (Feb 2018), which is outlined above in paragraph 9.10. This considers that the site could be developed without opening the development further into the open countryside beyond.
- 9.37. The application was accompanied by a Landscape and Visual Impact Assessment (LVIA) as well as a detailed Design and Access Statement. The application was also accompanied by a Masterplan for the site.
- 9.38. The Masterplan indicates residential development would be located to the eastern and north parts of the application site with green infrastructure to west and northwest following the floodplain. The proposed residential areas are in blocks, and a gap proposed between Chilgrove Road and the proposed dwellings. There would be one access proposed off Camp Road, with an additional pedestrian access to the south-eastern corner of the site. The Masterplan is, however, only indicative.
- 9.39. The Council's Landscape Officer has commented on this application and is in general agreement with the LVIA findings and conclusions. The Landscape Officer has raised concerns regarding the Masterplan for the site and the tree belt and its relationship to rear gardens.
- 9.40. The LVIA concludes that there would be a minor adverse impact during the construction phase and year 1 and would be a minor beneficial impact at year 15.

Given the site's relationship with the former airbase and the existing Heyford Park development, the proposal would not be uncharacteristic with the local landscape. The site is well-contained, and with appropriate landscaping would not have an adverse impact on the character and appearance of the landscape setting.

- 9.41. The site is located on the eastern edge of Heyford Park, rather than the western edge which restricts development coalescing with Upper Heyford Village. There is sufficient distance between the site and Ardley, a mile-and-a-half to the northeast.
- 9.42. The impact on the designated heritage (Conservation Area) asset needs to be considered. The site does not lie within the CA but it is approximately 60m away. Therefore, consideration has to be had to its overall setting. The Conservation Officer has raised concerns that there would be a harmful impact to the setting of the Conservation Area given the distance to the application site. That could be reduced with a correct layout and design. Although there is an indicative masterplan for the site, this could be altered at the reserved matters stage to lessen the impact on the designated heritage assets. The overall harm to the heritage assets is considered less than substantial. Therefore, the public benefits of the proposal will have to be weighed against the level of harm caused in accordance with paragraph 202 of the NPPF.
- 9.43. There are several public benefits, including boosting the supply of housing for the locality, including affordable dwellings in a sustainable location. The proposal would also support economic growth. Although the impact could be reduced at the reserved matters, it would likely still lead to less than substantial harm, but the public benefits already mentioned would in your Officers opinion outweigh the harm caused to the designated heritage assets.

Conclusion

- 9.44. Although there would be some harmful impact on the designated heritage assets, this harm is considered less than substantial, and the public benefits (as highlighted above) would, on balance, outweigh the harm caused. In addition, the impact could be mitigated by appropriate landscaping, as well as layout. This could be readily controlled at the reserved matters stage.
- 9.45. It is considered that the proposal, provided the overall layout and design of the dwellings are satisfactory, would blend in with the character and appearance of the locality and would be seen in conjunction with the wider Heyford Park development and the former airbase. Overall, Officers consider the scheme complies with the above-mentioned policies.

Ecology Impact

Policy Context

- 9.46. Policy ESD10 of the CLP Part 1 2011-2031 requires the protection and enhancement of biodiversity and the natural environment and this includes the protection of trees and hedgerows, an assessment of the potential to cause harm to protected species or habitats, and to achieve a net gain for biodiversity. Policy Bicester 1 also refers to the need to achieve a net gain for biodiversity. Biodiversity is also a development principle important in meeting the eco-town standards to achieve a net gain and to mitigate and enhance.
- 9.47. There are also Legislative requirements set out in The Conservation of Habitats and Species Regulations 2017 which must be taken into account in considering development proposals where habitats or species might be encountered.

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

Assessment

- 9.49. The applicants have submitted an Ecological Assessment as part of the application documents. A Biodiversity Impact Assessment has also been provided, which shows that a biodiversity net gain is achievable within the site. Notwithstanding that evidence, the Council's ecologist has raised some concerns that this may be too ambitious unless public access to parts of the green space is sufficiently managed.
- 9.50. The Ecologist also recommends that several surveys should be undertaken prior to the commencement of development, including mitigation strategies, particularly including a Red Kite Survey and a Water Vole Survey. The Ecologist also recommends several conditions relating to lighting, a CEMP and a LEMP.
- 9.51. The ecological survey indicates that a license would be entered into to mitigate against the impact on Great Crested Newts (GCN). Naturespace are content that a GCN licence is supported. The applicants would either be content with a licence from Natural England or Cherwell District Council's District Licence.

Conclusion

- 9.52. The Council's Ecologist is satisfied that subject to the imposition of planning conditions to secure mitigation and improvements, that the proposed development would be acceptable in respect to the impact upon any habitats or protected species and that they would be safeguarded. The Council's duty under the Conservation and Habitats and Species Regulations 2017 is therefore met and has been discharged.
- 9.53. A BNG has been demonstrated as being achievable, although that would need to be controlled by the way of a Landscape Ecology Management Plan to ensure such net gain was achieved and managed appropriately.
- 9.54. On this basis, the proposal is considered acceptable in ecological terms and compliance would be possible with the above planning policies.

Highway Safety

Policy Context

- 9.55. The NPPF confirms that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. Development proposals should promote sustainable transport, ensure safe and suitable access can be achieved and mitigate any significant impacts to an acceptable degree.
- 9.56. Policy SLE4 of the Cherwell Local Plan Part 1 2011-2031 also requires development to facilitate the use of sustainable transport and confirms that new development must mitigate offsite transport impacts. At NW Bicester, and as confirmed by Policy Bicester 1 and the NW Bicester SPD through a series of development principles, the achievement of modal shift, infrastructure to support sustainable transport and for development to facilitate the provision of new strategic infrastructure (including contributions towards it) are clear requirements

Assessment

- 9.57. The applicants provided a Transport Assessment as part of the submission of the proposed development. Oxfordshire County Council as Local Highway Authority (LHA) has been consulted on the application and have considered the submission. The LHA does not have an objection to the proposal; however, this is subject to a S106 contribution relating to highway works, public transport services, travel plan monitoring, an obligation for a S278, and conditions.

Conclusion

- 9.58. It is considered that the proposed development would not have a negative impact on the road network given the comments from the LHA.
- 9.59. On this basis, the proposal is considered acceptable in highway terms and compliance would be possible with the above planning policies.

Drainage and Flood Risk

Policy Context

- 9.60. The NPPF states at paragraph 167 that *when determining applications, Local Planning Authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood risk assessment.* Paragraph 169 also requires that *major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.*
- 9.61. Policy ESD6 refers to Sustainable Flood Risk Management and sets out that flood risk will be managed and reduced with vulnerable development to be located in areas with lower risk of flooding. Policy ESD7 sets out that all development will be required to use sustainable drainage systems for the management of surface water flooding.

Assessment

- 9.62. The applicants have provided a Flood Risk Assessment to accompany the application. The FRA finds the site is located with Flood Zone 1, which is at limited risk of flooding.
- 9.63. The proposed mitigation strategy for the site includes development levels for all the dwellings are set at 150mm above the surrounding ground level and to include foul water from the development will be drained separately to clean water. A Sustainable Urban Drainage System (SuDS) would also be included.
- 9.64. Following the submission of further information, the Lead Local Flood Authority (LLFA) has no objection to the proposed development, provided that a surface water drainage scheme is submitted and approved in writing by the Local Planning Authority. This is required to be submitted prior to the commencement of any development. Also prior to first occupation, details of the construction of the SuDS and maintenance details should be submitted to the LPA.
- 9.65. The Environment Agency have raised no objection to the proposal. Cherwell District Council Land Drainage has raised concerns regarding the impact on Gallos Brook, where the flood plain has not yet been modelled or mapped. This risk will need to be mitigated if any such areas lie outside the fluvial flood plain. This can be controlled by way of planning condition.
- 9.66. *Conclusion*
- 9.67. Given the comments from the LLFA, Environmental Agency and the Council's Land Drainage Engineer it is anticipated that a surface water drainage scheme will be achievable, and the above-mentioned Policies would be complied with.

Other Matters

Environmental Matters

- 9.68. With respect to environmental considerations, Policy ENV1 of the Cherwell Local Plan 1996 states that development which is likely to cause materially detrimental levels of noise, vibration, smell, smoke, fumes or other types of environmental pollution will not normally be permitted. The policy states that the Council will seek to ensure that the amenities of the environment and in particular the amenities of residential properties are not unduly affected by development proposals that may cause environmental pollution including that caused by traffic generation. Policy ENV12 of the Cherwell Local Plan 1996 relates to contaminated land and states that development on land which is known or suspected to be contaminated will only be permitted if adequate measures can be taken to remove any threat of contamination to future occupiers of the site.
- 9.69. The NPPF includes requirements around conserving and enhancing the Natural Environment. Paragraph 174 identifies that decisions should prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability. Paragraph 183 relates to ground conditions. Decisions should ensure a site is suitable for its proposed use, taking into account existing ground conditions. Paragraph 185 relates to the impact of developments on noise. Developments should mitigate and reduce to a minimum potential adverse impact.
- 9.70. The Environmental Health Officer has considered the application and its accompanying supporting documents. The EHO does not have an objection to the

proposal, provided conditions are imposed for a Construction Environment Management Plan, and a contamination condition.

- 9.71. Overall, provided suitably worded conditions are imposed to secure construction management plan and details on contamination, the proposed development is unlikely to result in undue harm to the environment.
- 9.72. The OCC Archaeologist has commented on this application and has confirmed that the site has been subjected to an archaeological evaluation and the proposals would need further investigation. This could be controlled by way of planning condition.

Conditions and S106

- 9.73. A S106 Legal agreement would be required to be entered into to secure mitigation resulting from the impact of the development both on and off site. This would ensure that the requirements of Policy INF1 of the CLP 2031 Part 1 could be met, which seeks to ensure that the impacts of development upon infrastructure including transport, education, health, social and community facilities (as relevant) can be mitigated. The Authority is also required to ensure that any contributions sought meet the following legislative tests, set out at Regulation 122 of the Community Infrastructure Regulations 2011 (as amended):

- Necessary to make the development acceptable in planning terms;
- Directly relate to the development; and
- Fairly and reasonable related in scale and kind to the development

- 9.74. The table at Appendix 1 sets out the required Heads of Terms and the justification for those requests.

- 9.75. Planning Conditions should only be imposed where they are necessary, relevant to planning and to the development permitted, enforceable, precise and reasonable in all other respects (para 56). Tweaks may be required to the conditions to reflect queries that have been raised and following further comments/amendments during the S106 negotiation stage.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises a number of relevant Policies and they are considered up to date for the purpose of considering this proposal.
- 10.2. The NPPF is a material consideration. This confirms that there is a presumption in favour of sustainable development and that economic, social, and environmental objectives should be sought mutually. The presumption in favour of sustainable development is set out at paragraph 11, which confirms that for decision taking, development proposals that accord with an up-to-date development plan should be approved without delay.
- 10.3. Whilst the application site is not allocated for development, Heyford Park is deemed a sustainable settlement location at which to accommodate development and development of the land would relate well to surrounding development and represent

a natural rounding off. Some detriment would be caused to nearby heritage assets, but the extent of harm would be less than substantial and could be mitigated. Similarly, other impacts could all be mitigated and controlled by condition.

10.4. Overall, the balance of beneficial impacts would outweigh the identified harmful impacts, therefore planning permission ought to be granted.

11. RECOMMENDATION

DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT, OR AN OFFICER NOMINATED BY THEM, TO GRANT PERMISSION, SUBJECT TO

- **THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY) AND**
- **THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991, TO SECURE THE FOLLOWING (AND ANY AMENDMENTS AS DEEMED NECESSARY):**

FURTHER RECOMMENDATION: IF THE SECTION 106 AGREEMENT/ UNDERTAKING IS NOT AGREED/COMPLETED AND THE PERMISSION IS NOT ABLE TO BE ISSUED, IT IS FURTHER RECOMMENDED THAT THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT IS GIVEN DELEGATED AUTHORITY TO REFUSE THE APPLICATION FOR THE FOLLOWING REASON:

- 1. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement, the Local Planning Authority is not satisfied that the proposed development provides for appropriate infrastructure contributions required as a result of the development and necessary to make the impacts of the development acceptable in planning terms, to the detriment of both existing and proposed residents and workers and contrary to policy INF 1 of the Cherwell Local Plan 2015, CDC's Planning Obligations SPD 2018 and Government guidance within the National Planning Policy Framework.**

CONDITIONS

Time Limit

1. No development shall commence until full details of the layout (including the layout of the internal access roads and footpaths), scale, appearance, and landscaping (hereafter referred to as reserved matters) have been submitted to and approved in writing by the Local Planning Authority.

Reason: This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

Reason: This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (General Development Procedure) Order 2015 (as amended).

Compliance with Plans

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

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

Pre-Commencement Conditions

5. No development shall commence until a Construction Method Statement, incorporating a construction traffic management plan has been submitted to and approved in writing by the Local Planning Authority. The CTMP will need to incorporate the following in detail and throughout development the approved plan must be adhered to:
 - a) The CTMP must be appropriately titled, include the site and planning permission number.
 - b) Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access into the site.
 - c) Details of and approval of any road closures needed during construction.
 - d) Details of and approval of any traffic management needed during construction.
 - e) Details of wheel cleaning/wash facilities – to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway.
 - f) Measures to control the emission of dust and dirt during construction as detailed in paragraph 6.1.2 of the Air Quality Management Plan;
 - g) Details of appropriate signing to accord with standards/requirements, for pedestrians during construction works, including any footpath diversions.
 - h) The erection and maintenance of security hoarding / scaffolding if required.
 - i) A regime to inspect and maintain all signing, barriers etc.
 - j) Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided.

- k) The use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc.
- l) No unnecessary parking of site related vehicles (worker transport etc) in the vicinity – details of where these will park, and occupiers transported to/from site to be submitted for consideration and approval. Areas to be shown on a plan not less than 1:500.
- m) Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc.
- n) Local residents to be kept informed of significant deliveries and liaised with through the project. Contact details for person to whom issues should be raised with in first instance to be provided and a record kept of these and subsequent resolution.
- o) Any temporary access arrangements to be agreed with and approved by Highways Depot.
- p) Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.
- q) Delivery, demolition and construction working hours;

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding highway network, road infrastructure and local residents, particularly at morning and afternoon peak traffic times. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme

6. No development shall commence until a detailed surface water drainage scheme for the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is first occupied. The scheme shall include:

- A compliance report to demonstrate how the scheme complies with the “Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire”;
- Full drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change;
- A Flood Exceedance Conveyance Plan;
- Comprehensive infiltration testing across the site to BRE DG 365 (if applicable)
- Detailed design drainage layout drawings of the SuDS proposals including cross-section details;
- Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element, and;
- Details of how water quality will be managed during construction and post development in perpetuity;
- Confirmation of any outfall details.
- Consent for any connections into third party drainage systems

Reason: To ensure that sufficient capacity is made available to accommodate the new development and in order to avoid adverse environmental impact upon the community in accordance with Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

7. Prior to the approval of any related reserved matters, a detailed Surface Water

Management Scheme for each phase or sub-phase of development, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be in accordance with the details approved as part of the strategic scheme (Strategic Surface Water Management Scheme) and include all supporting information as listed in the Condition. The scheme shall be implemented in accordance with the approved details and timetable.

Reason: To ensure development does not increase the risk of flooding elsewhere; in accordance with Paragraph 155 of the National Planning Policy Framework (NPPF) and Local and National Standards.

8. No development shall take place on any phase (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include as a minimum:

- a) Arrangements for a site walkover survey undertaken by a suitably qualified Ecologist to ensure that no protected species, which could be harmed by the development have moved onto the site since the previous surveys were carried out. If any protected species are found, details of mitigation measures to prevent their harm shall be required to be submitted;

- b) Risk assessment of potentially damaging construction activities;

- c) Identification of 'Biodiversity Protection Zones';

- d) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);

- e) The location and timing of sensitive works to avoid harm to biodiversity features;

- f) The times during construction when specialist ecologists need to be present on site to oversee works;

- g) Responsible persons and lines of communication;

- h) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;

- i) Best practice with regard to wildlife including use of protective fences, exclusion barriers and warning signs

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

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

9. Prior to the commencement of development hereby approved, a phasing plan covering the entire application site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved phasing plan and each reserved matters application shall only be submitted in accordance with the terms of the approved phasing plan and refer to the phase (or phases) it relates to as set out in the approved phasing plan.

Reason: To ensure the proper phased implementation of the development and associated infrastructure in accordance with Government guidance contained within the National Planning Policy Framework.

10. Prior to the commencement of the development hereby approved, an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved AMS.

Reason: To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing built environment and to comply with Policy C28 of the adopted Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

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

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

12. If contamination is found by undertaking the work carried out under condition 10, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

13. If remedial works have been identified in condition 11, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 11. A verification report that

demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

14. Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development [or relevant phase of development] is resumed or continued.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

15. No development shall take place until details of all finished floor levels in relation to existing and proposed site levels and to the adjacent buildings have been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be constructed strictly in accordance with the approved levels.

Reason: To secure an acceptable standard of development that safeguards the visual amenities of the area and the living conditions of existing and future occupiers and to ensure compliance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and government guidance within the National Planning Policy Framework.

16. No development shall take place until the applicant (or their agents or successors in title) has submitted to and had approved in writing by the local planning authority a programme of archaeological work consisting of a written scheme of investigation and a timetable for that work. The development shall thereafter proceed in accordance with the approved written scheme of investigation and timetable.

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

17. No development shall commence unless and until a Landscape and Ecology Management Plan (LEMP), which shall also cover the construction phase of the development, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out or managed other than in accordance with the approved LEMP.

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

Details required prior to the submission of a reserved matters application

18. No reserved matters applications shall be made or development commenced until a Design Code for the site has been produced in accordance with Condition 25 and following consultation with the Local Planning Authority and other stakeholders, and has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved Design Code.

Reason: A Design Code, is required at the beginning of the development process 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 requirements to achieve high quality design as set out in the Environmental Statement and the adopted Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

19. The Design Code shall include,
- a. the character, mix of uses and density of each character area identified, to include the layout of blocks and the structure of public spaces
 - b. the character and treatment of the structure planting to the development areas
 - c. guidance of surface water control including design standards and methodology for sustainable drainage systems, detail of specific features and constraints, including appropriate options for SUDs features, considerations for implementing during construction, and adoption requirements
 - d. the building height, scale, form, design features and means of enclosure that will form the basis of the character of each phase, sub-phase or parcel
 - e. the street form and hierarchy and the features that will be used to restrict traffic speeds and create legibility and requirements for street furniture
 - f. the approach to car parking and cycle parking within the phases, sub-phases and parcels and the level of car and cycle parking within each phase to be provided to serve the proposed uses
 - g. the materials to be used within each character area
 - h. the treatment of any hedge or footpath corridors and retained trees and woodlands and local areas of play within each phase, sub phase or parcel
 - i. the measures to be incorporated to protect the amenities of the occupiers of existing properties adjacent to the site measures to be incorporated into the development to ensure all properties have convenient locations for individual waste and recycling bins
 - k. lighting proposals

Reason: A Design Code, is required at the beginning of the development process 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 requirements to achieve high quality design as set out in the Environmental Statement and the Adopted Cherwell Local Plan 2011-2031 and Government Advice within the National Planning Policy Framework.

Details to be submitted as part of the reserved matters

20. As part of any submission for reserved matters, full details of a renewable energy strategy for the site in accordance with Policy ESD5 of the Cherwell Local Plan, shall be submitted and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details prior to the first occupation of any building the renewable energy serves.

Reason: To encourage the use of renewable and low carbon energy in accordance with Policy ESD5 of the Cherwell Local Plan Part 1.

Prior to the First Occupation

21. Prior to first occupation on site an updated Travel Plan is submitted to and approved by the local planning authority. This plan should be produced in accordance with the Oxfordshire County Council guidance document Transport for New Developments, Transport Assessments and Travel Plans (March 2014).

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

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

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

S106 HEADS OF TERMS

See Appendix 1

CASE OFFICER: Katherine Daniels

APPENDIX 1- Heads of Terms for Section 106 Agreement/undertaking

Planning obligation			Regulation 122 Assessment
Detail	Amounts (all to be Index linked)	Trigger points	
Affordable Housing	Policy Compliant	Construct all of the Affordable Housing dwellings in a phase prior to the use or Occupation of 85% of the Market dwellings in that phase.	<p>Necessary – TBC</p> <p>Directly related – TBC</p> <p>Fairly and reasonably related in scale and kind – TBC</p>
OCCG	£82 800		<p>Necessary – TBC</p> <p>Directly related – TBC</p> <p>Fairly and reasonably related in scale and kind – TBC</p>

Thames Valley Police Contribution	<ul style="list-style-type: none"> • policing new growth in the area equates to £41,407 • set up costs equate to £2190 • Automatic Number Plate Recognition (ANPR) Cameras- £5,500 • Premises- £25,826 		<p>Necessary – TBC</p> <p>Directly related – TBC</p> <p>Fairly and reasonably related in scale and kind – TBC</p>
Contribution towards Public Art	£51 520	Before first occupation	<p>Necessary – TBC</p> <p>Directly related – TBC</p> <p>Fairly and reasonably related in scale and kind – TBC</p>
Outdoor Sports Provision	£493 916.90		<p>Necessary – The proposed development will lead to an increase in demand and pressure on existing services and facilities in the locality as a direct result of population growth associated with the development in</p>

			<p>accordance with Policy BSC12, INF1 and advice in the Developer Contribution SPD</p> <p>Directly related – The future occupiers will place additional demand on existing facilities.</p> <p>Fairly and reasonably related in scale and kind – Calculations will be based on the Developer Contributions SPD calculation based on the final mix of housing and number of occupants.</p>
Indoor Sports Provision	£192 037.76	The requirement to agree a scheme prior to implementation and then ongoing timescales to monitor the development	<p>Necessary – The proposed development will lead to an increase in demand and pressure on existing services and facilities in the locality as a direct result of population growth associated with the development in accordance with Policy BSC12, INF1 and advice in the Developer Contribution SPD</p> <p>Directly related – The future occupiers will place additional demand on existing facilities.</p> <p>Fairly and reasonably related in scale and kind – Calculations will be based on the Developer Contributions SPD calculation based on the final mix of housing and number of occupants.</p>

Community Development Worker	£16 938.68 for one year		<p>Necessary- TBC</p> <p>Directly Related – TBC</p> <p>Fairly and Reasonably related in scale and kind-</p> <p>TBC</p>
Community Development Fund	£10 350		<p>Necessary- TBC</p> <p>Directly Related – TBC</p> <p>Fairly and Reasonably related in scale and kind- TBC</p>
Training and Employment Plan to secure 9 apprenticeship starts	NIL	TEP to be submitted for approval prior to the implementation of the development. Arrangements to reflect those within the previous S106 for the site	<p>Necessary –</p> <p>TBC</p> <p>Directly related – The request is directly related to the development as the development itself is a vehicle to support an on-going programme of skills, training and apprenticeships. The apprenticeship starts would be directly related to the construction of the development itself.</p> <p>Fairly and reasonably related in scale and kind –The number is considered proportionate and therefore fairly and reasonably related in scale and kind to the development. The requirement for a TEP</p>

			would also increase the skills opportunities on site.
Landscape	<ul style="list-style-type: none"> • Mature Tree (Arb. assessment) – £280.04 per tree • Hedgerow (Arb. assessment) - £12.65 per linear metre • Woodland (Arb. assessment) - £46.97 per square metre • Ponds - £41.40 per square metre • Attenuation Basin (Illustrative Masterplan) - £66.05 per square metre • New Woodland (Illustrative Masterplan) - £35.02 per square metre • Informal Open Space (Illustrative Masterplan) - £12.65 • LAP - £36,135.03 • LEAP/NEAP Combined - £540,048.31 	TBC	<p>Necessary – TBC</p> <p>.</p> <p>Directly related – TBC</p> <p>Fairly and reasonably related in scale and kind – TBC</p>

	<ul style="list-style-type: none"> • Site/LEMP monitoring x 2 visits per year x 15 years - £15,000 • Landscape Services' management of site/LEMP monitoring consultants at 10% -£1,500 		
A public transport contribution towards bus services Heyford Park	£260 590	TBC or delegated authority is sought to enable officers to negotiate this	<p>Necessary –</p> <p>The contribution is necessary to provide sustainable transport options to the site and as part of the overall public transport strategy for Heyford Park.</p> <p>Directly related –</p> <p>The proposal provides for residential which should be reasonably accessible via public transport modes to ensure occupiers have options to use sustainable modes of transport. It is therefore directly related to the development.</p> <p>Fairly and reasonably related in scale and kind –</p> <p>The level is at an established rate and based on number of dwellings.</p>
Travel Plan Monitoring contribution towards the cost of monitoring the	£1 426 indexed linked from December 2021 (RPI-x)		Necessary –

<p>framework and individual travel plans over the life of the plans</p>			<p>The site will require a framework travel plan. The fee is required to cover OCCs costs of monitoring the travel plans over their life.</p> <p>Directly related -</p> <p>The contribution is directly related to the required travel plans that relate to this development. Monitoring of the travel plans is critical to ensure their implementation and effectiveness in promoting sustainable transport options.</p> <p>Fairly and reasonably related in scale and kind –</p> <p>The amount is based on standard charging scales which are in turn calculated based on the Officer time required at cost.</p>
<p>Highway works</p>	<p>TBC</p>	<p>TBC</p>	<p>Necessary -</p> <p>TBC</p> <p>Directly related -</p> <p>TBC</p> <p>Fairly and reasonably related in scale and kind -</p> <p>TBC</p>

Primary and Nursery Education	£1604630		<p>Necessary -</p> <p>TBC</p> <p>Directly related -</p> <p>TBC</p> <p>Fairly and reasonably related in scale and kind -</p> <p>TBC</p>
Primary School Land Contribution	£151,640		<p>Necessary –</p> <p>TBC</p> <p>Directly related –</p> <p>TBC</p> <p>Fairly and reasonably related in scale and kind –</p> <p>TBC</p>
Secondary Education	£1,195,632		<p>Necessary –</p> <p>TBC</p> <p>Directly related –</p> <p>TBC</p>

			<p>Fairly and reasonably related in scale and kind –</p> <p>TBC</p>
SEN	£125 637		<p>Necessary –</p> <p>TBC</p> <p>Directly related –</p> <p>TBC</p> <p>Fairly and reasonably related in scale and kind –</p> <p>TBC</p>
Libraries	£24 668		<p>Necessary –</p> <p>TBC</p> <p>Directly related –</p> <p>TBC</p> <p>Fairly and reasonably related in scale and kind –</p> <p>TBC</p>
CDC and OCC Monitoring Fee	CDC: £1500		The CDC charge is based upon its agreed Fees and Charges Schedule

	OCC: TBC		
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